

City of Austin-LCRA Water Partnership 2013 Annual Report

I. Purpose of Annual Report

The City of Austin-Lower Colorado River Authority (LCRA) Water Partnership (Water Partnership) is charged with providing a written Annual Report on the status and direction of water supply discussions as considered by the Water Partnership during the previous year.

II. Background on Partnership

A. History

The Water Partnership was created through the June 2007 City of Austin and LCRA Settlement Agreement. The November 2007 Supplemental Water Supply Agreement provides additional details on roles, responsibilities and expectations related to the Water Partnership, including the establishment of a stakeholder group.

The Water Partnership was formed to provide a cooperative management structure through which Austin and LCRA staff can work to collaborate and more effectively manage both entities' water supplies and resources. The Water Partnership in effect formalizes the on-going meetings between the staffs of the two entities to assure regular communication on matters of mutual concern. Austin and LCRA have recognized the complex and diverse nature of water supply planning and management of water resources in the Lower Colorado River Basin. Through the Partnership, both entities seek to cooperate, improve communication, and avoid future conflicts.

The Partnership and its various committees continue to meet on a regular basis and will continue to work cooperatively on water supply, conservation, quality, and permitting issues. As needed, the Water Partnership presents recommendations to the Austin City Council and LCRA Board for approval.

B. Cooperative management structure

Under the leadership of the Austin City Council and the LCRA Board of Directors, as directed by the City Manager and LCRA General Manager, the Water Partnership is composed of a series of committees headed by the Executive Management Committee (EMC). For reference, a depiction of the general organizational structure of the Water Partnership is shown in **Attachment A**.

Committees: General Purpose

The following are brief descriptions of current committees. Committee members during 2013 are listed in **Appendix 1**.



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Executive Management Committee

The Executive Management Committee (EMC) is composed of two members from the City of Austin, designated by the City Manager, and two members from LCRA, designated by the General Manager.

The Executive Management Committee is responsible for carrying out the purpose and scope of the Water Partnership. This committee oversees the work of the sub-committees, including among other things, evaluation of and implementation of any approved joint water supply strategies.

Technical Committee

The Technical Committee is a standing committee made up of City of Austin and LCRA staff members appointed by the EMC. The committee is charged with developing projections of water demands, coordination on water use reporting, identification and evaluation of water supply alternatives, reporting on water rights permitting activities, developing technical analyses and implementation plans for water supply strategies identified for further study, pursuing technical projects or issues as assigned by the EMC, and assisting with agenda development for the EMC.

Water Conservation Committee

The Water Conservation Committee is a special committee made up of City of Austin and LCRA staff members appointed by the EMC. Consistent with the Settlement Agreement, the Water Conservation Plan was developed and approved in 2008. The Water Conservation Committee is also charged with implementing the associated plans and scope of work, as approved by the EMC.

Water Quality Committee

The Water Quality Committee is a special committee made up of City of Austin and LCRA staff members appointed by the EMC. Consistent with the Settlement Agreement, the Water Quality Monitoring and Evaluation Plan was developed and approved in 2010. The Water Quality Committee is also charged with implementing the associated plans and scope of work, as approved by the EMC.

Stakeholder Committee

This stakeholder group is comprised of a balanced and diverse group of organizations and individuals interested in the Parties' water supply discussions. The Stakeholder Committee is charged with providing feedback and input to the EMC, when the City of Austin and LCRA are considering certain long-term water supply decisions covered by the Supplemental Water Supply Agreement between the City and LCRA.

The Stakeholder Committee members, appointed by the Austin City Council and the LCRA Board of Directors, represent a wide-variety of interests including environmental, rate payers, business, agriculture, conservation, industrial, recreation, and high growth.



