8 UNIQUE STREAM SEGMENTS, RESERVOIR SITES, AND LEGISLATIVE RECOMMENDATIONS

The Texas Water Development Board (TWDB) regional water planning rules require that a regional water plan include recommendations for regulatory, administrative, legislative or other changes that:

"the regional water planning group believes are needed and desirable to achieve the stated goals of the state and regional water planning, including to facilitate the orderly development, management, and conservation of water resources and preparation for and response to drought conditions." [357.43(d)]

The rules also call for regional water planning groups to make recommendations on the designation of ecologically unique river and stream segments and unique sites for reservoir development and encourage the planning groups to consider recommendations that would facilitate more voluntary transfers. This section presents the regulatory, administrative, legislative, and other recommendations of the Region F Water Planning Group and the reasons for the recommendations.

8.1 Recommendations for Ecologically Unique River and Stream Segments

For each planning region, the Texas Parks and Wildlife Department (TPWD) developed a list of river and stream segments that meet one or more of the criteria for being considered ecologically significant. In Region F, TPWD identified 20 segments as listed in Table 8-1~~Table 8-1~~ and shown in red on Figure 8-1~~Figure 8-1~~ as ecologically significant.

In previous planning cycles, the Region F Water Planning Group decided not to recommend any river or stream segments as ecologically unique because of unresolved concerns regarding the implications of such a designation. The Texas legislature has since clarified that the only intended effect of the designation of a unique stream segment was to prevent the development of a reservoir on the designated segment by a political subdivision of the State. However, the TWDB regulations governing regional water planning require analysis of the impact of water management strategies on unique stream segments, which implies some level of protection beyond the mere prevention of reservoir development.

Considering the remaining uncertainty for designation and the regional consensus that there are no new reservoirs recommended for development, the Region F Water Planning Group is not recommending the designation of any river or stream segment as ecologically unique at this time.

The Region F Water Planning Group recognizes the ecological benefits of major springs, which are discussed in Chapter 1, and the benefits of possible protection for these important resources. Several of the potential ecologically significant streams identified by TPWD are springs or spring-fed streams. The list includes springs that provide water to water supply reservoirs and/or ecologically sensitive species. The South Llano River in Kimble County, which is spring-fed, is an important water supply source for the City of Junction and Kimble County water users and may warrant additional protections. Other important stream segments include the South Concho River and Dove Creek. Both are spring-fed streams that flow into Twin Buttes Reservoir, which is a ~~major~~ water source for the City of San Angelo and Tom Green County WCID No. 1. The Region F Water Planning Group will reconsider the possible designation of unique streams for the ~~2026~~ 2031 Water Plan.

