

THE STATE OF THE STATE'S WATER

By

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We've read volumes about the value and importance of water.
Irreplaceable. Essential for our individual and collective survival.
Valuable. The object of need of rich and poor alike.

We've seen nations at loggerheads over water. Look at the U.S.- Mexico treaty on water where Mexico as a nation has basically stiffed its neighbor to the north by refusing to repay the water debt it clearly owes.

States are quarreling with each other over water. California is at odds with neighboring states over water. Texas has had differences of opinion with New Mexico and all the states over the Ogallala Aquifer. Water is not something we relish seeing being parceled out without thought, without comment and without public input. Let's hope that doesn't happen.

Unlike oil, water has no replacement. Oil can be replaced by solar or wind energy, coal, atomic power or synthetic fuels. Water has no substitute.

But we've seen a new player show up in the water game – the state of Texas. A few weeks ago a notion surfaced that the state was going to lease to a few guys the state's precious water from far West Texas. Interesting notion. The concept of using a state asset for long term good for all Texans has merit. So far so good.

How about some background. Wildlife in that arid region of the state such as deer, javelina, doves, mountain lions, coyotes and livestock depend on it. And let's not forget people – children, the elderly, folks of all ages and shapes and sizes – all depend on water for life.

But there are a couple of hitches. No one in West Texas, the affected area, had heard anything about it. It was going to be covering 646,548 acres and would be the 600-pound gorilla in an already contentious water arena. Dell City and El Paso are having their conversations and not all of them pleasant. Antelope Springs near Valentine has been talked about for a number of years as a 'mine of water' with residents concerned about losing their economic future.

Let's talk about the economy. It is fair to say that all economic activity follows water – development, jobs, houses, hospitals, nursing homes – every single location depends on water. Rural economic development in a huge chunk of the state would be impaired by this

proposal. And the General Land Office so far hasn't seen fit to share the details.

Wait. There is one detail. The lease is being proposed for twenty cents an acre. Wow. Adds up to a whopping \$129,000, give or take, to the state for this deal on 646,548

acres. What about leases in the area? I am told they range from 50 cents to \$2 an acre across that part of the state. So why the low cost deal? Who benefits?

There's another hitch. This proposal isn't subject to a competitive bid – although many oil and gas leases by the GLO are. Is water less valuable? Nope. Is there any good reason for this not to be opened to the public for comment? Can't think of any. I sure hope the General Land Office will reverse its public position of not seeing any reason for an open and public competitive bid process in the interest of fairness.

What about the legitimate concerns expressed by state Senator Frank Madla? He very rightly termed the deal 'unconscionable' because this is a deal that has been shrouded in secrecy. His district covers Brewster, part of El Paso, Hudspeth, Jeff Davis, Pecos and Presidio counties. Yet he wasn't aware of it.

Maybe the worst hitch of all. GLO is contemplating (because state law allows it) not having this deal comply with groundwater district rules. This isn't in any version of the state water plan or regional water plan. So we've got the state opting out of the rules everybody else has to play by. Maybe the Legislature should take a look at this problem.

So who is supporting this? Let's see. El Paso is opposed. Every county in the area is opposed. West Texans are surely not happy that their water and their future are going to be handed off to a few guys without a by-your-leave.

Let's hope that cooler heads prevail and, along with it, reason. When we for the first time talk about mining the state's water – and the concept isn't in the state's water plan or in the region affected – maybe it's time to take a deep breath, say whoa and start a rational plan.

One option might be for the state itself to view this as a public safety matter. We build roads for the public. We think fire and police protection are public goods. What about state water? Otherwise we're going to sell or lease (and the length of the deal is as good as a sale) the state's water behind closed doors.

After all this is state water under state land – water for all Texans -
not just a few good old boys.