

OUTDOORS: MIKE LEGGETT

Water conservation a critical concern

Wildlife and fish a big part of the issue.

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For the most part, water goes where it wants and people follow, though we've spent gazillions of dollars over hundreds of years trying to corral it, channel it or pump it some place where it could make our lives better.

Better is a relative term, and we often sacrifice long-term good for short-term gratification. That's why there are times now that the Rio Grande loses the energy to punch through the sand dunes at Boca Chica and flow into the Gulf of Mexico. Or crystalline, artesian oases that once dotted the arid Trans-Pecos region are bled dry from unrestricted pumping to supply water to people and livestock.

Water in Texas is power and money. Allocations of river and reservoir water rights are critical to farmers and ranchers, for cities and for whole industries. It's the future, too, for people who can figure out how to exploit it or conserve it.

Water conservation for wildlife and fish — though never a consideration historically in water-use discussions or allocations — is gaining a growing and much-needed voice in Texas. The state's Environmental Flows Advisory Committee, appointed earlier this year by Gov. Rick Perry, met Tuesday at Texas Parks and Wildlife headquarters to hear testimony from water-use experts from around the country.

The committee, chaired by E.G. Pittman, chairman of the Texas Water Development Board, must submit to Perry a report and a list of recommendations on water use for wildlife and recreation, especially in terms of maintaining and enhancing instream flows in rivers.

Other members include Texas Parks and Wildlife Commission Chairman Joseph Fitzsimons; Kathleen White, chairman of the Texas Commission on Environmental Quality; Lori J. Ryerkerk, manager of the ExxonMobil Beaumont refinery; Jeff Taylor, deputy director of Public Works and Engineering in Houston; Jerry Lynn Clark, general manager of the Sabine River Authority; Dick Bartlett, vice chairman of the board of Mary Kay, Inc.; David K. Langford, vice president emeritus of the Texas Wildlife Association; and Ben Vaughan IV of San Antonio, an associate professor of economics at Texas Lutheran University.

The real question and challenge before the committee is how to incorporate fish and wildlife needs into water plans. To do that will require money, of course, and the source of any funding would be part two of the challenge. Terry Anderson, an economist who heads the Property and Environment Research Center in Bozeman, Mont., said that models built in other states can help in Texas but Texans will have to find their own way.

"The whole notion of instream flows is new to all of us," Anderson said. "There was no place in prior appropriations doctrine for instream flows. The courts never thought about fish and wildlife." Prior appropriation is the traditional view of water rights that holds that a right once granted is for the most part perpetual. Water claims also are chronological' the oldest is the strongest and first-served.

Anderson went on to point out that Texas is one of the western states where rivers have traditionally been used for everything but fish and wildlife, and where over-allocations of water rights make it difficult to secure future rights for wildlife. In addition, Anderson said, there's not even always a clear delineation of water-rights ownership. The state must start by stating clearly to whom the rights belong before committees or legislatures can move forward with preserving instream flows.

But water rights alone — even securing them in the name of fish and wildlife — won't solve the problems, Anderson said. Texas will have to overcome several obstacles including: 1) developing hydrology studies on all its rivers that show how much water needs to be in the river to meet human and wildlife needs, as well as keep water flowing into the Gulf of Mexico; 2) know when the water needs to be in the river; 3) have a plan for monitoring and enforcing water rights; 4) offer incentives to landowners and water-rights holders to conserve the water; 5) create revenue streams that include all the water users.

Free riders is the term Anderson used to describe water users who don't currently pay. That would be recreational users like anglers and boaters. It's not a novel concept, to charge something for using a state resource, but it most likely will be left to Texas Parks and Wildlife to identify them and get the money.

Finally, Anderson said, despite some national sentiment that state and federal governments should simply take water rights in the name of the greater good, offering incentives to rights holders is the fastest and least painful way to go.

He's right. If we want to preserve endangered birds, threatened cactus or water, landowners and rights holders are the key figures. Go straight to them. Spend the money there — it's going to be spent anyway, whether in the field or in court — and guarantee those water rights forever.

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