



# The Dogwood Times

A Publication of the Tyler County Forest Landowner Association

<http://tcforest.org/>

Tyler County Forest  
Landowner Association

Volume 13 Issue 3

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## General Meeting-Saturday, Sept 10, 2011

**Tyler County Extension Office, Woodville 9:30 AM**

"Dr. Deer," a.k.a. Dr. James C. Kroll, will present a white-tailed deer seminar 9:30 AM, Saturday, September 10, 2011 at the Tyler County Extension Office in Woodville. Dr. Kroll, co-star of North American Whitetail TV and a professor of forest wildlife and director of the Institute for White-tailed Deer Management and Research at Stephen F. Austin University in Nacogdoches, has spent over 35 years debunking popular misconceptions about America's favorite big game animal -- the white tailed deer.

James Kroll has spent 35 years debunking popular misconceptions about America's favorite big game animal -- the white-tailed deer. Kroll, a.k.a. Dr. Deer, is a professor of forest wildlife and director of the Institute for White-tailed Deer Management and Research at Stephen F. Austin University in Nacogdoches.

He's a regular on hunting and deer management seminar tours and also on the North American Whitetail television series where he delivers concise information about wild deer, ending each segment with a signature phrase "I'm James Kroll and this is my world."

Kroll has helped landowners from the Gulf of Mexico to the Canadian border manage deer. His cutting edge research includes the use of infrared triggered cameras as early as the late 1970s.

Today, thousands of hunters use inexpensive digital cameras (more than 100 models are available) to census deer herds, identify target bucks and track their movements.

For years, Kroll's research assistants have followed deer equipped with telemetry collars. He set up one Louisiana study where the movements of telemetry animals were tracked by satellites and computers around the clock.

Kroll's telemetry work introduced terms like "staging area," "sanctuary" and "sign post" to the whitetail hunter's lexicon. He even coined the term "food plot" because he hated early references to hunting on "oat patches."

Kroll produced one of the first videos to educate hunters on how to age deer by observing body characteristics.

"It's very gratifying to hear modern hunters talk about seeing bucks of a certain age in the field," Kroll said. "In the old days, hunters looked at a deer long enough to identify him as a buck, then they shot him. Today's hunter is much more educated about the deer, and I'm pleased to have had something to do with that."

Sportsmen can follow Kroll's latest study involving a captive deer herd near Stephenville via the Deer Channel ([www.deerchannel.com](http://www.deerchannel.com)). The high-fenced study area is sprinkled with remote-control cameras that track deer movements. What makes the study unique is that some of the deer are also equipped with cameras that reveal what the deer sees.

Not just an academic researcher, Dr. Deer is also an ardent deer hunter.

A donations container to cover the cost of lunch will be available for those staying for BBQ. For more information, see: <http://tcforest.org/>.

### Inside this issue:

*Surface Water  
Rights in Texas* 2

*Wildlife Habitat  
Incentive  
Program (WHIP)* 3

*Websites  
of Interest* 3

*Wildland  
Fire Stats* 3

**CHECK DATE  
MAIL LABEL** 4

### Hurry! Hurry!

Time is running out for you to join your Tyler County Forest Landowner Assoc. for 2011.

Remember your membership assists the County Appraisal District in qualifying you for the Timber Tax Exemption.

**CHECK the Mailing Label on the back of this issue. It should contain an '11 or greater year #.** A form is printed on the back for use in sending in your dues.

### DATES TO REMEMBER

**Sept 10—Saturday.** TCFLOA General Meeting. Tyler Co Extension Office, 201 Willow, Woodville. 9:30. Dr. James Kroll (aka Dr. Deer) discuss Whitetail Deer.

**Sept 15—Thursday.** Texas Forestry Museum Annual TREEmemdous Fund Raiser. Lufkin Civic Center. 5:00. Dinner, Speaker: James White, TX State Rep, Woodville. Entertainment, Live & Silent Auctions. Casual Dress. 936-632-9535

**Sept 17—Saturday.** 2011 Outstanding Tree Farm Tour & Lunch. FREE. 9:00-2:00, Rusk Co, near Mt Enterprise. RSVP before Sept 1: 936-632-8733 or [tfa@texasforestry.org](mailto:tfa@texasforestry.org)

**Oct 19-21—Wed-Fri.** Texas Forestry Association Annual Meeting. Termont Hotel, Galveston. 936-632-8733 or [tfa@texasforestry.org](mailto:tfa@texasforestry.org)



## Surface Water Rights in Texas

TCEQ website, [http://www.tceq.texas.gov/publications/gi/gi-228.html/at\\_download/file](http://www.tceq.texas.gov/publications/gi/gi-228.html/at_download/file)

The law behind the rights to surface water in Texas -that is, the water in our state's rivers, streams, reservoirs, estuaries, and bays - can seem murky and confusing to anyone who doesn't make a living by studying it.

Add to this confusion the unpredictable nature of Texas weather - it seems that there is plenty of water when you don't need it, and never enough when you do - and it's easy to understand what was meant by the old expression, "Whiskey is for drinking; water is for fighting."