III. Summary of Year 2013 Activities

A. Highlights of Austin Municipal Water Supply Discussions

There were no formal discussions directed towards securing additional municipal supplies for the City of Austin in the previous year. The current municipal supply contract with LCRA, which was negotiated in 1999, will meet the City's demands up to 325,000 acre-feet per year. Note that the City's annual diversions for municipal purposes averaged approximately 152,640 acre-feet per year over the most recent 5 year period from 2009 through 2013. According to the Supplemental Water Supply Agreement of 2007 ("SWSA"), the Water Partnership must determine whether to begin a long term planning process for additional supplies soon after Austin's municipal demand exceeds 225,000 acre feet per year but may decide to initiate those discussions at an earlier date. Supply planning for Austin's non-municipal water needs may also occur at any time.

B. Highlights of Other Water Supply-Related Activities and Discussions

1. LCRA Water Management Plan Revisions

After conducting an 18-month long stakeholder process, of which the City of Austin was a participant, in February 2012, LCRA's Board of Directors approved a revised Water Management Plan for submittal to TCEQ for review and approval. LCRA submitted an application to TCEQ with the Board-approved revisions in March, 2012. TCEQ completed their technical review of the application in November, 2012, and provided a draft Final Order and Notice to LCRA. In June 2013, TCEQ staff announced that it was going to conduct further review of the WMP based on recent hydrology. As of Dec. 31, 2013, TCEQ was still conducting this review.

2. LCRA Drought Response Measures

In 2011, the lower Colorado River basin experienced the worst single year drought on record. Recognizing the severity of the drought and the need to respond, LCRA sought and received emergency relief from TCEQ in December, 2011, to depart from the requirements of the 2010 Water Management Plan for calendar year 2012, and to use its run-of-river water rights to meet municipal and industrial customer needs. LCRA obtained similar relief for 2013. And as a result of ongoing drought, the LCRA Board directed staff in November 2013, to once again seek emergency relief for 2014.

As the drought has persisted, LCRA and Austin staff have remained in frequent contact and briefings were provided to the Executive Management Committee and the Technical Committee. In 2013 the EMC held a workshop on drought response planning. The EMC created a drought task force committee (as a subcommittee of the Technical Committee) to explore potential water supply options that might benefit the parties, discuss actions being considered by LCRA or the City to help either party, and to coordinate actions where possible in meeting water supply needs during the ongoing drought.



3. LCRA New Water Supply Projects

In January 2012, LCRA's Board of Directors set a goal of increasing LCRA's firm water supply by 100,000 acre-feet per year within the next five years. In January, 2013 the LCRA Board of Directors unanimously approved \$18 million for the first phase of an off-channel reservoir project in Wharton County. The planned off-channel reservoir will be near Lane City and is expected to be capable of providing 90,000 acre-feet of firm water a year. The first phase included beginning the engineering and permitting for the reservoir. The new off-channel reservoir is anticipated to begin construction in the 2014-15 timeframe and to be on-line by 2017, at a current cost estimate of about \$215 million.

In May 2013, LCRA obtained permits from the Lost Pines Groundwater Conservation District to develop and use up to 10,000 acre-feet/year of groundwater for power generation purposes at its Lost Pines Power Park in Bastrop County.

In December 2013, the LCRA Board authorized staff to negotiate and execute an agreement to purchase groundwater rights underlying the Griffith League Ranch in Bastrop County.

Through the partnership, LCRA has kept City of Austin informed of the activities associated with development of new water sources.

4. Joint Application for Reuse of Return Flows

Consistent with the actions required of the 2007 Settlement Agreement, Austin and LCRA filed a Joint Application for Reuse with TCEQ on March 1, 2012. The application seeks legal authority to use the City of Austin's return flows to meet the City's long-term municipal needs and to help meet environmental needs and continued use of the water to meet other downstream water needs. TCEQ ruled the application administratively complete in July 2012. City of Austin and LCRA staff worked with TCEQ on technical review requests. At year end 2013, the application was in the technical review stage at TCEQ and LCRA and City staff continue to work with TCEQ staff.

