

# PROCEED AT OUR OWN RISK:

## THE FACTS ABOUT EXPORTING WATER FROM THE DEVILS RIVER BASIN

*The following key points tell a cautionary tale of a proposed action and the probable consequences that will occur in Val Verde County and beyond, should proposals from private water sellers be seriously considered by municipalities.*

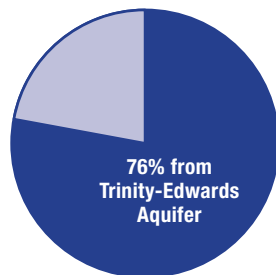
1 VV Water Company, LLC (VWVC), a private enterprise based in Houston, seeks to pump 49 billion gallons (150,000 acre-feet, or AF) per year of groundwater from the Edwards-Trinity Aquifer in Val Verde County for export to San Antonio, San Angelo, Odessa and other West Texas cities.<sup>1</sup>

*An acre-foot of water is 325,851 gallons, the equivalent of 1-foot of water on top of a football field. To imagine the volume of 150,000 AF of water, think of a football field with a tower of water above it reaching more than 28 miles in to the air. This is the ANNUAL volume of water VWVC proposes to pump out from under Val Verde County and pipe away from the Devils River basin.*

2 VWVC has responded to San Antonio's current request for 16.3 billion gallons (50,000 AF) of water per year by 2018.<sup>2</sup> The 2013 VWVC proposal to San Angelo was for roughly 4.9 billion gallons (15,000 AF) per year.<sup>3</sup>

3 Springs and surface waters in the Val Verde area depend heavily on groundwater. This portion of the Edwards-Trinity Aquifer provides roughly 200,000 AF per year of the inflow to the Devils River; that's more than three-quarters of the source water feeding the Devils.<sup>4</sup>

### INFLOWS TO DEVILS RIVER



4 The Devils River, in turn, delivers about 261,000 AF of water into Amistad Reservoir annually—about 16.6 percent of the annual inflows to that reservoir.<sup>5</sup> The same aquifer feeds springs in Mexico that further support flows into Amistad Reservoir.

5 Pumping billions of gallons of water from the Edwards-Trinity Aquifer could have significant negative impacts on springs and surface waters on both sides of the border, including water in Amistad Reservoir, San Felipe Spring, the Devils River, and the Rio Grande downstream of Amistad.

6 The Devils River Minnow has been designated by the U.S. Fish and Wildlife Service (FWS) as warranting protection under the Endangered Species Act.<sup>6</sup> The “first priority” identified in the FWS’s recovery plan for the Devils River Minnow is “to ensure sufficient stream and spring flows ... to maintain viable populations of native fauna and flora. Protection of underground water reservoirs (aquifers) from non-sustainable use is essential.”<sup>7</sup>

7 FWS also has determined that the Texas Hornshell, a fresh-water mussel in the Devils River, justifies protection under the Act, although it has not moved (yet) to do so because of resource constraints.<sup>8</sup> Reduced flow in the Devils River would likely trigger additional efforts to protect these species.

8 Pipelines needed to transport groundwater to distant urban populations would cut through large swaths of private property and require numerous pumping stations and a power supply to run them. It is unlikely that this much property could be placed in “public service” without eminent domain and condemnation authority.

9 Moving the proposed volumes of groundwater from the low end of the Devils River basin to such far distances will assuredly cause environmental damage, offend private property rights, and drain public funds.

10 San Antonio, the most likely near-term customer for VWVC, has a number of alternative options for its water supply. The President/CEO of the San Antonio Water System recently acknowledged that “oceans” of brackish water, ripe for desalination, lie beneath southern Bexar County.<sup>9</sup> Other supply-side management options like aquifer storage and recovery, water reuse, water loss rate reduction, and water conservation are also viable.

*The Devils River — a fragile desert waterway fed primarily by groundwater discharge from powerful freshwater springs — is widely regarded as Texas’ most pristine river. The sad demise and tragic loss of many of West Texas’ water features over the last few generations stand as stark witnesses to the need to preserve the last vestiges that still survive.*

Information contained herein is provided courtesy of the Devils River Conservancy, January 2014.

<sup>1</sup> VV Water Company, LLC, letter proposal to cities of Big Springs, Odessa, and Snyder, March 10, 2013. <sup>2</sup> Water Management Plan, p. 7 (San Antonio Water System, 2012). <sup>3</sup> San Angelo Standard Times, August 6, 2013. <sup>4</sup> Green and Bertetti, “Investigating the Water Resources of the Western Edwards-Trinity Aquifer, Texas,” (Abstracts of the 2010 Annual Geological Society of America Annual Conference) and Green and Bertetti, “Groundwater Resource Management in Sub-Humid and Semi-Arid Environments” (National Groundwater Association Emerging Issues in Groundwater Conference, San Antonio, Texas 2012). <sup>5</sup> International Boundary and Water Commission, Flow of the Rio Grande and Related Data (Water Bulletin No. 76, 2006), Table 08-4494.00 (Pafford Crossing) and Table 08-4509 (Rio Grande below Amistad Reservoir; 47-year averages). <sup>6</sup> 64 Fed. Reg. 56596 (Oct. 20, 1999). <sup>7</sup> USFWS Service, Devils River Minnow Recovery Plan (2005), p. 2.2-1. <sup>8</sup> [http://ecos.fws.gov/docs/candidate/assessments/2014/r2/F02M\\_I01.pdf](http://ecos.fws.gov/docs/candidate/assessments/2014/r2/F02M_I01.pdf) (the 2013 USFWS “Species Assessment and Listing Priority Assignment Form”). <sup>9</sup> Robert Puente comments at the 4th Annual Water Law Conference (CLE International, April 11, 2013). See, too, <http://www.livestockweekly.com/papers/13/10/24/7whlmcswatercleunte.asp> and Water Management Plan, p. 5 (San Antonio Water System, 20