KEEPING RIVERS FLOWING: INNOVATIVE STRATEGIES
(Webinar 2)

- Myron Hess
- Manager, Texas Water Programs/Counsel
- National Wildlife Federation

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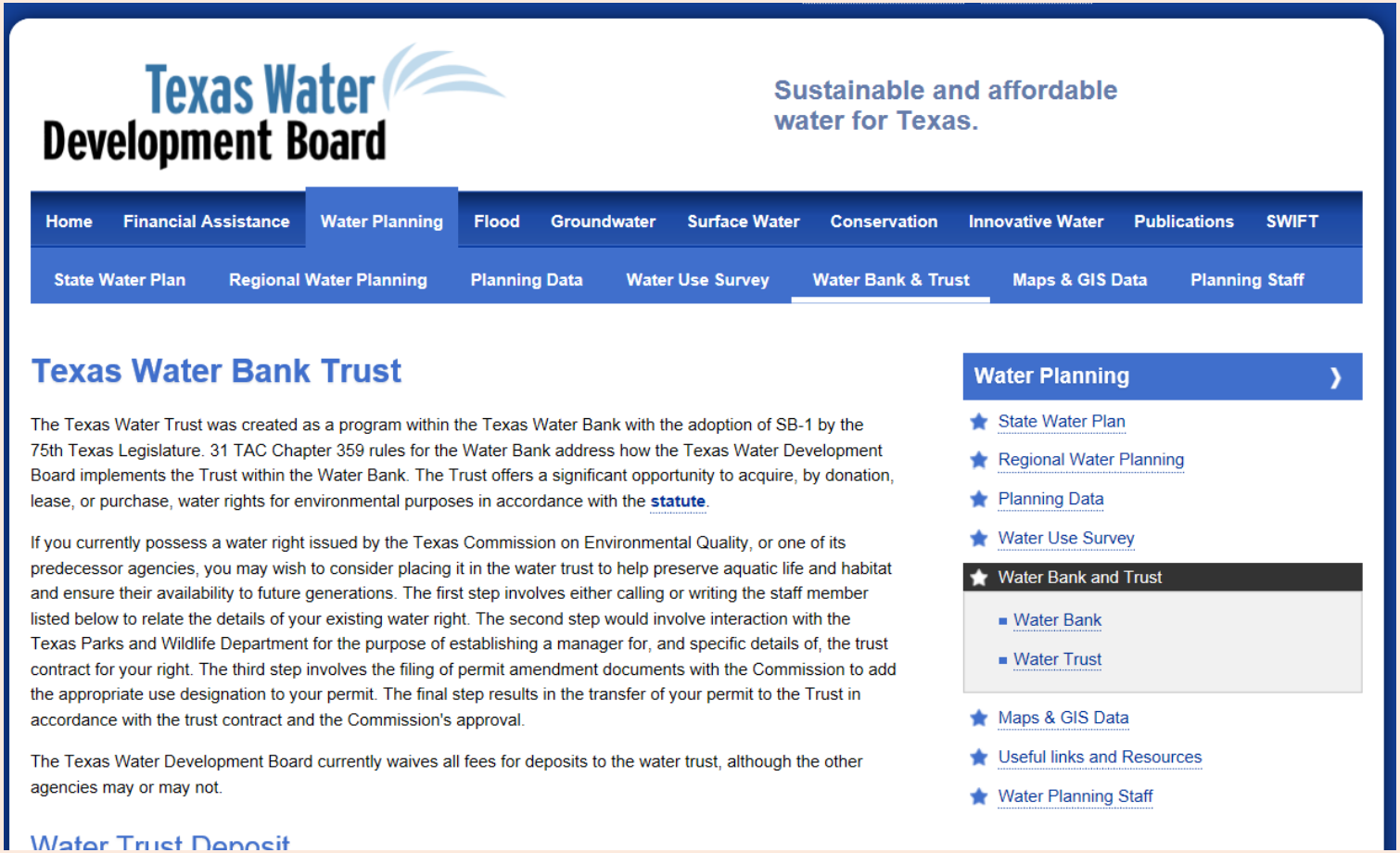
Texas Water Trust Mostly Under the Radar



http://www.twdb.state.tx.us/waterplanning/waterbank/trust/

Few Rights Deposited

Water Trust Deposit

River/Stream	Quantity	Term	Location	Date of Deposit	Comments
Rio Grande	1236 Acre-ft	Perpetuity	Hudspeth Co.	08/18/2003	2 Water Rights: (1) Certificate of Adjudication No. 23-914, (2) Permit No. 3041
San Marcos Tributary to the Guadalupe River	33,108 Acre-ft	Perpetuity	Hays Co.	04/24/2006	Certificate of Adjudication No. 18-3865D

Additional Links for Texas Water Trusts

Note: This list is not comprehensive

- Guadalupe-Blanco River Trust
- Trans-Pecos Water Trust
- San Saba River Trust (Email Caroline Runge, or 325-396-3670)

Flood Mitigation Planning

TNRIS

Sign-Up

Legal Authority to Convert Existing Rights Is Explicit

Texas Water Code Section 11.0237:

- WATER RIGHTS FOR INSTREAM FLOWS DEDICATED TO ENVIRONMENTAL NEEDS OR BAY AND ESTUARY INFLOWS. (a) The commission may not issue a new permit for instream flows dedicated to environmental needs or bay and estuary inflows. The commission may approve an application to amend an existing permit or certificate of adjudication to change the use to or add a use for instream flows dedicated to environmental needs or bay and estuary inflows.