5. City of Austin – Fayette Power Project Water Right Amendment

City of Austin made application to TCEQ in April, 2012, to amend its diversion right that supplies a portion of the cooling water to the Fayette Power Project. The amendment would remove the instream flowrate restriction on the water right. Austin coordinated its development of this application with LCRA to ensure that it was consistent with a similar water right held by LCRA. TCEQ declared the application to be administratively complete in 2013 and the application is currently in the technical review stage at TCEQ.

6. Waller Creek Tunnel Project

The City of Austin is constructing a project to address stormwater management and provide other community benefits along Waller Creek downstream of Waterloo Park in Central Austin. The core feature of this project is a tunnel to divert and convey flood



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water to Lady Bird Lake from a new drop inlet structure in Waterloo Park and two minor inlets along the creek below the park. The EMC and Technical Committee are being kept apprised of the project's progress and any water supply issues that may need to be addressed. A water supply contract for the project, between LCRA and the City of Austin, is in place. This provides the City with firm contract water from the LCRA System for tunnel inundation and recirculation, creek surface losses and park irrigation. The water right permit for the project was granted by TCEQ on January 24, 2012.

During 2013, the Technical Committee received a briefing from the City's Watershed Protection Department regarding the City's proposed study methodology to verify and periodically update estimated water losses associated with the tunnel project, as required by the water contract, which LCRA staff indicated was acceptable.

7. Pro Rata Customer Curtailment Plan

In November 2011, LCRA notified all of its firm customers to prepare pro rata curtailment plans based on the potential for reaching a drought worse than the drought of record by the summer of 2012. The declaration of a drought worse than the drought of record would trigger the initiation of pro rata curtailment of firm water customers. The City of Austin and LCRA staff met several times to discuss the City's proposed plan, and in July 2012, the City's plan was approved by LCRA. The plan did not have to be implemented in 2012, since a drought worse than the drought of record was not declared.

At LCRA's request, the City submitted verification of the 2012 growth components to LCRA in August 2013. The actual growth numbers were higher than the projected growth figures and would result in a small increase in the City's annual allotment. No pro rata curtailment was implemented in 2013.

8. Water Conservation Committee

City of Austin and LCRA water conservation staff coordinated on a number of items during 2013. In addition to conservation staff from the parties working with other staff on drought reponse measures and pro rata curtailment issues, conservation staff coordinated on the following items:

- o Developing consistent recommended minimum drought response measures for Stages 4 and 5 of the LCRA DCP.
- o LCRA co-sponsored the City of Austin WaterWise Irrigation Program annual landscape irrigation workshop.
- o The City and LCRA, along with the Barton Springs Edwards Aquifer Conservation District, are working with the local building community to develop and promote guidelines for builders and developers on water efficient landscapes that can survive on once a week watering.



9. Austin Drought Contingency Plan and Water Conservation Plan

In August, 2012, the City of Austin updated its Drought Contingency Plan and Water Conservation Plan to better align drought triggers with LCRA lake level triggers and to ensure sustainable water policy within the City of Austin during a long-term drought. The revisions include an earlier “awareness” stage at 1.4 MAF combined storage as well as provisions that promote efficient irrigation and allow tree care even in later drought stages.

Again in 2013, as was the case for most of 2012, the City implemented Stage 2 of its Drought Contingency Plan, which includes a one-day-per-week watering schedule.

10. Stakeholder Committee

The Stakeholder Committee met on June 26, 2013, at LCRA’s Red Bud Center with four committee members and one alternate member and nine staff attending. Topics presented included the LCRA New Water Supply Projects, City of Austin Water Conservation Regulations revisions, City of Austin Conservation and Reuse program update, a Legislative update, a Water Partnership update and a drought situation and lake storage and forecast update.

Two new Stakeholder Committee members, Clifton Ladd and Ned Ross were appointed in 2013.

11. Water Quality Committee

In accordance with its annual meeting schedule, the Water Quality Committee met on December 3, 2013. Other than administrative issues, there was no formal business for the committee to consider. The committee agreed to meet December 2, 2014 for the next annual committee meeting, as required by the by-laws, or earlier if needed.