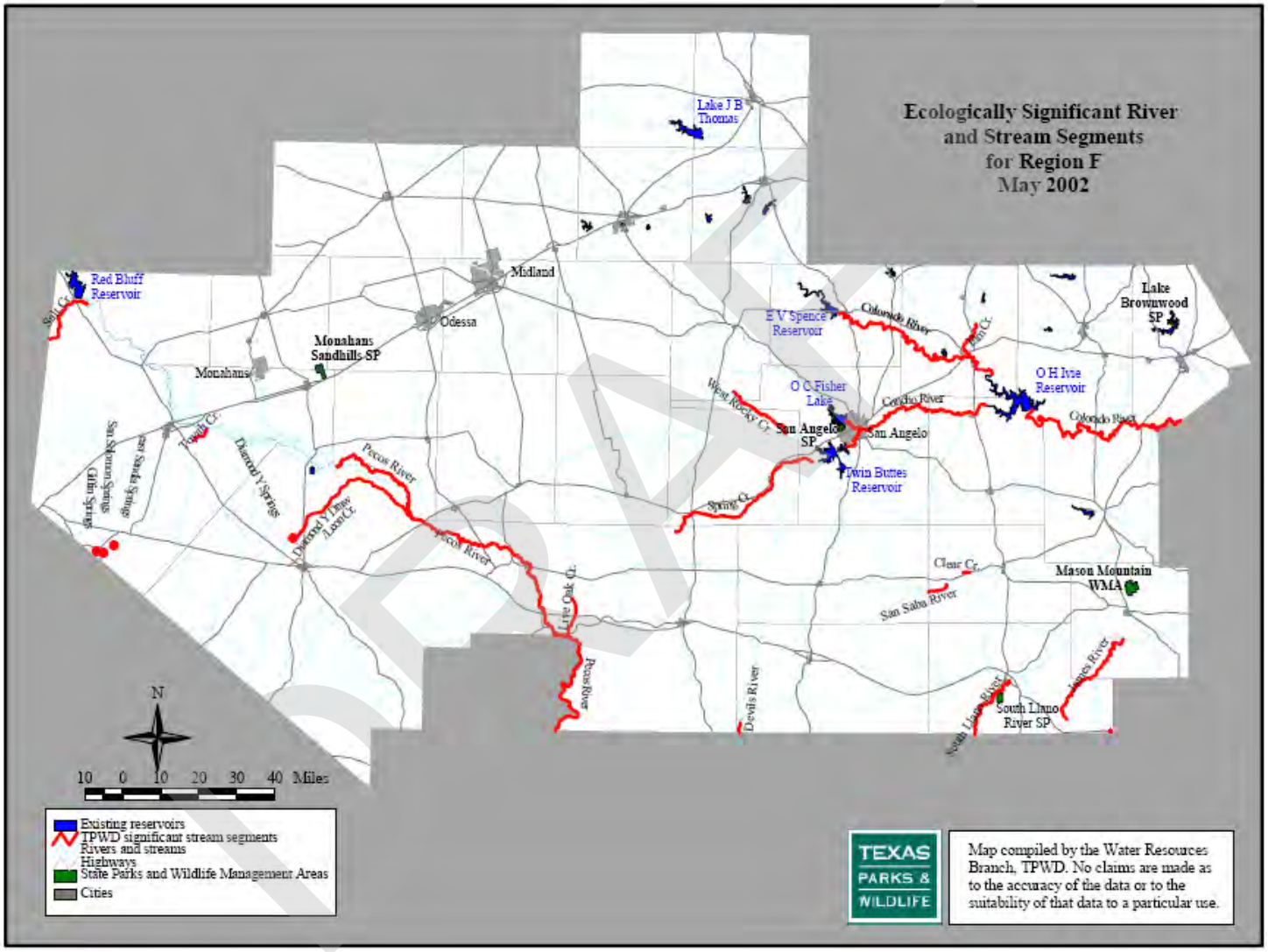
Table 8-1
Texas Parks and Wildlife Department Ecologically Significant River and Stream Segments

River or Stream Segment	Description	Basin	County	TPWD Reasons for Designation[a]				
				Biological Function	Hydrologic Function	Riparian Conservation Area	Water Quality/ Aesthetic Value	Endangered Species/ Unique Communities
Clear Creek	Impounded headwater springs	Colorado	Menard					X
Colorado River	Regional boundary upstream to E.V. Spence Reservoir dam, excluding O.H. Ivie Reservoir	Colorado	Multiple	X			X	X
Concho River	Above O.H. Ivie Reservoir to San Angelo Dam on North Concho River and Nasworthy Dam on South Concho River	Colorado	Concho, Tom Green				X	X
Devils River	Sutton/Val Verde County line upstream to Dry Devils River	Rio Grande	Sutton				X	X
Diamond Y Springs	Headwaters to confluence with Leon Creek	Rio Grande	Pecos					X
East Sandia Springs	Springs in Reeves County	Rio Grande	Reeves					X
Elm Creek	Elm Creek Park Lake to FM 2647 bridge	Colorado	Runnels				X	X
Giffen Springs	Springs in Reeves County	Rio Grande	Reeves					X
James River	Headwaters to confluence with Llano River	Colorado	Mason, Kimble				X	
Diamond Y Draw	Headwaters to confluence with Pecos River	Colorado	Pecos					X
Live Oak Creek	Headwaters to confluence with Pecos River	Colorado	Crockett				X	X
Pecos River	Val Verde/Crockett County line upstream to FM 11 bridge on Pecos/Crane County line	Rio Grande	Multiple	X			X	X
Pedernales River	Kimble/Gillespie County line upstream to FM 385	Colorado	Kimble	X			X	
Salt Creek	Confluence with Pecos River upstream to Reeves/ Culberson County line	Rio Grande	Reeves					X

River or Stream Segment	Description	Basin	County	TPWD Reasons for Designation[a]				
				Biological Function	Hydrologic Function	Riparian Conservation Area	Water Quality/ Aesthetic Value	Endangered Species/ Unique Communities
San Saba River	From FM 864 upstream to Fort McKavett	Colorado	Menard			X		X
San Solomon Springs	Spring in Reeves County	Rio Grande	Reeves			X		X
South Llano River	Confluence with North Llano River upstream to Kimble/ Edwards County line	Colorado	Kimble			X	X	X
Spring Creek	Headwaters to FM 2335 crossing in Tom Green County	Colorado	Crockett, Irion, Tom Green				X	X
Toyah Creek	Confluence with Pecos River upstream to FM 1450	Rio Grande	Reeves					X
West Rocky Creek	Headwaters to confluence with Middle Concho River	Colorado	Irion, Tom Green, Sterling				X	X

[a] The criteria listed are from Texas Administration Code Section 357.8. The Texas Parks and Wildlife Department feels that their recommended stream reaches meet those criteria marked with an X.

