

# Hastings: Ask the right questions about Texas' water future

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Inadequate water supplies existed long before last year's drought and will linger long after the Legislature concludes in 2013. With growing demand for Texas water from increasing population and economic activities, and strained water supplies in times of drought, prominent experts and elected officials discussed legal and economic aspects of securing adequate water resources at a Texas State University conference last week.

The 2012 State Water Plan, Texas's primary effort to ensure future water supplies, projects Texas's population to grow 82 percent between 2010 and 2060, and water demand to increase by 22 percent. Yet the plan indicates that water supplies will decrease by 10 percent due primarily to depletion of key aquifers. In drought years, the economic losses from lack of adequate water supplies could reach \$12 billion per year.

We applaud the emerging focus on the importance of water issues that resulted from the historic 2011 drought. However, the State Water Plan is not designed to address the systemic problems of water supply adequacy. A comprehensive review of water law and policy must be undertaken to ensure that the correct questions are answered and Texas's water future is made sustainable.

The first foundational challenge we must recognize is Texas's massive water deficit. Supplies are over-allocated, with more water owed to water rights holders than there is available water. If every entity that holds a water right demanded their share today, there would not be enough water to distribute to them. Colorado's system of governing water includes a Water Court and judge that decide water rights and water disputes. While Texans rely on more traditional systems of allocating water, we need to accept that our approach must be overhauled and modernized.

Second, we need to adopt the approach of other western states that govern surface and ground water as a single resource. Under Texas law these resources are managed separately, although scientific evidence shows that they are interrelated. Particularly in Central Texas, streams that flow on the surface occasionally slip below ground only to reemerge again as surface water. When this single stream runs on the surface, it is allocated through water rights granted by the state that owns the water. When that same stream flows underground, it is managed by the "rule of capture"—within

some constraints, you have the right to as much water as you can pump. Upon resurfacing, the resource is again owned by the state. Our continued reliance on an outdated, disconnected system of managing surface and groundwater is no longer adequate.

Third, we need to coordinate our various water planning initiatives to ensure the streamlined management of water. Texas is a leader in areas of water planning. Besides the State Water Plan, we also lead the nation in planning for providing water in streams and rivers to protect riparian and estuarine habitat. These planning activities are powerful tools for managing water, but they lack integration. There is a growing disconnect between planning for future water supplies and ensuring adequate supplies to keep Texas' rivers and bays healthy and productive.

Fourth, Texas must realize that we cannot build our way out of our water deficit. Most community-based plans are developed by a handful of consulting firms using the tired approach of promoting capital-intensive infrastructure projects, including reservoir building, that lack critical evaluation. To ensure secure water supplies within the state's financial constraints, more effective strategies must be developed. Texans should not be convinced that paying for expensive projects is the only path to adequate water supplies.

A critical strategy that is overlooked in planning is water conservation on a grand scale. Conservation is always the least-cost approach to ensuring future supplies of a limited resource. We should unapologetically promote opportunities for conservation across all sectors of the economy, whether agriculture, manufacturing, recreation such as golf courses, or electric utilities. Minimizing landscape irrigation alone represents a profound opportunity for conservation, accounting for 60 percent of residential summer water use.

Texans should not allow the status quo to stand in the way of a secure water future. There are numerous private interests that benefit from the status quo, and their lobbyists are intensely engaged in protecting these interests. As water policy is reviewed in the upcoming legislative session, it is essential for the public to also engage in the water debate. The conference at Texas State University was a start to that discussion.

<http://www.statesman.com/news/news/opinion/hastings-ask-the-right-questions-about-texas-water/nSyn5/>

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