

LNVA: Changes would specify between East Texans and outsiders



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Protecting regional water was the heart of what the Lower Neches Valley Authority says it intended when it sought to quietly strengthen its 1963 Sam Rayburn Reservoir water rights in the name of Homeland Security last year.

"We are trying to protect our interests in the basin," said Dr. Brian Babin, the LNVA basin chairman from Woodville. LNVA "has the oldest water rights in the state of Texas, going back to 1913. Rayburn sponsorship guarantees our water rights there except in two instances."

It was these two exceptions that LNVA, citing Homeland Security, took confidential steps last year to eliminate. Had they succeeded, those in East Texas towns utilizing surface water would, essentially, have to wait their turn at the tap until Beaumont's municipal and industrial cup was full, according to the Angelina and Neches River Authority interpretation of the LNVA proposed changes.

"I was under the impression it was simply a matter of protecting LNVA's water rights," Babin said. "Then I received a call from Senator (Robert) Nichols about how it would affect municipalities north of us. I didn't realize some of the effects it would have."

Nichols, R-Jacksonville, said he is working with all parties to ensure East Texas communities receive prioritization in water dispersal.

"The original proposal would have created unintended consequences for municipal water sources, and we are waiting to see an amended version," he said.

Ramifications became public knowledge this summer after ANRA, which is currently constructing Lake Columbia, requested the Texas Commission on Environmental Quality to provide copies of the proposed changes. Information initially denied to ANRA because it was stamped "Secure, Homeland Security, confidential" was released by the U.S. Army Corps of Engineers which denied the confidential status.

Consequently, 16 cities and water utilities upstream have since told TCEQ they opposed the proposed revision.

Nichols invited LNVA to attend an ANRA Lake Columbia stakeholders' meeting in Jacksonville last month regarding the threat the LNVA changes posed. Afterward, Babin said, the LNVA board voted to reword its requested changes to distinguish between inner basin users - like Alto residents - and out-of-basin water users - like Dallas residents. These changes have yet to be implemented, however, Babin says ANRA will have an opportunity to review proposed changes prior to submitting it to TCEQ - in hopes of attaining the Lufkin-based water authority's support.

"This doesn't hinge on a single word or phrase," ANRA general manager Kenneth Reneau responded. "Each group will need to take a complete document and review it to assess existing and future impacts on their entity."

Protecting the East Texas water supply is critical to the industrial needs of the Beaumont-Port Arthur area, Babin said, which are in turn critical to Homeland Security.

"There truly is a Homeland Security issue, because of all the industry we provide water for," he said.

LNVA's intention wasn't to compete with East Texans for water, but to protect their resources from outsiders, like Dallas.

"We are trying to protect water from out-of-basin waters users. We have a responsibility to take care of everyone in the Neches Basin," Babin said, repeating his sentiments expressed at the Jacksonville meeting. "I feel like as an appointed member of this board that I can't just forget about folks up in Alto and Rusk and places like that."

Reneau said he was unimpressed with Babin's perceived attitude toward fellow basin holders.

"It seems rather condescending to state that they were in a better position to provide protection than all the other water right holders in the basin," Reneau said.

To Babin, the fact that Dallas-area authorities have contested LNVA's changes proves "out-of-basin entities are eyeballing our water."

It is no secret, however, that Dallas-area water planners have set their sights on East Texas to meet future water needs, as this part of the approved state water plan is available at www.twdb.state.tx.us.

If Dallas were to obtain water rights in East Texas, that city's residents would have priority at the water spigot over the critical Beaumont-Port Arthur industry, Babin said.

"We want in-basin users to be guaranteed the water they have been paying for and get the water that they have coming," he said. "What we don't want to see is some out-of-basin user come in and start piping or putting a straw in our basin and sucking it out and putting it into another region of the state where their (treated) waste water goes into another river of the state and we don't ever get that water back."

This is a problem as it disrupts the LNVA mission, since its inception in 1913, to provide and sell water, Babin said. In addition to its Rayburn rights, LNVA acquired rights to Dam B (Lake Steinhagen) 25 years ago, and is currently seeking water rights to Lake Columbia, according to Babin.

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