



Brief: Water Availability

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Key Points:

- 1. Water can be an economic good, but cannot be reduced to a commodity.**
- 2. Agriculture uses over half of water, but municipal use will lead by 2070.**
- 3. Five principles should be used to plan for future water availability & use.**

A Catholic perspective: While science and faith use different language to describe the natural world, these distinct approaches can enter into a dialogue that benefits both.^[1]

Catholic teaching on the world begins with an understanding that it is God’s creation and given to us as a gift.^[2] In the Book of Genesis, God looked over creation and said it was “very good.”^[3] Each animal and creature reflects a portion of God’s wisdom and goodness.^[4] Our first parents were given dominion over nature, and thereby became its stewards.^[5] Yet through sin, men’s and women’s relationship with nature—and with each other—is disfigured and tends to extremes.^[6] In environmental policy, for example, some worship nature while others tirelessly exploit it.^[7]

Such extreme positions are opposed to Catholic ecology. On water policy, for example, our position is that water can be considered an economic good but should not be reduced to a commodity. Rather, we must ensure a balance between providing water for basic human needs and allowing it to be properly valued for other beneficial uses.^[8]

Because Texas water law is a technically complex policy topic which doesn’t include direct church ministry, we offer legislators and their staff five principles of action by which we hope they will test current legislative proposals.

Human dignity: The human person was created by God and imbued with dignity, and water law should not incorporate proposals that attempt to solve environmental problems without reference to the human beings that will be impacted by such solutions.^[9] We should not set the protection of the environment at odds with the protection of human life.^[10]

Preferential option for the poor: The poor have a special claim on our actions because each of us will be judged by how we treat the weakest among us.^[11] Accordingly, water laws should ensure that the poor have ready access to safe and clean drinking water.^[12]

Solidarity is a firm and persevering commitment to the common good which is distinct from a feeling of vague compassion or shallow distress at the misfortunes of those who suffer.^[13] As applied to water law, this principle sheds light on our obligation to future generations: we should work diligently to ensure that water is available for our children’s drinking and agriculture needs.^[14]

Subsidiarity teaches that powerful organizations should help—not supplant—less powerful groups.^[15] Accordingly, state law should help river authorities, regional water districts, local water development boards, and groundwater districts achieve the common good.

A *common good* is a goal which is good for both an individual and a group they are a member of. Under proper legal conditions, Texas *and* Texans will have ready access to their fulfillment.^[16] Water laws which respect this principle will prevent individuals from using water solely for their own benefit.^[17]

Texas law and policy: Texas’ population is the 2nd largest in the U.S., has increased more than any other state since 2000, and is expected to increase from 29.5 to 51 million (70 percent) between 2020 and 2070.^[18] Each person’s daily water use ranges from 150 to 182 gallons, and while agriculture uses the majority of water in Texas (Figure 1), municipal use is projected to overtake agriculture by 2070.^[19] Critically, Texas has had at least one severe drought every decade for the past century.^[20] Seeing this, state legislators have long worked and struggled to manage Texas’ water.

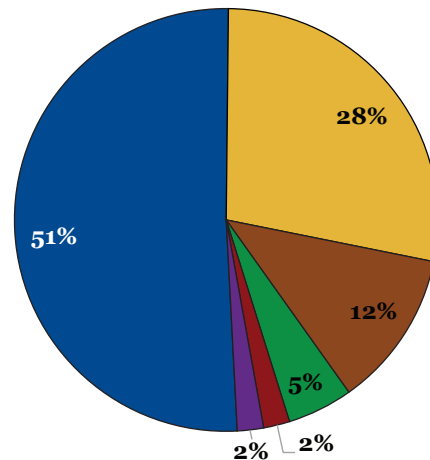
Texas law distinguishes water into *surface water* and *groundwater*. Roughly speaking, surface water is *state water* and includes rivers, streams, lakes, and bays.^[21] Groundwater is water percolating below the Earth’s surface and is distinct—in law—from surface water.^[22]