12. Stoneledge Quarry Recharge Project

The City of Austin’s Watershed Protection and Development Review Department is considering the use of an inactive rock quarry adjacent to Little Bear Creek, a tributary of Onion Creek, as a means of recharge enhancement to the Barton Springs segment of the Edwards Aquifer. The intent of the additional recharge is to augment flow at Barton Springs. The City of Austin, LCRA, and Barton Springs Edwards Aquifer Conservation District entered into an interlocal agreement in 2011. City staff worked on a draft water right application for the recharge project and, in August 2013, staff from the City and from LCRA met with TCEQ Water Permitting Division staff for a pre-application meeting. LCRA and the City are working together to address follow-up items raised by TCEQ staff, including additional surface water modeling.

13. Water Use Reporting

In November 2013, the TCEQ notified water right holders that the submittal date for annual surface water use reports for year 2013 would be moved up to January 10, 2014,



instead of the usual March 1 submittal. Austin and LCRA coordinated on year 2013 water use reporting to meet this deadline.

14. LCRA Water Contract Rule Changes

In December 2013, the LCRA Board approved changes to its Firm Water Contract Rules and Drought Contingency Plan Rules for Water Sale Contracts. Among other items, the rule changes provide for a waiver of surcharges, under certain conditions, for customers that have adopted and implemented LCRA's recommended drought response measures during pro rata curtailment.

IV. Brief summary of planned year 2014 activities

Upcoming events.

- Annual briefing to City of Austin Water and Wastewater Commission
- Annual briefing to Austin City Council

Updates to the LCRA Board of Directors to be provided, as needed.

Planned Year 2014 Activities

- Continue coordination on ongoing drought response items being addressed by the drought response task force (a subcommittee of the COA-LCRA Water Partnership Technical Committee)
- Continue to coordinate on LCRA Water Management Plan related matters
- Continue the processing of the Joint Reuse Application at TCEQ
- Continue coordination on water use reporting
- Continue coordination on water conservation strategies
- Conduct annual briefings
- Continue coordination regarding LCRA and Austin pending water rights permits at TCEQ
- Support implementation of the Stoneledge Quarry Recharge Project

Attachment:

- A. City of Austin – LCRA Water Partnership Organization Chart

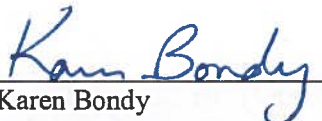
Appendix:

1. Committee Rosters
2. EXHIBIT A - COA and LCRA Water Resource Management Partnership From the: SETTLEMENT AGREEMENT BY AND BETWEEN THE CITY OF AUSTIN AND THE LOWER COLORADO RIVER AUTHORITY REGARDING JOINT WATER RESOURCE MANAGEMENT AND THE RESOLUTION OF CERTAIN REGULATORY MATTERS PENDING AT THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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Approved By:



Karen Bondy
Senior VP, Water Resources
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Greg Meszaros
Director, Austin Water Utility
City of Austin



