River trust secures historic water rights

■ Action ensures 23 million gallons will flow down the Guadalupe

By ROGER CROTEAU

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SAN MARCOS — In the first transaction of its kind in Texas, a San Marcos family will protect historic, senior water rights on the San Marcos River by assigning them to the Guadalupe-Planco River Trust.

The trust will then leave the 70-acre-feet of water per year in the river to protect the river environment and the gulf estuary that depends on fresh water from the Guadalupe River.

"This is kind of a natural evolution for a land trust in Texas," said Todd Votteler, the trust's executive director. "The state has been struggling with how to protect in-stream flows for the protection of bays and estuaries.

"There have been a lot of suggestions that people purchase water rights and retire them. I truly think you will see other river authorities doing this."

Many river ecosystems in Texas are in danger because water rights granted by the state at times exceed the flow of the rivers, leaving little or no water on which plants and animals depend.

The Thornton family in San Marcos agreed to lease the right for the 70-acre-feet of water, 23 million gallons a year, to the Guadalupe-Blanco River Authority for five years for \$3,675 a year. The GBRA in turn agreed to assign that water right to the

Guadalupe-Blanco River Trust.

The family and the trust expect the lease to be extended at the end of five years.

"Our family's desire is to ensure that these water rights, and their contribution to the flows of the San Marcos River, will be protected," Robert Thornton said. "We have been working with GBRA for several months to finalize this arrangement.

"It was our desire that these rights be placed with the trust. We know the trust understands and appreciates the value of these rights to our family, as well as to the river system and environment."

The water rights date to 1895 and 1905, making them among the oldest on the river.

"As long as the San Marcos Springs are flowing, this water will be available," Votteler said. "We are honored that the Thorntons have placed their faith and confidence in us."

The Thornton family members are direct descendants of Ed Cape, an attorney, banker and rancher in San Marcos who graduated from Texas A&M University in 1910 and returned to San Marcos. He was a GBRA board member and later a general manager from 1938 to 1960. He also proposed the construction of Canyon Dam. A plaque dedicating the dam states "to the wisdom and foresight of Edward M. Cape."

The Guadalupe-Blanco River Trust is dedicated to conserving the land and water of the Guadalupe River watershed for its natural, recreational, scenic, historic and productive value.

Landowners can donate land or the development rights to the land to the trust and receive tax benefits in return.