Figure 8-1
Texas Parks and Wildlife Department Ecologically Significant River and Stream Segments



8.2 Recommendations for Unique Sites for Reservoir Construction

Section 357.43(c) of the Texas Water Development Board regional water planning rules allows a regional water planning group to recommend unique stream sites for reservoir construction:

> *Unique Sites for Reservoir Construction. A RWPG may recommend sites of unique value for construction of reservoirs by including descriptions of the sites, reasons for the unique designation and expected beneficiaries of the water supply to be developed at the site. [357.43(c)]*

Evaluations of available water supply in the upper Colorado River Basin show limited availability for new surface water supplies. The Region F Water Planning Group does not recommend any unique sites for new reservoir development.

8.3 Policy and Legislative Recommendations

The Region F Water Planning Group has identified specific water policy topics relevant to the development and management of water supplies in the region. The following is a synopsis of the recommendations presented by the Region F Water Planning Group.

8.3.1 Surface Water Policies

In Region F, over 70 percent of the population in 20~~2~~30 will depend on surface water from the upper Colorado River Basin for all or part of their municipal water needs. Making sure that this water remains a dependable part of Region F's existing supplies is crucial.

Surface water in the Colorado River Basin is over appropriated and became that way in about 1938. This was well before there was any substantial population in Region F. Most of the "senior water rights" are in the lower Colorado Basin. The majority of these water rights are held by the Lower Colorado River Authority, City of Austin, and City of Corpus Christi. It is imperative that any changes to water rights, such as a change in use, change in point of diversion, transfers of water or transfer of water rights out of the Colorado Basin do not impair existing water rights even if they are junior in priority.

Surface water policy recommendations include the following:

- Require that any time a request is made to amend a water right, if the change involves an increase in the quantity, a change in the purpose of use or a change in the place of use, all water rights holders in the basin must be notified.

- The water availability models show that the Colorado River Basin is over appropriated. Region F opposes any legislation that would repeal or modify the "junior priority provision" for interbasin transfers from the Colorado River Basin (Water Code 11.085 (t)).

- Review the State's surface water policy of prior appropriation to see if this is a policy that will work in Texas over the next 50 years.

- Recommend that State water law be amended to incorporate river basin subordinations as set forth in regional water plans.

8.3.2 Groundwater Policies

Groundwater policy recommendations include the following:

- To support retention of the Rule of Capture while encouraging fair treatment of all stakeholders, and the State's policy that groundwater districts are the preferred method for managing Texas' groundwater resources.
- To support local control and management of groundwater through confirmed groundwater conservation districts (GCD), while providing encouragement and incentives for cooperation among the GCDs within the region.
- That all persons or entities seeking to export a significant amount of water from a groundwater district must submit notice of their plan to the affected GCD and the RWPG.
- All state agencies ~~with land within GCDs~~ must be subject to GCD rules and production limits and must provide information on existing and proposed groundwater projects to the relevant RWPG.

8.3.3 Environmental Policies

Region F believes in good stewardship of the region's water and natural resources. Environmental policy recommendations include the following:

- That brush control and desalination are Region F ~~priority~~ strategies for protecting environmental values while developing new water supply for municipal and other economic purposes.

- That because of the very limited water resources in this region, there must be a carefully managed balance in the development, allocation and protection of water supplies, between supporting population growth and economic enterprise and maintaining environmental values. Consequently, while recognizing the need for, and importance of, reservations of adequate water resources for environmental purposes, the RWPG will not designate any special stream segments until the Texas Parks and Wildlife Department, working in cooperation with local entities such as groundwater districts, county soil and water conservation districts, local conservation groups and landowners, completes comprehensive studies identifying and quantifying priority environmental values to be protected within the region and the quantification of minimum stream flows necessary to maintain those environmental values.

- To support legislative funding and diversion of TPWD resources, for undertaking the studies described above; and

- To support the creation of cooperative local stakeholder groups to assist the TPWD in studies described above.

- There are insufficient water supplies within Region F to meet projected municipal, agricultural and environmental needs through ~~2070~~2080; therefore, Region F RWPG opposes the export of surface water outside of the region except for existing contracts for such export, and will give priority consideration to needs within the region, including protection of environmental values, in evaluating any future proposed contracts for export.

