

All Texans have a stake in water bill

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By WILLIAM McKENZIE / The Dallas Morning News

The Texas House Natural Resources Committee has spent the past several days amending one of this legislative session's more crucial bills: a massive act that would shape Texas water policy.

The Texas Senate already has approved the bill, which Senate Natural Resources Committee Chairman Buster Brown, R-Lake Jackson, maneuvered through his chamber last month. Its fate now rests with the House, where rural and urban members alike have a great deal at stake.

One of the bill's best features is that it strengthens groundwater districts. Those elected panels govern the production of water in Texas communities that draw water from underground sources. The bill gives those important districts more explicit authority.

They need it. In some parts of the state, determining water production is very dicey, even more problematic than a school board shaping education policy. Farmers don't like having their water regulated, even by a local peer.

But if Texas is to meet the demands coming its way during the next half-century, when the population is expected to double, the state must give groundwater districts enough power to regulate production.

Some districts in the Texas Panhandle already take that responsibility seriously. And for good reason. The vast Ogallala Aquifer sits underneath many Panhandle counties, supplying them with a resource more valuable than oil. If groundwater districts don't properly regulate the Ogallala, agricultural production could suffer greatly as Texas grows.

Practicality also suggests giving groundwater districts enough power to do their work. The districts are the best alternative to overhauling the rule of capture, which is the longstanding doctrine that Texans have used to justify as much water production as any farmer or rancher wants. That doctrine is considered sacred, but let's be direct here: If groundwater districts don't do their work well, the state will have to forsake the rule of capture.

On another front, the water bill doesn't do much to advance future water projects. Neither the Senate nor the House has attached fees that would generate funds for the \$17 billion in water projects the state needs to worry about during the next half-century.

The session began with a hope that the state would use fees on various water services to start generating money for a water infrastructure fund. But that effort has fallen aside, either because of tight budgets or a lack of leadership, depending upon how you choose to look at the situation. Maybe if water experts like Sen. Brown and Rep. David Counts, D-Knox City, had engaged in Nikita Khrushchev-like table pounding, they would have gotten legislators' attention. But there is no question that budgets are tight this go-round. Whatever the reason, money for projects won't start flowing soon.

Rep. Ron Lewis, D-Mauriceville, stepped into this situation with a sensible alternative. He would require regional water planning groups across the state to come up with a list of revenue sources to fund their projects. The effort would identify local sources of revenue, which then could be used to attract state contributions. It is at least a start.

That is more than can be said about our legislators' failure to invest money in water science. The omnibus water bill has no money for understanding the science of water. That is a mistake. The state needs to start thinking about hydrology the way it once did geology. Understanding how aquifers work is crucial.

Among other things, we need to know how fast they replenish. Such knowledge will help communities understand how much they can draw from aquifers. In a state where water will become only more valuable, that kind of understanding could become as important as assessing oil and gas deposits.

Lawmakers took a quantum leap forward on water issues in 1997, when they established regional planning groups to assess local water needs. This year's bill doesn't make a similar jump. But it does allow Texans to continue working on resource strategies for the state's complicated future. Progress often comes a step at a time.

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