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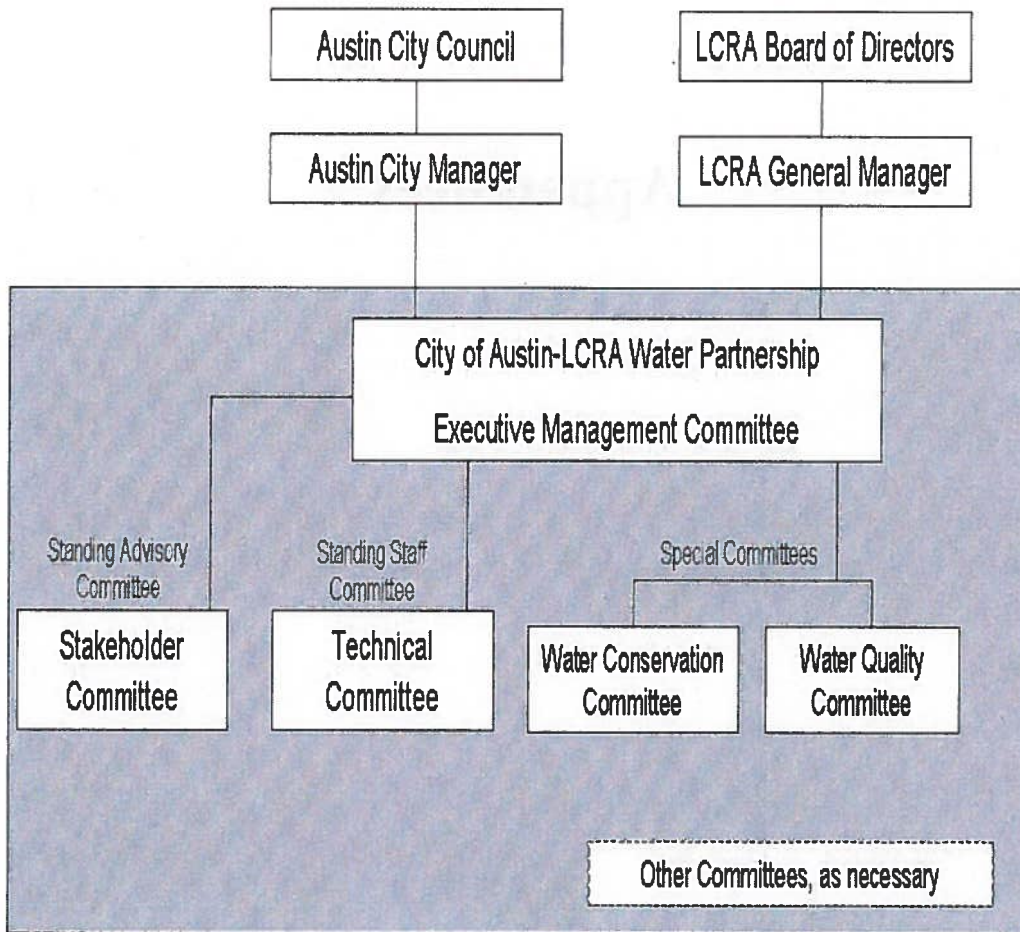


Robert Goode
Assistant City Manager
City of Austin



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City of Austin-LCRA Water Partnership
Organization



Attachment A



Appendices



Appendix 1. Committee Rosters (as of Dec. 2013)

Executive Management Committee

City of Austin

Robert Goode, Assistant City Manger
Greg Meszaros, Director, Austin Water Utility

LCRA

Karen Bondy, Executive Manager, Water Resources
Henry Eby, Executive Manager, Environmental and Regulatory Affairs

Technical Committee

City of Austin

Daryl Slusher, Assistant Director, Austin Water Utility
Teresa Lutes, Managing Engineer, Austin Water Utility
Ross Crow, Assistant City Attorney, Law Department

LCRA

David Wheelock, Manager, Water Supply Planning,
Steve Kellicker, Manager, Financial Planning & Analysis
Lyn Clancy, Managing Associate General Counsel & Senior Water Policy Advisor

Water Conservation Committee

City of Austin

Daryl Slusher, Austin Water Utility
Drema Gross, Austin Water Utility

LCRA

Nora Mullarkey, Manager, Water Conservation

Water Quality Committee

City of Austin

Daryl Slusher, Austin Water Utility
Mike Personett, Watershed Protection and Development Review

LCRA

Lisa Hatzenbuehler, Manager, Water Quality Protection



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Stakeholder Committee

Interest Category	Member
Agricultural	Robby Cook
At large	Mary Ann Hefner
Business	Barbara Johnson
Business	Hank Smith
Conservation	Susan Butler
Environmental	Jennifer Walker
Environmental	Lonnie Moore
High Growth	Jon Beall
High Growth	Pete Dwyer
High Growth	Clifton Ladd
Industrial	Ned Ross
Industrial	Dan Wilcox
Rate Payers	Katherine Woerner
Rate Payers	Marion Sanchez
Recreation	Rod Malone



Appendix 2.

