

State's future water supply on tap for lawmakers

Study shows Texas will struggle to keep up with demand

By JIM VERTUNO Associated Press

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AUSTIN - Texas legislators must solve problems with public school funding and Child Protective Services, but another critical issue begs their attention - water.

Meeting the future water demands for a growing Texas is a topic that arises every session but doesn't usually make the list of top priorities.

"People don't grasp the seriousness of water until the stream dries up or the tap doesn't flow," said Mary Kelly, senior attorney with Environmental Defense, a nonprofit group that tracks state policies affecting the environment.

A statewide water use study in 2001 found that Texas will struggle to keep up with the demand for water during the next 50 years as its population is predicted to double to about 40 million.

State officials warn that without better conservation Texas will have to spend billions of dollars on new water sources, such as building reservoirs, to provide a safe, reliable source of drinking water.

Texas has only one natural lake - Lake Caddo in East Texas. Most of the state's water comes from underground aquifers and reservoirs that capture rain.

Legislators are expected to consider bills this session that deal with regulating water transfers between regions and how landowners buy or lease state water rights. Other proposals promote conservation and a public awareness campaign.

A senate committee last year studied the proposed lease of state water rights in far West Texas by the state's General Land Office to Rio Nuevo, Ltd., a private partnership of mostly Midland oil men. Rio Nuevo has said it was considering selling the water outside the region.

The committee's November report said Texas should keep private companies from buying or leasing state water rights and then selling the water back to municipalities at inflated prices.

The Rio Nuevo proposal, made in June 2002, caused an uproar among residents and officials in Hudspeth, Culberson, Jeff Davis and Presidio counties, who said such leasing would deplete desert aquifers already taxed by an extended drought.

That same year, Dallas oil tycoon T. Boone Pickens and a group known as Mesa Water Inc. obtained water permits on land in Roberts County, northeast of Amarillo, in anticipation of building water pipelines to the Dallas-Fort Worth and San Antonio areas, two of the fastest growing regions of the state.

Pickens has about 30,000 acres in Roberts County, which he says is too hilly for crops and he wants to sell the water underneath.

Pickens spokesman Jay Rosser said Pickens and other landowners interested in his pipeline deal will be watching for any changes in state water policy.

"We're certainly looking to the Legislature to underscore the important role that groundwater can play in helping solve the state's near-term and long-term water concerns," Rosser said.

Texas has 83 water conservation districts governing groundwater pumping in 138 of the state's 254 counties. Landowners outside those districts fall under the century-old "rule of capture," allowing them to pump as much water as they choose.

Texas is the only western state still using the rule. The Texas Supreme Court upheld it in 1999 when a group of farmers in Henderson County in East Texas claimed the Ozarka bottled water company sucked their wells dry.

Sen. Frank Madla, chairman of the water committee, said lawmakers may consider a statewide water district to apply to landowners not covered by regional districts.

"We're at a crossroads," said Madla, a San Antonio Democrat. "I think we have to get a handle on how we're going to regulate water in Texas."

Environmentalists would like the Legislature to impose a "reasonable use" rule to keep neighbors from drying each other out, but they don't expect a change this session.

Sen. Robert Duncan, R-Lubbock, and Rep. Robert Puente, D-San Antonio, said they would push for \$15 million to fund a state public awareness campaign on water conservation. A survey commissioned by the state Water Development Board found that only 28 percent of Texans know the source of their drinking water.

A legislative task force has recommended the state try to reduce water use annually by 1 percent. Statewide, average water use for households and small business is about 170 gallons per day, not including large industrial and agriculture use.

One way Texans can help meet that goal: low-flush toilets and replacement flappers.

The Legislature mandated that all toilets sold in Texas after 1993 be low-flow models that use 1.6 gallons per flush, less than half the amount older models use. Some manufacturers simply converted toilets that had the old, larger tanks. The problem is when the flappers wear out, many replacements don't meet low-flow standards, meaning water is wasted.

Environmentalists such as Ken Kramer, director of the Sierra Club's Lone Star Chapter, want lawmakers to tighten the law. He admits, though, that might be a tough sell, given the other emergency issues facing the Legislature.

"It may be hard for legislators dealing with school finance and health care to think about toilet performance issues," Kramer said. "It's actually a critical piece of legislation."