

Valley growth brings water tests to the Legislature

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AUSTIN —The Rio Grande Valley's century-old canal system was designed to send water to the agricultural land that covered much of the area when it was first settled.

But urbanization means water from the Rio Grande increasingly is going to watering lawns instead of orange groves.

As such, Valley leaders are struggling to figure out how to quench the thirst of the region's growing cities — and that means deciding how to divvy up the finite supply of water from the Rio Grande among urban users and irrigators alike.

Earlier this year, the Legislature weighed in on the issue, considering at least two bills that local governments and irrigators tracked through the legislative process. One measure passed and one did not.

Bracing for change

In Cameron County, annual demand for irrigation water is expected to drop more than 11 percent between 2010 and 2060.

Meanwhile, demand for municipal water is projected to nearly double, according to the 2006 State Water Plan developed by the Texas Water Development Board.

Hidalgo County likely will face a similar change, with demand for city water projected to more than double to 266,000 acre-feet per year, while demand for irrigation water drops 22 percent, according to the report.

An acre-foot is equal to about 325,851 gallons — the volume it would take to cover one acre to a depth of one foot.

To brace for the changes, lawmakers passed a measure that came out of nearly two years of negotiations among Valley cities and irrigators, to make sure water could be transferred to urban use without spelling the irrigators' demise.

Another measure, which failed, was an attempt by the city of McAllen to take over the water district that sends most of its water to the city.

The shift to urban water is not unique to the Valley.

Growing urban areas, a bigger overall population and aging water pipes are forcing state officials to find ways to water Dallas, Houston, San Antonio and other cities while preserving the farms that feed the cities.

Water is key to cities attracting development, and it's an issue sensitive enough to make cities tread carefully.

The Texas Municipal League, which looks out for city interests in the Legislature, did not take a stand on water issues this year because they tend to pit one urban area against another, said Bennett Sandlin, general counsel for the TML.

"It's not that we don't care about water issues. It's just that this time, we stayed out of it," Sandlin said.

The Texas Water Development Board got approval from the Legislature this year to add 40 employees in the next two years to tend to the water needs of Texas, said Carla Daws, a spokeswoman for the agency.

"We are going to be very busy," Daws said.

Converting to the cities

The so-called conversion bill the Legislature approved sets up new rules for changing irrigation water to municipal water.

Under the current system, when a developer sells a piece of land, cities can petition the irrigation district to either enter a long-term lease or buy the water rights attached to the land.

The new law says when farmland is sold, the city that serves the development has first dibs on those water rights.

It also sets rules for the maximum sale price of the water to cities, giving public officials peace of mind they won't be held to wild fluctuations, said Roy Rodriguez, general manager of the McAllen Public Utility.

"It really is historic," Rodriguez said of the agreement.

"We sat across the table the first two meetings, and it wasn't cordial, and we came up with a deal that we could work with. Not everybody walked away laughing and smiling, but it's something to work with."

It also sets up a steady revenue stream for irrigation districts, which must keep canals and delivery systems maintained, said Wayne Halbert, manager of the Harlingen Irrigation District.

"It gives the districts a little bit more feel for what their future is as that land is urbanized," he said. "It kind of ties that urbanization to the district instead of making it helter-skelter."

Not everyone thought the deal brokered was a good idea, though.

The Valley should have included cities upstream in negotiating the compromise, said state Rep. Tracy King, a Batesville Democrat whose district includes Eagle Pass.

King said he objected after officials with the city of Eagle Pass said they would be at a competitive disadvantage buying water since Valley cities will get right of first refusal under the new law.

"If somebody in the Rio Grande Valley decides to put that up for sale, then anybody who needs water ought to be able to bid on the water," King said.

Still, Valley lawmakers aren't complaining.

"As we become less and less of an agricultural, rural area and more of an urban area, we have to find more of an orderly process," said state Sen. Juan "Chuy" Hinojosa, D-McAllen.

Irrigators breathe easy — for now

The cities and irrigators may have compromised on the conversion issue, but many of them lined up on opposite sides of a proposal from the city of McAllen to take over a water district that serves it.

The measure didn't pass the Legislature, and Hidalgo County Irrigation District No. 3 remains its own entity.

The city's failed bid relieved irrigators who said the McAllen case could have set precedent for other cities to do the same.

"We just feel like it's not in the Legislature's place to come into an area and say ... this entity is going to come in and take away an entity," said Halbert, the Harlingen Irrigation District manager.

McAllen city officials made the takeover of the Hidalgo County district one of their three biggest priorities at the outset of the legislative session.

They said the district had outlived its usefulness because it pumps more than 80 percent of its water to the city of McAllen.

"We have great plans for this city, and having control of your water supply at least in part helps us with the confidence that we need to be in control of our own destiny," said Rodriguez, of the McAllen Public Utility.

But changing demographics is no reason to run over an independent, democratically run water district, said Othal Brand Jr., board president of Hidalgo No. 3.

Brand said he thinks city leaders want to take over the district not just for the water, but also because it owns more than half the land the city would need to buy to extend Bicentennial Boulevard north from Nolana to Trenton Road.

"I don't pretend to know their minds, but you and I both know when you can get something for free, why would you want to pay for it?" Brand said.

The district continues to efficiently provide water to the city at a good rate, Brand said.

Much of the water it pumps to the city is water from other districts the city has asked the No. 3 district to pump, he said. No. 3 continues to pump to 13 farmers and 125 domestic users, Brand said.

Lawmakers who represent the city said Brand and others who are worried about the takeover have not accepted the new urban Valley.

State Rep. Ismael "Kino" Flores, D-Palmview, said the failed legislation was crafted to include only the city of McAllen, and other water district officials exaggerated its possible effect on them.

"It made all the common sense in the world, but the politics of it never really aligned themselves because the water district guys are a group of alarmists that haven't figured out that their time has come and gone," Flores said.

Brand said he accepts the Valley is becoming urban and denies he's trying to preserve a way of life in McAllen that is passing.

"We're not preserving anything, other than just serving the people that we serve," he said.

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