EXHIBIT A - COA and LCRA Water Resource Management Partnership

From the:

**SETTLEMENT AGREEMENT BY AND BETWEEN THE CITY OF AUSTIN
AND THE LOWER COLORADO RIVER AUTHORITY REGARDING JOINT
WATER RESOURCE MANAGEMENT AND THE RESOLUTION OF CERTAIN
REGULATORY MATTERS PENDING AT THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

EFFECTIVE DATE: JUNE 18, 2007

- 1. Background:** Water is the lifeblood of Central Texas communities. Austin and LCRA have individually employed traditional water management strategies, focusing on solutions that have often unintentionally led to conflict. These conflicts, if left unresolved, may limit the ability of the Parties to meet their responsibilities as major water suppliers. As population growth and economic factors in the region increase the demand for water, the Parties recognize a different approach is needed. Collaborative water management strategies can offer new opportunities to optimize water supply solutions for the region.
- 2. Vision:** Reliable and affordable water, managed in an environmentally responsible and collaborative manner, is critical to the vitality and economy of the region.
- 3. Purpose:** LCRA and Austin, as the two largest water right holders in the lower Colorado River basin, have agreed to develop a cooperative management structure. Through this new approach, the Parties will jointly evaluate and implement strategies to optimize water supplies to meet water needs of their customers and the environment.
- 4. Scope:** The scope of the partnership agreement will include joint water supply planning, as well as the ability to manage both entities' individual raw water supplies as an integrated system. All existing raw surface water supplies, including Return Flows, of each party will be included in this agreement. Future water supplies will be included as approved by the Executive Management Committee.



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Day-to-day management and coordination of the river system including flood management, water quality protection and other functions will remain LCRA's responsibility. Day-to-day water/wastewater utility planning and operations will remain the responsibility of each party.

- 5. Cooperative Management Structure:** The Parties shall establish an Executive Management Committee and Technical Water Resources Planning Subcommittee, with the following structure and responsibilities:

A. Executive Management Committee

- i. Composition: The Executive Management Committee (EMC) will be composed of two representatives each of Austin and LCRA, to be designated by the chief executive officer of each organization.
- ii. Duties and Responsibilities: The EMC will be responsible for carrying out the Purpose and Scope as follows:
 1. establishing and implementing strategic goals and policies,
 2. approval of joint water supply strategies and implementation plans,
 3. continued supervision and oversight of approved joint water supply strategies and implementation plans,
 4. obtaining any necessary approvals from and ensuring compliance with requirements of each party's governing body,
 5. coordination of communication with internal and external stakeholders,
 6. ensuring adherence to the decision-making guidelines set forth below,
 7. creation and general supervision of any subcommittees necessary to carry out the Purpose and Scope, and
 8. developing standard operating procedures and bylaws for the EMC and any subcommittees.

- B. Technical Water Resource Planning Subcommittee.** A Technical Water Resource Planning Subcommittee (Technical Subcommittee) shall be established as follows:

- i. Composition: The Technical Subcommittee will be an interdisciplinary committee comprised of members appointed by the EMC.



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- ii. Duties and Responsibilities. The Technical Subcommittee will be responsible for:
 - 1. Projections of water demands and identification of a wide array of supply alternatives, including Return Flows, and preliminary recommendation of alternatives for consideration by the EMC for further study.
 - 2. In consultation with the EMC, develop any necessary technical analyses and implementation plans for strategies identified for further study.

C. Decision-making Guidelines

- i. Consensus decisions of the EMC shall be made using interest-based problem solving, mindful of the standards and mutual interests of the Parties as set forth below.
- ii. The standards against which water supply strategies shall be evaluated include:
 - 1. Improve relationships between Austin and LCRA
 - 2. Cost effective and provides value to both Parties
 - 3. Obtain stakeholder input in an effort to fairly address multiple needs of the region
- iii. The mutual interests of the Parties to be addressed by any water supply strategy selected by the EMC include:
 - 1. maintaining ownership and protecting the value of each party's individual water rights,
 - 2. preserving water quality and environmental health of the river and bay system,
 - 3. improving the Parties' relationship and building trust through enhanced information sharing, cooperation, and partnering,
 - 4. improving water supply certainty, including enhancing reliability and water availability, and
 - 5. responsible water resource management, mindful of the Parties commitment to a strong water conservation ethic.
- iv. The Parties may, by consensus, modify the standards and mutual interests to be used in making decisions under this agreement.
- v. If the EMC cannot reach a consensus decisions on whether to pursue particular water supply strategies recommended by the Technical Subcommittee, then the EMC shall request a decision from the chief executive officers of each organization.



