

# CHAMPIONS OF TEXAS WATER

**A**t quick glance, the two Texas women might seem opposite. One is tall, brown-haired and East-coast educated; the other petite, blonde and educated on the West coast. A closer look reveals two women who are both ranchers and state officials with a similar passion for Texas and preserving its waters.

Kathleen Hartnett White is chair of the Texas Commission on Environmental Quality (TCEQ), and Susan Combs is Texas Department of Agriculture Commissioner. In private business and in public service, both have made an impact in the arena of Texas water.

Combs oversees an agency dedicated to the state's second-largest industry—agriculture, which generates \$73 billion a year and provides a job for one out of every seven working Texans. As agriculture commissioner, Combs has championed Texas groundwater rights issues and battled Mexican

officials over water that country owed the United States.

White, as TCEQ's chairwoman, is involved in maintaining and improving the quality of Texas water as well as regulating surface water rights.

Both women come from a long line of West Texas ranchers from whom they developed their love of the land and respect for water. White and her husband own a 115-year-old ranch that spans Jeff Davis and Presidio counties. Ninety miles down the road, in Brewster County, Combs and her family have a working ranch established by her great-grandfather more than 120 years ago.

When asked what personal characteristics make the women effective in their positions, people who work with them say they are “highly intelligent,” “articulate,” “personable” and “understanding of issues.”

Glenn Jarvis, a South Texas lawyer for 40 years, has worked with Combs and White on several water issues. “They both have real high quality of moral courage; they stand for and support what they believe in as opposed to what people might want them to stand for,” he said. “We’ve been fortunate to have each of them in their respective positions.”

Jarvis has worked with White through his involvement in converting water rights from irrigation to municipal purposes. “She has a good grasp of water rights and water resources. She has the ability to analyze and get to the real issues,” he said, adding that she applies “legal principles in a very logical, straightforward way.”

Representing the Rio Grande Valley’s water users, Jarvis teamed with Combs and White, among others, in the recent fight to get Mexico to repay its water debt from the Rio Grande. Under a 1944 treaty, Mexico agreed to release water into the Rio Grande from six Mexican tributaries. In return, the United States releases water to Mexico from the Colorado River. Mexico fell behind on its obligations in the 1990s and the Mexican deficit, which peaked at more than 1.5 million acre-feet from 1992 to 2002, was repaid September 2005, but not until after a political struggle.

Combs was “very aggressive in protecting agriculture’s interests” during the struggle, Jarvis said.

Ray Prewett, president of Texas Citrus Mutual and executive vice president of Texas Vegetable Association, two trade associations, also worked on the water debt issue with Combs and White. “Both were strong advocates for Texas,” he said.

He described Combs as “unrelenting” in getting the debt repaid. “She was very outspoken and persistent to take on that issue and work with key officials in Washington and Austin,” he said. “She has a bully pulpit and status as agricultural commissioner to become involved in water issues. Had it not been for her strong, persistent voice, I am not sure the water debt would have ever been paid back.”



*Susan Combs,*  
Commissioner,  
Texas Department  
of Agriculture



- Born in San Antonio
- Graduated from Vassar College, New York
- Received a law degree from The University of Texas Law School
- Served as Texas state representative from 1993-1996
- Elected as Texas Agriculture Commissioner in 1998
- Married with three sons
- Operates Combs Cattle Co., a family ranching business in Brewster County

*Kathleen  
Hartnett White,*  
Chair,  
Texas Commission  
on Environmental  
Quality



- Born in Salina, Kansas
- Graduated from Stanford University, California
- Studied law at Texas Tech University, Lubbock
- Appointed to the Texas Water Development Board in 1999
- Appointed to Texas Commission on Environmental Quality in 2001
- Named chair of the commission by Gov. Rick Perry in 2003
- Co-owner of White Herefords and a 115-year-old ranch in Jeff Davis and Presidio counties

Having ranching in their backgrounds has helped both women understand the issues facing agriculture, said Ned Meister, the Texas Farm Bureau's director of commodity and regulatory activities.

Of Combs, he said: "Owning a ranch in West Texas, having had management responsibilities on that ranch, gives her a fundamental understanding of agriculture. She is a very quick study on issues she may not be familiar with. She has good political connections, which is important in a political job like hers. That gives her the ability to help move her agenda forward."

White's ranching background, Meister said, has also given her an understanding of the challenges people in agriculture face. "When she has to make a decision that affects agriculture, she makes it with the knowledge of the impact on agriculture," he said. "She can put herself in the place of someone who is going to be regulated and she understands that."

Meister said being chair of the Commission is not an easy position because of all the environmental requirements and regulations. "It takes somebody with a lot of stamina, willpower and dedication to do that."