In order to quantify, inventory, and manage water resources, in 1967 state legislators established a review process by which individuals could receive a permit to use state water.^[23] Prior to this law, landowners whose property was adjacent to surface water had a right to use an unquantified—but reasonable—amount of the water, but this right was curtailed by the 1967 Act, according to which an applicant’s right to surface water was carefully quantified, depended upon prior use, and depended upon whether the water would be put to beneficial use.^[24] Surface water is over 66 percent of the existing water supply for municipal, manufacturing, steam-electric, and mining use.^[25]

In contrast, state law provides that landown-

Figure 1: Projected annual water demand, by use category (2020 projection)

■ Irrigation ■ Municipal ■ Manufacturing
 ■ Steam-electric ■ Livestock ■ Mining



Texas Water Development Board, 2017 *State Water Plan*, 56.

ers may own the groundwater as real property, entitling them to drill for and produce groundwater, subject to exceptions for waste, malice, negligent subsidence, and regulations by groundwater conservation districts (GCDs).^[26] The Texas Supreme Court has ruled that land ownership includes an interest in groundwater that cannot be taken for public use without adequate compensation.^[27] Groundwater is over 75 percent of the existing water supply for irrigation and livestock use.^[28]

Call to action: To foster the prudent stewardship of water in the Texas legislature, please visit txcatholic.org/creation to find and contact your lawmaker. Please also pray for Texas and for our legislators, that they may uphold laws which strive to make water available for current and future Texans.

The TCCB is a federation of all Roman Catholic dioceses and ordinariates in Texas. There are 8 million Catholics living in our state. To contact us, call our office at 512-339-9882 or find TXCatholic on [Facebook](#) and [Twitter](#).

Endnotes

1. Pope Francis, [Laudato Si](#), May 24, 2018. § 62.
2. Compendium of the Social Doctrine of the Church (CSDC), § [487](#).
3. Gen. 1:31.
4. Catechism [#339](#).
5. Gen. 2:15.
6. [Laudato Si](#), § 66.
7. *Ibid.*, § 78.
8. Pontifical Council for Justice and Peace, [Water: an element for life](#), Mar. 2003. IV.
9. *Ibid.*, § 109.
10. Pope Emeritus Benedict XVI, [Address to Diplomatic Corps](#), Jan. 11, 2010.
11. Lk. 16:19-31; Mt. 5:3; Mt. 25:31-46.
12. [Laudato Si](#), § 93; Pontifical Council for Justice and Peace, [Water: an element for life](#), (Mar. 13, 2012. § 12-14.
13. CSDC § [193-196](#), [103](#).
14. [Laudato Si](#), § 159.
15. CSDC § [185-188](#); Pius XI, [Quadragesimo Anno \[On Reconstruction of the Social Order\]](#), May 15, 1931. § 79.
16. Vatican Council II, [Gaudium et Spes](#), (Dec. 7, 1965) § 22.
17. Pope John Paul II, [Sollicitudo Rei Socialis \[The Social Concern\]](#), Dec. 30, 1987. § 34.
18. Texas Water Development Board, [2017 State Water Plan](#), 49.
19. Mary Sahs, *Essentials of Texas Water Resources*, 4th Ed. (2016) 1:4-6; [2017 State Water Plan](#), 56.
20. *Ibid.*, 31.
21. Texas Water Code (TWC) § [11.021](#); *Essentials*, 1:9-10.
22. TWC § [35.002\(5\)](#). See *Essentials*, 1:13 for the several statutory and administrative definitions of groundwater.
23. TWC § [11.303](#); *Essentials*, 3:20.
24. *Essentials*, 3:20-24, 9:2.
25. [2017 State Water Plan](#), 68.
26. TWC § [36.002](#).
27. Texas Supreme Court, [Edwards Aquifer Authority v. Day](#) (2008); *Essentials*, 4:9-12.
28. [2017 State Water Plan](#), 70.