- Land (range and cropland) conservation and management practices (including brush management and proper follow-up grazing and burn management) are ~~priority~~ strategies to provide optimum conditions for most efficient utilization of the region's limited rainfall. These practices should

target areas that will have the greatest effectiveness for enhancing water supplies in the region and these efforts should ~~receive top priority~~be eligible for funding from the Texas legislature and State agencies charged with protecting and developing our water resources.

8.3.4 Instream Flows

Region F is located in an arid area with much of the rainfall occurring in short bursts. This results in widely varying stream flows with many streams being intermittent, having water only part of the year. During drought, stream flows can be very low, but this is a natural occurrence and the ecological environment in Region F has developed under these conditions. Region F recognizes that future flow conditions in Texas' rivers and streams must be sufficient to support a sound ecological environment that is appropriate for the area. As required under Senate Bill 3, TCEQ has established instream flow requirements for the Colorado River Basin and Brazos River Basin. No instream flow requirements have been established to date for the Pecos River Basin. Under current policy, these standards apply only to new water rights and some amendments to existing water rights. Region F supports this policy and believes it is imperative that existing water rights are protected now and in the future.

8.3.5 Interbasin Transfers

The State of Texas has 23 river basins that provide surface water to users in 16 regions. The current statutes require any new water right diverted from one river basin to another to become "junior" in priority to other rights in that basin. Also, as part of the water rights application, an economic impact analysis is required for both basins involved in the transfer. These requirements are aimed at protecting the basin of origin while allowing transfers of water to entities with needs. The Region F Water Planning Group:

- Supports retention of the junior water rights provision (Water Code 11.085(s) and (t)).
- Urges the legislature and TCEQ to study and develop mechanisms to protect current water rights holders.

8.3.6 Uncommitted Water

The Texas Water Code currently allows the TCEQ to cancel any water right, in whole or in part, for ten consecutive years of non-use. This rule inhibits long-term water supply planning. Water supplies are often developed for ultimate capacity to meet needs far into the future. Some entities enter into contracts for supply that will be needed long after the first ten years. Many times, only part of the supply is used in the first ten years of operation.

The regional water plans identify water supply projects to meet water needs over a 50-year use period. In some cases, there are water supplies that are not currently fully utilized or new management strategies that are projected to be used beyond the 50-year planning period. To support adequate supply for future needs and encourage reliable water supply planning policy recommendations include the following:

- Opposes cancellation of uncommitted water contracts/rights.
- Supports long term contracts that are required for future projects and drought periods.

- Supports shorter term "interruptible" water contracts as a way to meet short term needs before long-term water rights are fully utilized.

8.3.7 Brush Control

Brush control is recognized as an important tool in the management and maintenance of healthy rangelands that can allow for more efficient circulation of rainfall into the soil profile. This in turn can add to the effectiveness of aquifer recharge and restoration of streams and springs.

Region F supports brush control where it has the greatest effect on rivers, streams, and springflow, such as riparian zones, and areas of the region with the highest rainfall per year. Region F recognizes that the key to watershed restoration is managing the land to promote a healthy and vigorous soil and vegetative condition, of which brush control can play an important part.

Region F supports legislative efforts to promote funding for brush control activities for the purpose of river, stream, and spring enhancement in those areas that allow for the greatest success. The Region F Water Planning Group recommends the Texas legislature continue to support the State Water Supply and Enhancement Program through:

- Funding for on-going maintenance of brush removal in the region, and
- Continued cooperation with federal agencies to secure funds for brush control projects that will improve water quality.

8.3.8 Desalination

There are significant reserves of brackish groundwater in Region F. Region F Planning Group recommends the Texas Legislature continue to provide funds to assist local governments in the implementation of development of these water resources.

8.3.9 Weather Modification

There are currently two operational weather modification programs in the region – the West Texas Weather Modification Association (WTWMA) and the Trans Pecos Weather Modification Association (TPWMA). The WTWMA estimated a 15% increase in rainfall in their targeted area during 2014 due to their rain enhancement efforts, while the TPWMA estimated a 6.8% increase. Weather modification is one of the region's recommended strategies, together with brush control and desalination, for augmenting water supply. Recommendations include:

- Support legislative funding for operational programs, research, and evaluation of impact on rainfall.
- Support the creation of additional programs.

