

CWIC Water News

A publication of the Colorado Water Issues Committee
Issue 4, Volume 1, September 23, 2010

This newsletter is provided to keep you informed of actions taken by the Colorado Water Issues Committee on behalf of the committee's constituents - the rice producers and related industries that depend on water from the Colorado River. CWIC has been proactive on your behalf and reports the following for your information:

- ✚ **Presentation Developed** - CWIC has utilized the services of LRPR to develop a PowerPoint presentation suitable for highlighting the importance of the rice industry. The presentation focuses on three general areas of the industry's contributions: 1) Economic, 2) Environmental and 3) Cultural. Ronald Gertson utilized the presentation during a recent rice industry tour sponsored by LCRA for members of the seven LCRA Regional Councils. Feedback from this presentation is being incorporated into an updated version that will be presented to the LCRA Water Management Plan Revision Committee in October. Presentation materials will be personally tailored for each of the individuals who have indicated a willingness to serve on a CWIC speakers bureau (Laurance Armour III, Robby Cook, Daniel Berglund, Haskell Simon and Ronald Gertson). The material is designed to encourage and solicit a positive response toward the rice industry especially from mid and upper basin constituents who have had limited or no exposure to the industry.
- ✚ **Website Planned** - In this fast-track, multi-media world it is essential that our industry communicate in the ways that our intended audience utilizes. With that goal in mind CWIC and Texas RICE are partnering to develop a professional website that will serve as a clearing house for information related to the rice industry particularly for non-producers. This will be one more vehicle for getting our positive story out, and it will provide a place where supporters can connect with us through on-line services.
- ✚ **Water Management Plan Revision Underway** - LCRA manages its water supply lakes in accordance with a TCEQ-approved Water Management Plan (WMP) that is a stipulation of the water right that allows LCRA to store water from the Colorado in Lakes Buchanan and Travis. The WMP is revisited periodically for updating made necessary by growth in water demands. The WMP dictates the conditions under which stored water for irrigation may be interrupted in order to protect a firm supply reserved for municipalities and industry. The LCRA utilizes a committee of stakeholders to advise the staff and Board as various management scenarios are considered. This new stakeholder committee has met

three times over the past three months in preparation for the development of a new draft WMP to be completed in the latter half of 2011. Upon LCRA BOD approval the new plan will go to the TCEQ for hearing and eventual approval by the Commission.

CWIC anticipates utilizing its engineering and legal consultants to support the irrigation stakeholders on this revision committee as this process plays out. Irrigation stakeholders serving on the committee are Haskell Simon, Robby Cook, Laurance Armour and Ralph Savino, and they are supported by alternates G.W. Franzen, Ronald Gertson, Joe Crane and Jeff Dugie.

✚ **Groundwater Concerns** - Several "farmer", "rancher", landowner groups, including Farm Bureau and Texas and Southwest Cattle Raisers, have taken to the road to stir up support for a particularly dangerous policy position regarding groundwater ownership. By waving the property rights banner these organizations are capitalizing on the zeal that sprung up in response to the Trans Texas Corridor and eminent domain reformation. However, the issue of groundwater ownership is not so cut and dried. Texas groundwater has been governed by the tort law known as the rule of capture for more than a century. This rule enables a property owner to sink a well and pump however much he can put to a beneficial use. The afore mentioned organizations are promoting legislative and judicial policy intended to clarify once and for all that the surface owner owns the water beneath his land even before he captures it. While that sounds like good and fair policy, it directly conflicts with the rule of capture and would put at risk most if not all forms of irrigated agriculture.

Irrigation requires volumes of water that typically far exceed the amount of water that could be relegated to the actual acreage being irrigated, therefore the irrigator is utilizing groundwater that originates from beneath other land. This is allowed under the rule of capture, however if it is clarified that each landowner owns what is beneath his land at a given time, then the irrigator will owe his neighbors for the use of their water. Furthermore, his neighbors can choose to sell their groundwater to a distant thirst city forcing the irrigator to give up water that he has built his farm and livelihood upon.

Efforts are underway to change Farm Bureau policy on this matter to more properly align it with farming interests. Please support these efforts to help preserve the rural lifestyle that irrigation helps to make possible. Don't fall prey to the "property rights" ploy being used to destroy irrigated agriculture and send groundwater to the cities.

by Ronald Gertson, Chair Colorado Water Issues Committee

Let us never forget that the cultivation of the earth is the most important labor of man. When tillage begins, other arts follow. The farmers, therefore, are the founders of civilization. - Daniel Webster

CWIC Water News is a publication of the Colorado Water Issues Committee of the Texas Rice Producers Legislative Group. CWIC Water News is published on an as needed basis to inform and educate surface water stakeholders of the lower Colorado River basin. Any opinions expressed herein are those of the writer and are not necessarily representative of the rice industry as a whole. Forward comments or suggestions to Ronald Gertson at ronaldg@elc.net.

Texas Rice Producers Legislative Group is a 501c(5) organization
