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**Texas Droughts and Water Policy:
Past, Present and Future**

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Droughts and Water Policy in Texas

It is well supported that weather drives state water policy. Droughts have led to the creation of many of our water management entities, such as river authorities, state agencies, and hundreds of local water districts. Weather events have informed how we administer surface water rights, regulate groundwater, and plan for future water supplies.

The purpose of this document is to provide some context to the evolution of state policy related to droughts, and to prompt consideration of our successes, failures, and challenges to come, such as:

- Are our current policies and planning processes sustainable?
- How reliable is our current infrastructure?
- How viable are our current plans?

Texas population in 1850: 212,595 increasing to 604,215 by 1860

- **Drought of 1856** led to the creation of a state geological survey in 1858 to make scientific recommendation on soil utilization and water resources to assist drought-stricken farmers; survey was suspended once the civil war started

Texas population in 1880: 1,591,749 increasing to 2,235,527 by 1890

- **Drought of 1886–1887** led to the creation of a second state geological survey, also with a water emphasis
 - Completed surveys of artesian wells
 - Proposed a state program to build reservoirs (with prison labor), thought to be the only way to support irrigation in the arid parts of the state
- **Drought of 1886-1887** led to the introduction of prior appropriation to Texas
 - Governor Sul Ross advocated for irrigation and prior appropriation in Texas in January 1889
 - Bills passed implementing both in 1889.

Texas population in 1900: 3,048,710 increasing to 3,896,542 by 1910

- **Drought of 1901** led to the Rule of Capture (East Case)
- **Drought of 1909–1912** led to the creation of Texas Board of Water Engineers and the centralization for water rights claims (Burgess-Glasscock Act)
- **Drought of 1916–1918** (in conjunction with the 1909–1912 drought) led to the Conservation Amendment

- The Conservation Amendment enabled the Legislature to create governmental entities whose purpose was to develop water resources by building dams and water delivery systems. Water was “conserved” by placing it in storage for later use. The governmental entities to be created were conservation and reclamation districts.
- The conservation amendment was also significant because it declared water resources to be public rights and duties. It empowered the Legislature to pass laws as may be appropriate for the conservation, development, distribution and control of its water resources. And it vested lawful water rights acquired prior to its enactment while granting authority to the Legislature to pass laws appropriate to protect the public’s right.
- The construction and operation of large reservoirs and water delivery systems requires an entity with a large enough revenue stream to support the repayment of bonds or other financial instruments used to finance the public works. Consequently, the Legislature used its authorization under the Conservation Amendment to create a number of new special purpose districts called river authorities to build and operate these public works. The Brazos River Authority was created by the Legislature in 1929; the Guadalupe-Blanco River Authority was created in 1933; and the Lower Colorado River Authority was created in 1934.

Texas population in 1930: 5,824,715

- **Drought of 1933–1934** (The Dust Bowl) led to the (eventual) creation of groundwater conservation districts
 - In 1936, the Great Plains Committee, created by Roosevelt as a response to the Dust Bowl, noted that the Great Plains states, with the exception of New Mexico, had inadequate or non-existent statutes related to groundwater.
 - Legislation to regulate groundwater failed in 1937.
 - In 1938, echoing a recommendation made in 1930, the Texas Board of Water Engineers called for state ownership of groundwater.
 - Legislation to regulate groundwater failed again in 1941.
 - Lubbock and Big Spring in 1946 passed resolutions calling for the regulation of groundwater.
 - Legislation died in 1947.
 - Concern over water-level declines continued to grow with more calls for regulation by industry and municipal groups.
 - The legislation allowing for the creation of groundwater conservation districts passed in 1949.
 - The first district created was the Martin County UWCD no. 1 in September 23, 1951.
 - Five more UWCD were created in the panhandle in the 1950s.

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