

Environmentalists file for water rights

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GREG BOWEN

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An environmentalist group is asking state regulators to grant it a permit that would keep the Guadalupe and San Marcos rivers flowing at levels the group says are necessary to protect fish and wildlife in the rivers' coastal estuaries.

But opponents say they'll fight the permit because it could keep much-needed water from being used by residents of the growing region and could set a dangerous precedent for all the state's rivers.

The San Marcos River Foundation believes that the state is allocating too much of the water in the two rivers to cities, industries and other water users.

"The water supply is getting whittled away daily," said Dianne Wassenich of San Marcos, president of the river foundation. "Right now, there's nothing in Texas that makes sure that any water is going to make it to the coast."

It won't be long, the group fears, before there could be little or no water left for the fish, shrimp, blue crabs, endangered whooping cranes and other species that use the Guadalupe Estuary as a nursery.

She said her group decided to step in and file its permit application because it didn't look like the state or federal government was going to act to protect the estuaries in the Tivoli-Seadrift area.

"We feel it is such a crisis that, even though we are a small, private organization, we had to step in to do something. We finally said, 'OK, we'll apply for a water right to make sure that water is left to keep the whole system alive.' "

Wassenich said the group has applied for rights to approximately 1.3 million acre-feet of water per year. An acre-foot is 352,851 gallons. One acre-foot is the amount that would fulfill all the water needs of a family of four for one year.

She said that's the amount the Texas Parks and Wildlife Department reported in a 1998 study is needed for the survival of the fish and wildlife that depend on the rivers' bays and estuaries.

But Bill West, executive director of the Guadalupe-Blanco River Authority, said the requested amount of water was identified in the Parks and Wildlife study as the level that would result in the "optimum productivity" of the bays.

He said the study also includes a lower "maintenance level" and an even-lower "survival level," about half-a-million acre feet.

West said he believes the proper approach would have been for the environmentalist group to seek the optimum level during wet years, the maintenance level during average years and the survival level during drought years.

He said GBRA and the Texas Parks and Wildlife Department even considered co-sponsoring the permit application with the San Marcos River Foundation, but backed out when the 250-member San Marcos group wouldn't agree to the lower levels of water.

"They wanted the whole enchilada."

He also said only 750,000 to 800,000 acre feet of water are left unallocated in the Guadalupe River. That means if the River Foundation were to get its requested water, someone else would have to give up water rights.

"We are in support of flows for the bays and estuaries, but they have got to be reasonable," West said.

Notices of the group's permit application are scheduled to be published this week in area newspapers and have already been sent to water-rights holders along the river, Wassenich said.

The Texas Natural Resource Commission will take comments and requests for hearings on the permit application for 30 days. Hearings will be scheduled after the public-comment period ends.

"We hear that everybody and their dog will be protesting," Wassenich said.

West said GBRA will be among those contesting the permit. "I anticipate a whole lot of others statewide will be intervening in that permit application," he said.

He said the permit poses a major policy question for Texas and all of its rivers. That's because the permit is designed to keep water in the rivers all the way to the estuaries, which prevents the water from being used for any other purposes.

"So it's a major state policy issue," West said. "If this permit is issued, that lays the predicate for every other stream in the state to follow suit. People across the state are keenly interested in what transpires."

But the river group expects plenty of support.

"I think there are a lot of people who share our concern," Wassenich said.

She expects the permit-hearing process to drag out for 5 years or more.

The upside of the process taking that long is that it will allow time for the foundation - whose stated goal is to preserve the flow, beauty and the purity of the San Marcos River

and its associated wetlands, watersheds and estuaries - to raise money for legal fees and other costs associated with the permit effort.

She said it is very difficult for a small group like hers to finance such an endeavor and that the organization is seeking grants to help pay the bills.

"We're trying to focus on what is the right thing to do. Hopefully, others will fall in behind us and not against us. I think everybody realizes it's the right thing to do, they just weren't ready to face it yet - and we think it's time to face it. It may be past time. That is why we are taking the stand we are."

Greg Bowen is a reporter for The Victoria Advocate. Contact him at 361-580-6519 or by e-mail at gbowen@vicad.com.