What Is Needed?

- Better, and broader, appreciation of problem
- An active advocate/facilitator
- Adequate funding and demonstrated precedent

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Table 7.7-1

Comparison of BBEST Recommendations for Matagorda Bay Inflows from Colorado River Basin to WAM Run3 Values		
Regime Title	BBEST Recommended Value	WAM Run3 Calculated Value
Attainment Frequency for Threshold Regime	100%	65.5%
Attainment Frequency for MBHE 1 Regime	90%	35.6%
Attainment Frequency for MBHE 2 Regime	75%	16.9%
Attainment Frequency for MBHE 3 Regime	60%	11.9%
Attainment Frequency for MBHE 4 Regime	35%	8.5%
Long-Term Average Volume	1.4 to 1.5 million acre-feet	877,000 acre-feet
Coefficient of Variation for long-term volume	Above 0.8	1.3

FROM ENVIRONMENTAL FLOWS RECOMMENDATION REPORT, THE COLORADO AND LAVACA BASIN AND BAY AREA STAKEHOLDER COMMITTEE, AUGUST 2011, p. 119.

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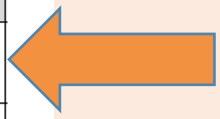

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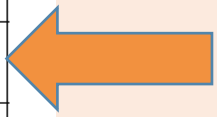

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House Committee On Natural Resources Interim Charge

- 3. Explore opportunities to encourage voluntary protection and stewardship of privately owned lands in support of the state's water supply and to protect environmental flow needs in Texas rivers. Examine methods in which state agencies, water rights holders, and non-governmental organizations can work together through programs like the Texas Farm and Ranch Lands Conservation Program and the Texas Water Trust.
- Hearing scheduled for June 25 at 10:00 am in Texas Capitol Extension Room E2.010

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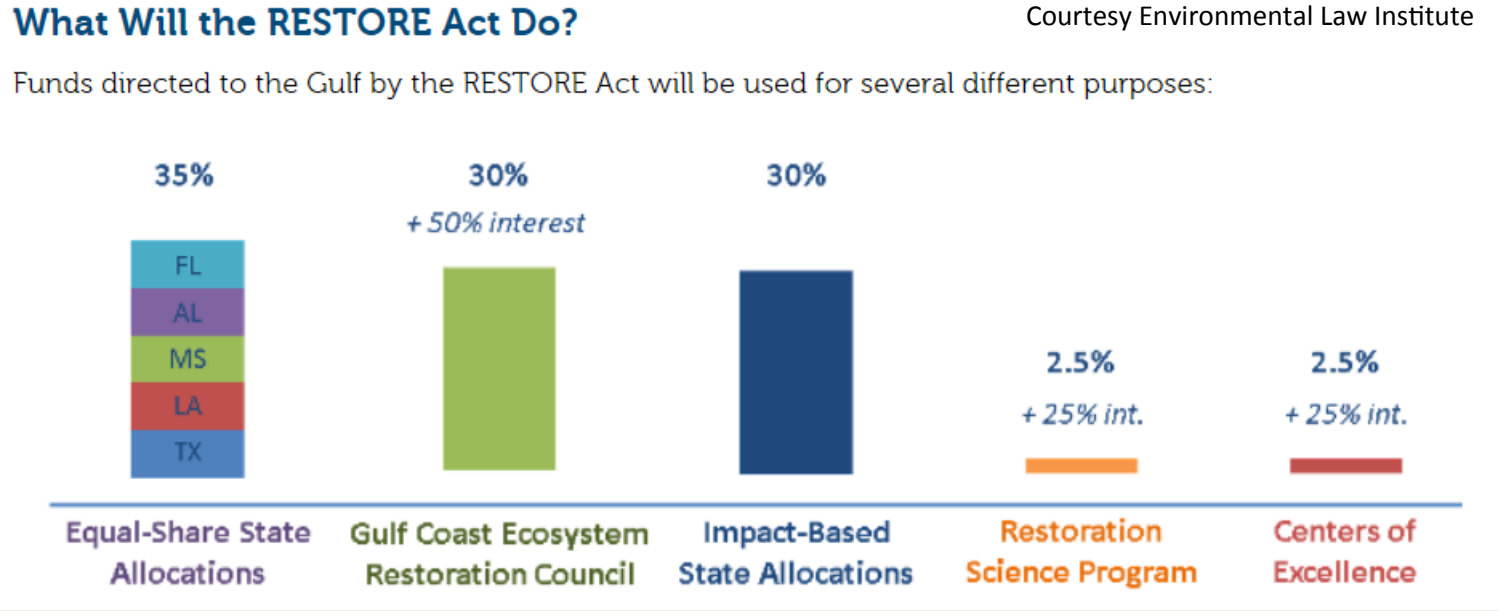
Funding Opportunity

