

Support the Sustainable Groundwater Development Act: Sustainable, Regional Partnerships Are the Key

Texas faces periodic drought, continuing population growth, and the need to remain economically competitive. Water supply is critical to facing each of these challenges. Every effort must be made to develop sufficient and cost-effective water supplies on a sustainable basis.

The majority of Texans today rely on surface water projects that were developed in response to the prolonged drought of the 1950's. This drought of record has been exceeded in parts of the state while the population continues to grow at a dramatic rate. Clearly traditional sources of municipal water supply are in many cases inadequate to meet future demand. However, the need for additional resources must be balanced against the protection of the state's limited water resources for the needs of future generations.

Groundwater is a mainstay of rural and agricultural communities, and its value to the state economy and the security of the nation's food supply cannot be overstated. The last decade, though, has seen a surge in private efforts to market groundwater across vast distances to municipal end-users with little regard for rural and agricultural communities. These private efforts don't come from the water-planning or environmental sector. Rather they represent institutional investors and speculators who look to government debt to balance their high-risk portfolios.

Such investors have been making use of well-positioned lawyers and lobbyists to impose their own de facto Water Plan on the people of Texas. Unlike the official State Water Plan, their plan is not predicated on the need for water supply projects. Frankly, the needs of local communities and the environment have no place in it. And these investors have been very successful, facing little organized opposition at the State Capitol and before local governments.

As a consequence, the State Water Plan has been relegated to the sidelines and replaced by a plan predicated on: (1) moving high quality freshwater from rural and agricultural communities to distant municipalities; (2) bullying groundwater conservation districts into permitting well-fields without regard for either sustainability or need; (3) lobbying public officials to ignore conjunctive or other alternate projects in the State Water Plan; and (4) suborning regional projects so that as much groundwater as possible will be mined as quickly as possible.

Institutional investors and financial speculators benefit from their de facto Water Plan because they can place large sums of money in long-term debt guaranteed by local rate- and tax-paying residents with little notice and accountability, at least until the public has to begin to pay for all that long term debt. By then, the investors, and of course their lawyers, engineers and an army of consultants will have long since cashed out and left the public to pay the cost and continued maintenance for redundant and unnecessary projects.

The foregoing scenario isn't a matter of speculation or a warning of some future calamity. It is already

being played out in San Antonio. The reality is that the rate- and tax-payers of San Antonio are on the hook for as a \$3,400,000,000 142-mile pipeline project, despite the uncontroverted fact that the actual, ignored, State Water Plan includes projects that could have provided the same amount of water at less than half the cost and would have allowed the city to share the cost of operation and maintenance of the project with other communities.

The Vista Ridge scandal and men behind it is a powerful illustration of the need for The Sustainable Groundwater Development Act.

The Sustainable Groundwater Development Act will foster cost-effective projects based on sustainability, regional partnerships, and conjunctive uses. Groundwater is a finite asset that is recharged slowly and for which the risk of overdraft is significant. To help this state meet its current and future water needs while avoiding wasteful and duplicative projects, it makes for sound public policy to develop groundwater on a regional basis concurrently with other water planning solutions.

What the Sustainable Groundwater Development Act Does:

- Adds a chapter to the water code promoting groundwater development on a sustainable basis
- Restores a reasonable definition of need to prevent speculation in groundwater
- Clarifies that Permits issued by Groundwater Conservation Districts neither convey nor limit existing property rights
- Requires political subdivision to consider regional alternatives before undertaking groundwater projects
- Enhances the economic value of state property rights in the beds and banks of Texas rivers
- Ensures that groundwater projects do not diminish existing surface water rights or environmental flows
- Requires river authorities to monitor and collect data on the surface groundwater exchange
- Creates an Office of Public Interest Counsel to participate in public hearings on major permit applications

Advantages of the Sustainable Groundwater Development Act:

- Fosters cost-effective groundwater projects based on principles sustainability.
- Prevents wasteful, duplicative projects by promoting cost effective regional partnerships.
- Promotes projects based on multiple sources of supply, conservation and storage
- Provides meaningful public participation in groundwater conservation district permit hearings

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