

State House bill would ease restrictions on transferring water from basin to basin

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Local water officials are taking aim at legislation in the Texas House that would make transferring water out of the Sulphur River Basin a lot easier.

Texas State Rep. Bill Callegari, R-Katy, has filed House Bill 911, aimed at easing the restrictions on transferring water from one basin to another.

“From a personal standpoint and a regional water group standpoint, we’ve been in favor of the interbasin transfer requirements,” said Jim Thompson, president of both the Sulphur River Basin Authority and Region D Northeast Texas Regional Water Planning Group.

Thompson said those requirements are there for a reason—to protect basins from being raided without proper reason.

“The Legislature passed that legislation (interbasin transfer restrictions) 10 years ago ... in part to protect regions from being unduly raided of their resources without good cause,” he said.

In a press release, Callegari said his bill was attempting to “change the law to allow for the more strategic and wiser use of our natural resources.”

Currently, law limits the transfer of water between river basins, which Callegari considers a problem when one basin has a water surplus and more water-hungry basins need that water. The law is more problematic when one water-planning area contains more than one water basin.

The Texas Water Development Board has identified the need for the interbasin transfers as key to future water supply strategies for the state.

“It makes sense to me, from a water strategy standpoint, to be able to transfer water from saturated areas of this state to those places enduring a drought,” Callegari said. “If we don’t do this, then I would not be surprised if certain parts of this state turned to Louisiana or Oklahoma to help serve their growing thirsts.”

But state Rep. Stephen Frost, D-Atlanta, doesn’t see it that way.

“It think the bill is designed to take public input out of water issues,” he said, explaining that the bill doesn’t require any public meetings by agencies dealing with water.

One part Frost is not particularly happy about is the bill’s removal of the “junior water rights provision.” That means if a reservoir is built in this region by the Dallas metroplex, once they got their portion out, other entities, like cities, would have no enforceable way to secure the leftover water.

“It would gut any rights this area had to that water,” Frost said. He said while the bill may work for some parts of the state, it won’t here.

“I think what Rep. Callegari is trying to do is deal with a problem happening in Houston. I’m not sure that he’s realized if his bill was to pass, what his bill would do to water rights all over the state,” Frost said.

In his released statement, Callegari said in Harris County, which includes Houston, the water planning area contains three separate river basins. State law is preventing the transfer of water between them.

Neither Thompson nor Frost is anticipating the legislation will go through.

“There are some folks who do not appear to be in support of it,” Thompson said.

Frost said he would be surprised if it passes. In the meantime, there will be plenty of debate.

“There are a lot of places where junior water rights are extremely important,” Frost said. “If more reservoirs are going to be built, junior water rights are going to be important to those areas in which the reservoirs are going to be built.”

Although he hopes it will not one day come to it, if the controversial Marvin Nichols Reservoir is built in Northeast Texas, he will make sure the region gets its piece of the pie.

Marvin Nichols is a plan by the state to address long term water needs in the Dallas vicinity. Frost and a horde of other have opposed its construction in order to protect the property of those who live and work in the region.

“If Marvin Nichols were ever to be built, I would fight tooth and nail for our junior water rights,” he said.

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