8.3.10 Water Quality

Region F has multiple water sources that are impaired for water quality. Local geologic formations contribute salts and total dissolved solids to streams and reservoirs. Some groundwater sources are affected by elevated minerals (including arsenic and fluoride), nitrates, and radionuclides. For many smaller communities, these impaired water sources are the only available water supply. Region F

recognizes the challenges in developing new water supplies and/or treating the impaired water supply for these communities.

To provide greater certainty in supply development and use of impaired water sources, Region F recommends~~:~~

- T~~CEQ authorize small, rural water suppliers who currently cannot afford the necessary capital improvements to their existing water systems and who have no reasonable available alternate water source to utilize bottled water options to the fullest extent possible and apart from the threat of TCEQ enforcement. The alternative is for the water supplier to receive~~ the state provide funding for grants, not loans, to construct, operate, and maintain ~~a~~ treatment system~~s~~ (including waste disposal) to reduce drinking water constituents that exceed the established MCLs of the federal drinking water standard level.

- ~~The State of Texas sponsor an oral ingestion study to determine the epidemiology of radium in potable water before enforcing minimum MCLs for radium. Region F is concerned about enforcement of State and federal regulations for radium in drinking water. A cluster cancer investigation was conducted by the Texas Cancer Registry of the Texas Department of Health and found that the cancer incidence and mortality in the area were within ranges comparable to the rest of the State. The Texas Radiation Advisory Board also expressed concern that EPA rules are "unwarranted and unsupported by public health information (specifically epidemiological data)".~~

  ~~TCEQ revise its policy on requiring the use of secondary water standards, particularly TDS, when granting permits. Meeting secondary water standards should be the option of local water suppliers who must consider local conditions such as the economy, availability of water, community concerns, and the volunteer use of technologies such as point-of-use.~~

8.3.11 Municipal Conservation

The Region F Water Planning Group recognizes the importance of water conservation as a means to prolong existing water supplies that have shown to be vulnerable under drought conditions. The Water Conservation Task Force presented to the Texas legislature a summary of conservation recommendations, including statewide municipal conservation goals. Since that time, the legislature has created the Water Conservation Advisory Council which was given multiple duties including monitoring new technologies for inclusion by the TWDB as best management practices. Considering the drought-prone nature of Region F and the role of the Water Conservation Advisory Council, the Region F Water Planning Group:

- Supports that conservation targets should be voluntary.

- Supports the State's efforts to encourage conservation by providing technical assistance to water users and not force conservation through mandatory goals for water use.

- Recommends the State continue participation in research and demonstration projects for the development of new conservation ideas and technologies.

- Supports the funding of a statewide public information and education program to promote water conservation. Water conservation can only be successful with the willing support of the general public.

- Recommends consideration of excess use rates, water budget rates and seasonal rates that encourage water conservation, and recognition of water conservation as an appropriate goal in determining water rates.

8.3.12 Reuse

Reuse of water is a major source of "new water" especially in Region F. Reclaimed or new water developed from a demineralization or reclamation project can be stored for use in aquifers that have been depleted. Region F Water Planning Group recognizes the importance of reuse for the region and State, and recommends the following:

- Support legislation that will encourage and allow the reuse of water in a safe and economical manner.
- Work with the State's congressional delegation and federal agencies to develop procedures that will allow reject water from demineralization and reclamation projects to be disposed of in a safe and economical manner.
- Support legislation that will encourage and allow aquifer storage and recovery projects to be developed and managed in an economical manner.
- Support legislation at both the State and federal levels to provide funding for demineralization, reclamation and aquifer storage and recovery pilot projects.

8.3.13 Groundwater Conservation Districts

There are 16 established GCDs in Region F that oversee groundwater production in more than half of the region. Region F recognizes and supports the State's preferred method of managing groundwater resources through locally controlled groundwater districts. In areas where groundwater management is needed, existing districts could be expanded or new districts could be created taking into consideration hydrological units (aquifers), sociological conditions, and political boundaries. Recommendations include:

- Legislation developed for managing the beneficial use and conservation of groundwater must be fair for all users.
- R~~ules and~~ regulations must respect property rights and protect the right of the landowners to capture and market water within or outside of district boundaries and follow the rules set by the groundwater conservation district.
- ~~The region does not support the use of historical use limits in granting permits.~~
- ~~The region does not support the use of groundwater fees for wells used exclusively for dewatering purposes.~~
- The legislature should support the expanded collection of groundwater data that would be used to carry out regional water planning.

The region also recognizes that the State has groundwater resources associated with state lands that may or may not be governed by local groundwater districts. Region F encourages the State to review its groundwater resources on all state-owned land and how those resources should be managed to the benefit of all of Texas.