Federal RESTORE Act

(80% of CWA Civil Penalties)



Civil Penalty Liability Still Being Litigated

(Transocean Settled: $1.4 billion total, $800 million under RESTORE Act and $150 million to NFWF)

Potential Funds from the *Deepwater Horizon* CWA Penalties:*

Courtesy Environmental Law Institute

*The quantity of barrels of oil discharged into the water is currently being litigated. We use 4.1 million barrels in the above chart because that was the estimate of the U.S. Department of the Interior's Flow Rate Technical Group in their 2011 report

National Fish And Wildlife Foundation Gulf Environmental Benefit Fund

- From settlement of criminal penalties:
- Over five years:
- a total of $1.272 billion for barrier island and river diversion projects in Louisiana, $356 million each for natural resource projects in Alabama, Florida, and Mississippi, and
- $203 million for similar projects in Texas.

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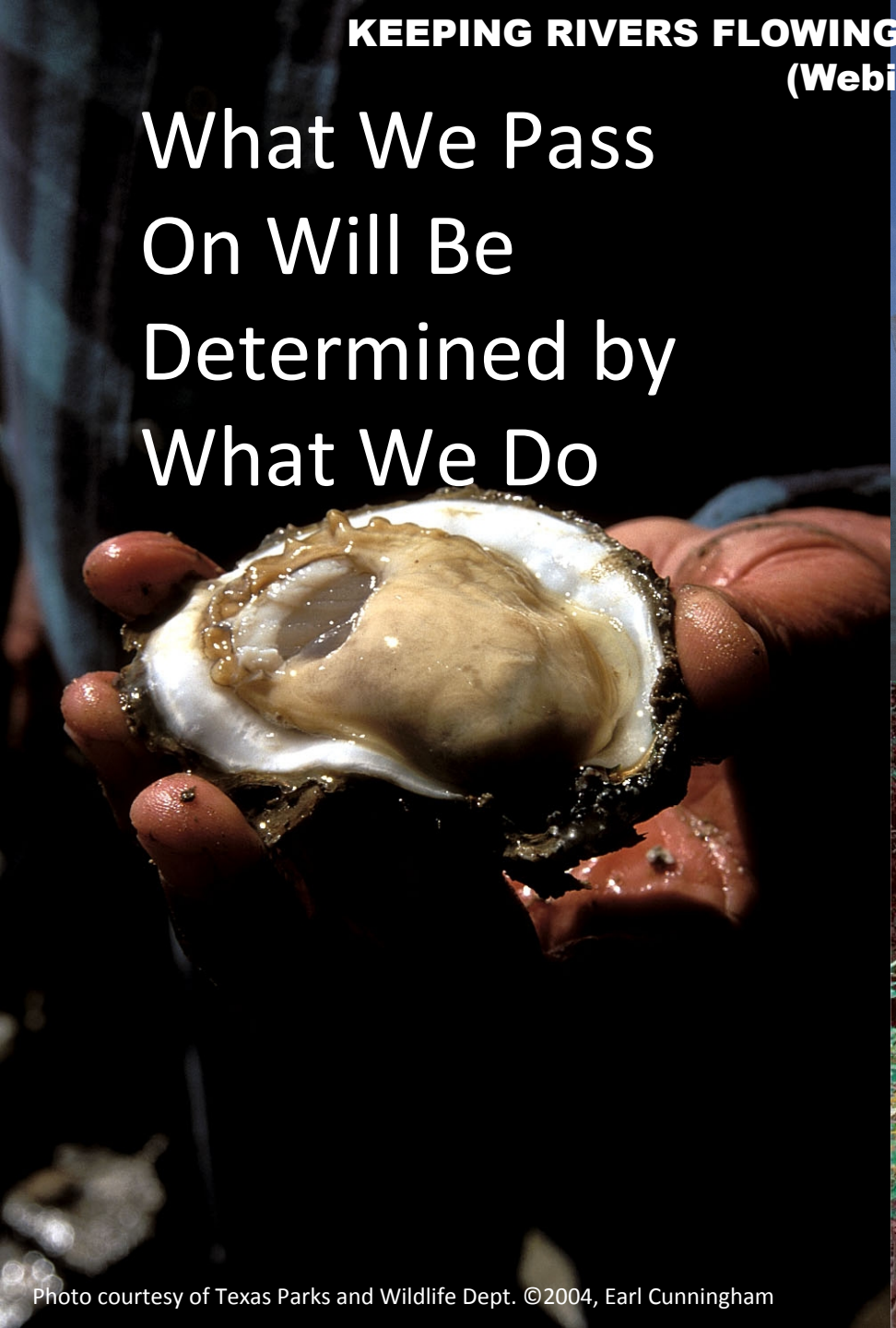
What We Pass On Will Be Determined by What We Do



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