Meister has also worked with White on identifying the sources of bacterial pollution in Central Texas lakes and rivers. Until recently, many people felt dairies were the major source of bacterial pollution. Through bacterial source tracking, Meister said, wildlife is also recognized as a major source.

"She's very supportive in finding a way to account for the sources equitably. She's very understanding that the process needs some tweaking so it does take into account what we call background sources, which would include wildlife," Meister said.

Combs and White agreed the most pressing Texas water needs are all tied to the growing demand on the state's water supply, whether it is surface or groundwater.

In the draft *Water for Texas—2007*, the state's water plan, the Texas Water Development Board predicted

that by 2060, Texas' population would double to 46 million, with a 27 percent increase in water demand. At the same time, total water supplies are projected to decrease by about 18 percent.

"Water is hugely important," Combs said. "It determines all economic activity. You can't put a dollar value on how important it is. It is critical to the state that we have adequate water."

White said, "The state's ability to meet future water demand is the overarching problem because from that steadily, rapidly increasing demand on our groundwater and surface water comes a host of other issues. Water quality, environmental flows and water rights all rear their heads as very important issues as the state tries to meet the increasing demand on our water supply."

For Combs, the increased demand plays out in one area she calls "the urban-rural interface conflict."

"There is a tension between the growing urban need for water and rural landowner rights," Combs said. An example, she said, is in East Texas where cities such as Dallas are trying to build reservoirs to meet their increased water needs, but are meeting opposition from the local residents. "This tension is going to get worse until a rational market system is found, a rational system that does not leave the rural guy without water," Combs said.

She said there also needs to be an equitable way to manage the state's groundwater rights, which unlike surface water rights, have only recently been regulated. For years, Texas landowners followed the 1904 rule-of-capture law that says landowners can pump as much water as they can use as long as it is not wasteful or malicious. In 2001, groundwater districts were given some authority to regulate groundwater use.

Today, approximately 85 percent of Texas land is in groundwater districts that manage and protect groundwater, but, Combs said, the districts vary in their ability to gather and analyze data and make decisions about competing interests for the groundwater.





Some groundwater owners, such as cities, pump large amounts of water while ranchers, farmers or small towns may pump a smaller amount. Combs compared it to straws, with some sipping from big straws; others from small straws.

“I do think that the legislature needs to come up with a way to look at balancing competing interests for groundwater,” Combs said. “We should maintain and enhance the ability of these local districts to do their job and to ensure local landowners are protected and fairly treated,” she said.

Advocates of preserving property rights, Combs and White said the legislature should move in the direction of a system similar to the correlative rights of the oil and gas industry, which allows landowners the opportunity to produce their fair share of the recoverable oil and gas beneath their land as long as it does not adversely impact their neighbors.

Another issue that needs legislative clarification, both said, is the reuse of water by cities after they have used it for drinking water. Until recently, cities would use the water, clean it up and then discharge it back into the river for downstream users. Some cities want to reuse the water to irrigate golf courses or for industrial use, leaving the rivers and water users downstream without that water.

“It is unclear under the Texas Water Code the manner in which the state can or can not authorize that so the issue of reuse needs clarification in law,” White said.

“You start seeing interesting policy questions about purchase of water by cities and what it means downstream,” Combs said. “It has far-reaching policy implications.”

Because the need for water is growing, White said a concerted statewide effort on water conservation is needed. “It is very important that this state realizes the current and ever-increasing scarcity and, therefore, the greater value of our water supply and develops ways to use water more efficiently, to use less water for the same thing.”

“Proper land-stewardship management techniques, including brush management and responsible grazing, increase surface and groundwater supplies,” Combs said. “They are keys to meeting the state’s future needs and are extremely cost-effective strategies.”

Although White said she believes the legislature needs to clarify the law about groundwater rights, environmental flows and water reuse, she is a firm believer in the market system. “I think the market is the solution. I think the state forcing rural people to give under-priced water to urban areas is not right.”

Solving these water issues needs to be sooner rather than later, they agreed.

“I think the quality of life, the Texas economy and the Texas environment depend on how we handle this water problem in the next few years, the next 20-30 years,” White said. “There won’t be any time after that.”

“I think it’s possible for Texas to meet that double population and be able to meet the water supply of the still-growing economy as well as protect the aquatic systems and the flows in our surface water because I think there is a growing awareness that water efficiency and water conservation is paramount to the future of this state.”

Combs agreed the future of Texas depends on how the state approaches water policies today.

“Thoughtful water policy is a Texas issue that is going to take the dedication and commitment of all Texans to develop fair and equitable solutions to our future water needs.” 