8.3.14 Abandoned Water Wells

Water wells are abandoned when they become inoperable, or are no longer needed, and not properly plugged. Landowners may be unaware that these wells exist on their property or do not possess the funds to properly plug the well. These wells can function as a surface contaminant conduit to groundwater bearing production zones. Abandoned wells located within zones of high subsurface artesian pressures may also flow to land surface, allowing for deeper groundwater to comingle with shallow groundwater systems. To provide for expedited and increased closure of abandoned water wells, Region F recommends:

- Continued and increased financial support for the Leaking Water Wells Grant Program (H.B. No. 4256).
- The State of Texas consider the development of a water well plugging fund that provides landowner incentives and funding for the closure of abandoned water wells.
- Increased educational outreach so that landowners are better aware of the threat that abandoned water wells pose to groundwater resources.

~~8.3.14~~8.3.15 Oil and Gas Operations

Protection of the quality of the region's limited groundwater resources is very important within Region F. Prevention of groundwater contamination from oil and gas well operations requires constant vigilance on the part of the Railroad Commission rules. Orphan oil and gas wells that need proper plugging have become a problem and a liability for the State, the oil and gas industry as a whole, and the Texas Railroad Commission. In response to this problem, the State initiated a well plugging program that is directed by the Railroad Commission. This program enables a large number of abandoned wells to be properly plugged each year and has accomplished much by preventing water pollution.

In light of the importance of local groundwater supplies to users in Region F and the vulnerability of these supplies to contamination, the Region F Water Planning Group recommends:

- Stringent enforcement of the oil and gas operations rules and supports the levy of fines by the Commission against operators who violate the rules.
- Continuing support for the industry funded, Commission supported abandoned well and plugging program.
- The Legislative Budget Board and the Texas Legislature provide ~~adequate~~ additional personnel and funding to the Railroad Commission to carry out its mandated responsibility to protect water supplies affected by oil and gas industry activities.
- ~~The Texas Legislature restore funds to the industry-initiated and industry-funded well plugging account, which were transferred to the general revenue following the 2003 budget crisis. The well plugging fund is not tax money, but industry funds contributed for a specific purpose.~~
- ~~The~~ Provide incentives and funding for the proper clean-up and remediation of all contamination related to the processing and transportation of oil and gas. This includes operational or abandoned gas processing plants, oil refineries, and product pipelines.

8.3.16 Produced Water

Produced water is byproduct from oil and gas production that returns to the surface. Some of the produced water is currently recycled by oil and gas producers but much of the produced water is injected back into the ground for disposal. Using produced water for other beneficial uses is currently being studied. Region F recommends:

- A more comprehensive data collection program on produced water.
- Continued study and robust testing of treatment alternatives to treat water to sufficient standards for other beneficial uses.
- Continued monitoring and robust testing of a pilot project to discharge produced water into the Pecos River to supplement low streamflows.

~~8.3.15~~8.3.17 Electric Generation Industry

Region F encourages the use of higher TDS water for electric generation when possible to conserve available fresh water sources within the region. In addition, Region F encourages the continued assessment of generation technologies that use less water.

8.3.18 Hydrogen Production

Hydrogen can be used as an energy source and can be created through a number of different processes. Often times producers use a color-coding system to describe the process used to create the hydrogen. Green hydrogen uses electrolysis to separate hydrogen from water and can therefore be very water intensive. The demands for the 2026 Regional Water Plans and the 2027 State Water Plan did not consider hydrogen production as a potential source of water demand. However, there are several green hydrogen proposals within Region F. Region F recommends:

- TWDB considers hydrogen production water demands in the development of water demand projections for future planning cycles.
- The legislature considers policies that promote hydrogen production and economic activity but also protect the limited fresh water resources in Region F and the State of Texas.

8.4 Regional Planning Process

8.4.1 Funding

The Region F Water Planning Group recognizes that the ability to implement the water plan will depend in part on the ability to fund the recommended projects. The TWDB and Texas Legislature have responded to this concern by providing different funding vehicles for water projects, including the State Water Implementation Fund that is specifically dedicated to implementing projects identified in the State Water Plan. However, many entities are still struggling with financing water projects. For many of these entities, the regional water planning process is essential in identifying water needs and potential strategies. The Region F Water Planning Group~~s~~ recommends:

- The State provides increased grant funding to smaller communities with limited financial resources for implementation of strategies in the regional water plans.
- The State should continue to fund the regional water planning process at a sufficient level to adequately address the Legislative requirements and provide a planning assessment for the many smaller communities in rural Texas.
- Consider providing adequate funds for the administration of the regional water planning process since the TWDB and the Legislature has continued to increase the responsibilities of the administrator.

