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Conservation top concern for water trust

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The Guadalupe-Blanco River Authority has leased historic water rights on the San Marcos River and has turned those rights over to its conservation group, which is pledging to leave in the Guadalupe/San Marcos river system the millions of gallons of water controlled via those rights.

The rights come from Thornton Family Investments, a San Marcos limited partnership. Two water rights are involved, one issued in 1895, the other in 1905.

"These water rights are some of the oldest in the Guadalupe River Basin and amount to 70 acre-feet of water per year, which is equivalent to almost 23 million gallons of water annually," said Todd Votteler, director of the Guadalupe-Blanco River Trust, which is dedicated to conserving the land and water of the Guadalupe River watershed for its natural, recreational, scenic, historic and productive value.

The rights amount to enough water to supply the needs of Victoria and its citizens for two and one-half days.

The initial lease period is five years, at \$3,675 per year.

"During this time, the rights will be held by the Trust and the water will remain in the San Marcos/Guadalupe Rivers for the benefit of all who use the river system," said Votteler.

The lease agreement contains an option allowing it to be -renewed after five years. It also contains a provision under which GBRA could possibly purchase the rights outright for placement in the Trust, which was created by the GBRA board of directors in 2001.

"We hope the rights will become a permanent fixture of the Trust," said Votteler.

A milestone The Thornton water rights agreement is being hailed by Votteler as a symbolic milestone, not only because it is thought to be the first such agreement accomplished by a homegrown Texas conservation trust, but for another reason as well.

It is possible that the agreement and others like it just might become part of the solution in the state's quest to find a way to keep enough water in Texas rivers to ensure the wellbeing of the endangered whooping crane and other wild species.

Here's why that is:

The Study Commission on Water for Environmental Flows was formed by the Legislature last year to find ways to ensure that enough river water is set aside for wildlife.

Environmentalists have argued that the state is allocating too much river water to traditional water-rights-permit holders, including cities and industries, while ignoring the water needs of wild species.

Among the committee's recommendations was that existing river water rights be donated to conservation trusts - such as the Guadalupe-Blanco River Trust - for protection.

"Everybody has been trying to figure out the best way to ensure the needs of the environment are met with regards to water - and this has been one of the suggested methods," Votteler said. "The (Thornton water right agreement) is symbolic from that point of view."

For wildlife dependent on river flows, the agreement may be more than a symbolic one, he said.

That's because when the river is running low and water is scarce, holders of older water rights permits get dibs on the available water before those with newer permits.

"The significance is that these water rights are so old and they're just downstream of San Marcos Springs. So you can conclude that these rights would be satisfied as long as San Marcos Springs is flowing - and San Marcos Springs has never dried up, as far as we know."

That's important because of the spring's contribution to the amount of water flowing in the rivers.

"For example, at the beginning of November, San Marcos Springs was contributing about 25 percent of the water in the Guadalupe River that was reaching Victoria," Votteler said. "If you add in Comal Springs' contribution, both spring systems accounted for roughly 75 percent of the river flow at Victoria. This is the typical pattern when we are in a dry spell and there is little surface water runoff."

Votteler said he also hopes the Thornton agreement will result in additional water rights being ceded to the protection of the Trust.

"Perhaps we can find someone who could make an outright donation of a water right and get a charitable tax benefit, or it may be possible that we can find some organization which can fund an acquisition. We might even be able to raise the funds ourselves."

The Thorntons The Thorntons are direct descendants of Ed Cape, one of the first general managers of the GBRA in the 1930s and one of the individuals most responsible for the construction of Canyon Reservoir, Votteler said.

"It was Cape's vision and desire to protect the San Marcos River that prompted him to obtain these rights from the state of Texas," he said.

Over the years, the family has maintained a continuing interest in water issues, said Votteler.

The family sponsors an annual water lecture at Texas State University at San Marcos, which has attracted such water-law luminaries as the late Federal Judge Lucius Bunton and state Sen. Ken Armbrister.

"Our family's desire is to ensure that these water rights, and their contribution to the flows of the San Marcos River, will be protected," said Robert Thornton. "We have been working with GBRA for several months to finalize this arrangement. It was our desire that these rights be placed with the Trust. We know the Trust understands and appreciates the value of these rights to our family, as well as to the river system and environment."

"We are honored that the Thorntons have placed their faith and confidence in us," Votteler said.

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