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6. Operating Guidelines:

- A. The Parties agree to designate their representatives to the Water Partnership Executive Management Committee (EMC) within 90 days of the final approval of the Supplemental Water Supply Agreement called for in Paragraph 1V.B of the Settlement Agreement. The Parties also agree to convene an initial meeting of the EMC within 120 days of execution of the Supplemental Water Supply Agreement.
- B. The initial tasks of the EMC include, but are not limited to:
- i. Develop operating procedures and by-laws, to include but not be limited to:
 1. Set meeting schedule to initially include a minimum of one EMC meeting per quarter
 2. Set meeting logistics including chair, chair rotation schedule, meeting location, and record keeping, including meeting minutes, workplans, etc.
 3. Set schedule and process to develop scopes and workplans for tasks to be accomplished by the COA and LCRA Water Resource Management Partnership
 4. Set reporting schedule to include a minimum reporting schedule of at least one report to each the Austin City Council and the LCRA Board every two years
 5. Set regular quarterly meeting format to include, as appropriate, but not be limited to:
 - a. Report by each party on all activities that might affect either party's water rights or water supply, which may include any significant developments in the following:
 - i. status of
 - all water rights applications
 - a water supply development projects (current or proposed Water Management Plan status)
 - any proposed water treatment, wastewater treatment or other related facilities
 - any direct reuse projects
 - water conservation efforts
 - ii. status of joint efforts and suggestions for additional joint effort opportunities



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- iii. updates on studies relevant to water supply availability
 - iv. updates on relevant environmental issues and implementation of environmental policies
 - v. relevant legislative updates including new statutes and pending legislation relating to water supply of the Parties
 - vi. Relevant administrative matters before the State Office of Administrative Hearings
 - vii. Updates on significant actions or decisions by the Texas Commission on Environmental Quality
 - viii. Update on water rates revisions
 - ix. Information on water sales, water usage, major diversions, new customers, and projected water demands (short and long-term)
 - x. Update on any LCRA Water Management Plan planned amendments
 - xi. State Region K regional water planning efforts
 - xii. Update on LCRA Board and Austin City Council actions relevant to water supply availability
- b. Subcommittee reports
 - c. Other items as determined
6. Set meeting process to initially include a minimum of two work sessions per year
- a. Work session tasks may include, but not be limited to:
 - i. develop joint basin management strategies in keeping with the mutual interests of the parties as outlined in Exhibit A. Section 5. C. iii., and updated, as needed, by the EMC.
 - ii. develop plans for joint studies and projects,
 - iii. develop any joint resolutions, proposed agreements,
 - iv. Formulate subcommittees, as needed
 - v. Evaluate on-going efforts of the COA and LCRA Water Resource Management Partnership including a re-evaluation of the scope and purpose, including progress of efforts to meet long-term water supply needs



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7. Appoint the Technical Water Resource Planning Subcommittee
8. Develop initial scope and workplan to address the following:
 - a. Develop initial scope of tasks to be accomplished in the initial two years, including but not limited to:
 - i. As per Settlement Agreement Section VII. D., develop proposal to address maintenance of Town Lake levels
 - ii. Establish process to evaluate and implement joint water management strategies to optimize water supplies
 - b. Establish coordination of reporting, operations, and diversions
 - c. Develop a list of matters to be monitored by the EMC
 - d. Develop process for determining future tasks and work plans, once initial tasks are complete, including development of demand projections ("Demand Schedule")