8.4.2 Frequency of State Water Plan Development

The State is required by law to develop and update the State Water Plan every five years. The ~~2022~~ 2027 State Water Plan will be the ~~fifth~~ sixth plan since the passage of SB1. Over the past 20 years, the regional and state water plans have captured the local water supply issues and a comprehensive path forward has been developed. In response to recommendations that the development of the State Water Plan be conducted every 10 years instead of every five years, with funding of special studies between planning cycles, the Texas Legislature provided a simplified planning option for non-census planning cycles. The simplified planning option still requires the planning groups to develop and independently verify most, if not all, of the data required under the standard methodology. The simplified planning option does not meet the intent of changing the planning cycle from every five years to ten years. It also does not provide a funding mechanism to conduct more in-depth region-specific special studies. Region F recommends that the Texas Legislature reconsider changing the planning cycle from five years to ten years with the opportunities for regions to apply for funding for special studies during non-regional planning periods.

8.4.3 Allow Waivers of Plan Amendments for Entities with Small Strategies

Region F recommends that the Texas Water Development Board (TWDB) allow waivers for consistency issues for plan amendments that involve projects resulting in small amounts of additional supply rather than requiring the regional water planning groups to grant consistency waivers. With the change in structure of the TWDB, TWDB Directors are fully capable of making such decisions.

8.4.4 Coordination between TWDB and TCEQ Regarding Use of the WAMs for Planning

The TWDB requires that the Water Availability Models (WAMs) developed under the direction of TCEQ be used in determining available surface water supplies. The models were developed for the purpose of evaluating new water rights permit applications and are not appropriate for water supply planning. The TWDB and TCEQ should coordinate their efforts to determine the appropriate data and tools available through the WAM program for use in regional water planning. The TWDB should allow the regional water planning groups some flexibility in applying the models made available for planning purposes.

8.4.5 Enhanced Joint Planning Efforts

The TWDB requires that the Modeled Available Groundwater (MAG) developed under the Joint Groundwater Planning process be used as a cap on groundwater availability in regional water planning. Region F recommends that the TWDB consider ways to enhance the coordination between the Joint Groundwater Planning and Regional Water Planning processes and bring the assumptions used in each into better alignment.

~~8.4.5 Expand Consistency with the State Water Plan for SWIFT Funding to Include Adopted Regional Water Plans~~

~~The current legislation specifies that a water supply project must be in the adopted State Water Plan for eligibility for SWIFT funds. To allow the TWDB sufficient time to develop the State Water Plan, there is a one-year period between when a regional water plan is adopted and when the TWDB approves the corresponding State Water Plan. During this year period the State Water Plan is based on recommended projects in a superseded regional water plan. Under current law, if a project is included in the current regional water plan but not in the superseded plan, the project sponsor must amend the superseded plan to receive SWIFT funding. This could mean that the regions and project sponsors are expending funds for a process that has already been completed for the current regional water plan. It is recommended that the consistency requirement with the State Water Plan for eligibility for SWIFT funds be expanded to include the currently adopted regional water plan.~~

8.5 Summary of Recommendations

The following is a summary of the region's policy and legislative recommendations as agreed to by the Region F Regional Water Planning Group. The region:

- Does not recommend the designation of any ecologically unique stream segments or unique reservoir sites.
- Supports recognition of the importance of springs and spring-fed streams.
- Supports protection of existing water rights and encourages review and study of mechanisms to protect rights, including potential modification of the prior appropriation doctrine.
- Supports the protection of environmental values and developing water supply using brush control and desalination.

- Supports state funding for environmental studies with local stakeholder input.
- Supports existing TCEQ policy to protect existing water rights when considering instream flows.
- Recommends that state water law be amended to incorporate river basin subordinations as set forth in regional water plans.
- Supports state funding of land management activities to promote conservation of the region's natural resources.
- Supports a requirement for notification of all water rights holders in a basin any time a request is made to amend a water right if the change involves an increase in the quantity, a change in the purpose of use or a change in the place of use.
- Opposes any legislation that would repeal or modify the "junior priority provision" for interbasin transfers (Water Code 11.085 (t)) from the Colorado River Basin.
- Opposes cancellation of uncommitted or unused water contracts or water rights.
- Supports long-term contracts as a means for reliable water supply planning and shorter-term "interruptible" water contracts as a way to meet short-term needs before long-term water rights are fully utilized.
- Recommends the State change the Legislative requirements to update the regional water plans from every five years to ten years and provide interim funding for special studies that would benefit the regional water planning process.
- Supports continued and future funding of the Water Supply Enhancement Program, including but not limited to:
- Funding for on-going maintenance of brush removal in the region, and
- Continued cooperation with federal agencies to secure funds for brush control projects that will improve water quality such as salt cedar control.
- Supports state funding for desalination projects of brackish groundwater.
- Recommends the State provide increased grant funding for smaller communities with limited financial resources and adequately fund the regional water planning process, including funding the administration of the process.
- Supports state funding for existing weather modification programs and the creation of new programs.
- Recommends that the state provide grant funding to help small communities ~~TCEQ consider alternative programs (such as bottled water)~~ to meet water quality standards for radionuclides and other constituents that are very costly to treat.
- ~~Recommends the State of Texas sponsor an oral ingestion study to determine the epidemiology of~~

~~radium in potable water before enforcing minimum MCLs for radium.~~

- ~~Recommends that TCEQ revise its policy on requiring the use of secondary water standards, particularly TDS, when granting permits.~~

- Supports continued State participation in water conservation through technical assistance to water users and monetary incentives to entities that implement advanced conservation.

- Opposes mandatory targets and goals for water use.

- Supports continued State participation in research and demonstration projects for conservation.

- Supports the funding of a statewide public information and education program to promote water conservation.

- Supports the use of water conservation pricing and recognition of water conservation as an appropriate goal when setting rates.

- Supports legislation that would allow the reuse of water in a safe and economical manner.

- Supports the development of procedures for disposal of waste streams from desalination and reclamation projects in a safe and economical manner.

- Supports legislation that will encourage and allow aquifer storage and recovery projects to be developed in an economical manner.

- Supports state funding of pilot projects for desalination, reclamation and aquifer storage and recovery projects.

- Supports the use of groundwater conservation districts to manage groundwater resources, and recommends that:

- The legislation for managing the beneficial use and conservation of groundwater must be fair for all users.

- R~~ules and~~ regulations must respect property rights and protect the right of the landowners to capture and market water within or outside of district boundaries and follow the rules set by the groundwater conservation district.

- ~~Historical use limits should not be used in granting permits.~~

- ~~Groundwater fees should not be applied to wells used exclusively for dewatering purposes.~~

- Encouragement and incentives for cooperation among groundwater conservation districts be provided.

- All state lands within a groundwater conservation district be subject to that district's rules.

- Supports retention of the Rule of Capture while encouraging fair treatment of all stakeholders.

- Supports a requirement for notification of Regional Water Planning Groups and GCDs whenever a significant amount of water is being exported from a groundwater conservation district.

- Supports the expanded collection of groundwater data that would be used to carry out the intent of Regional Water Planning and Joint Planning for Groundwater.

- Supports the protection of groundwater resources through the current oil and gas operation rules and the state-initiated well plugging program.

- Encourages the Legislature to adequately fund and staff the Railroad Commission to carry out its mandated responsibility to protect water supplies affected by oil and gas operations.

- Continued and increased financial support for the Leaking Water Wells Grant Program (H.B. No. 4256).

- The State of Texas consider the development of a water well plugging fund that provides landowner incentives and funding for the closure of abandoned water wells.

- Increased educational outreach so that landowners are better aware of the threat that abandoned water wells pose to groundwater resources.

- Recommends incentives and funding for the proper ~~the~~ clean-up and remediation of all contamination related to the processing and transportation of oil and gas.

- Supports a more comprehensive data collection program on produced water.

- Supports the continued study and robust testing of treatment alternatives to treat water to sufficient standards for other beneficial uses.

- Supports continued monitoring and robust testing of a pilot project to discharge produced water into the Pecos River to supplement low streamflows.

- Encourages the use of higher TDS water for stream-electric generation.

- Encourages the continued assessment of generation technologies that use less water.

- Recommends that TWDB consider hydrogen production water demands in the development of demand projections for future planning cycles.

- Recommends the legislature consider policies that promote hydrogen production and economic activity but also protect the limited freshwater resources in Region F and the State of Texas.

- Recommends the following changes to the Regional Water Planning process:

- Provision of clear guidance on resolving consistency issues,

- Waivers of the requirement to amend the regional water plan for small entities, and

- Coordination between TWDB and TCEQ regarding the use of WAMs for regional water planning~~,~~

~~and~~.

- ~~Expansion of Consistency with State Water Plan for SWIFT Funding to Include Adopted Regional Water Plans.~~

  Region F recommends that the TWDB consider ways to enhance the coordination between the Joint Groundwater Planning and Regional Water Planning processes and bring the assumptions used in each into better alignment.