The Texas Commission on Environmental Quality (TCEQ) is the state agency responsible for managing water rights in Texas.

Their online guide to surface water rights in Texas is an attempt to explain basic water-rights law clearly. This guide will give you only a general overview of this body of law, answering the most significant questions involving who has the right to use which water. It is a primer on water law, not the final word. For the final word, please consult the related laws and rules related to your water rights. For an interpretation of the law as it affects your particular case, TCEQ urges you to consult your attorney.

The guide is written in a conversational style. When a heading is a question, it is phrased as you would ask it—for example, "How can I get a water right?" When they guide says "you," it means you, the reader, as someone who either uses or would like to use surface water in Texas. "We" means the Texas Commission on Environmental Quality. Below is an excerpt from the guide.

### **Who owns this water?**

Surface water in Texas is owned by the state and held in trust for the citizens of the state. The state grants the right to use this water to different people, such as farmers or ranchers, as well as to cities, industries, businesses, and other public and private interests.

### **Do I need permission to use this water?**

Yes, anyone who wants to use surface water in Texas must first get permission from the state *unless* they are using the water for one of several "exempt uses" in the Texas Water Code. These exempt uses allow anyone to use surface water without getting permission:

#### ◆ **Domestic and livestock use.**

Also called D&L use, this refers to water used to water range livestock, meet household needs, or irrigate a yard or home garden. Many Texans have found that they can meet some of their domestic water needs by collecting rainfall from the roofs of their homes and outbuildings. This source of water is not considered surface water and is not subject to permitting under Chapter 11 of the Texas Water Code. The Texas Water Development Board has good information about rainwater collection, including a list of contractors throughout Texas, available online at <http://www.twdb.state.tx.us> or contact the Public Drinking Water Section at (512) 239-4691 for the most current information.

If you live on a river or stream and use the water in this way, then you do not need a permit. You may also impound water in stock tanks on your property, provided that the average volume of

water stored in any 12 consecutive months is 200 acre-feet or less. D&L use is exclusive to the owner of property adjoining a stream. You may not sell the water or the water right separately from the land, and, if you sell the property, this exemption stays with the property.

#### ◆ **Wildlife management.**

In 2001, the Legislature added wildlife management as an exempt use. Under this use, you may build on your own property a dam or reservoir that normally holds no more than 200 acre-feet of water. This reservoir must also be on qualified open-space land, as defined by Section 23.51 of the Texas Tax Code. If you have questions about whether you qualify for this exemption, call our Water Rights Permitting and Availability section at 512-239-4691 or e-mail TCEQ at [wras@tceq.texas.gov](mailto:wras@tceq.texas.gov).

#### ◆ **Emergency use.**

County fire departments, rural fire departments, and other similar public services may draw water from local reservoirs when needed to deal with an emergency.

#### ◆ **Other specified uses.**

The Water Code's less common exempt uses may under certain conditions include the use of water in fish or shrimp farming, in drilling for and extracting oil, or for sediment controls in surface coal mines. Retaining water with spreader dams or terraced contours is also considered an exempt use. Under these exempt uses, you may take water from a stream. However, if your operation adds sediment or other contaminants to the water before you discharge it, you should determine whether you may need to obtain a water quality permit from TCEQ.

In all other cases, before you can use surface water, you first need permission from the state in the form of a document called a water right. To clearly distinguish between your right to water for an exempt use and a documented water right, we will refer to the documented rights as appropriated water rights in the rest of this guide.

### **What kinds of water rights exist?**

In Texas, there are a number of forms of appropriated water rights:

- ◆ perpetual rights, including:
  - ◇ certificates of adjudication
  - ◇ permits
- ◆ limited-term rights, including:
  - ◇ term permits
  - ◇ temporary permits

A more complete explanation of each of these appropriated water rights appears in a special section at the end of the guide. For now, though, all perpetual appropriated water rights have these features in common:

- ◆ They have an assigned priority date. This date determines your place in line for available water.
- ◆ Regardless of the priority date, whenever there is less water than is needed to satisfy all water rights in a basin, each appropriated right is behind the D&L users in line for the available water.
- ◆ They specify the volume of water that you may take or use each year.

(Continued on page 3)



(Continued from page 2)

- ◆ They allow you to impound this water (for example, to store it in a reservoir above a dam), to divert it (for example, to pump it from the stream), or both:
  - ◇ A right to impound water is called an impoundment right. An impoundment right will specify the location of your dam, the capacity of your reservoir, and any special conditions placed on your right to impound water—for example, “may impound only the portion of the streamflow that exceeds 100 cubic feet per second.”
  - ◇ A right to divert water is called a diversion right and is often referred to as a run-of-the-river right. A diversion right will specify where you may divert water (that is, your diversion point), the rate at which you may divert water, and any special conditions placed on your right to divert water—for example, “may divert only between October 1 and November 30 of each year.”
- ◆ They do not guarantee that this water will always be available to you. (Only adequate rainfall and springflows can ensure that.)

In addition, perpetual rights are regarded as property interests, so they may be bought, sold, or leased. Term permits and temporary permits do not have priority dates and are not property rights.

For more information, please see the website or write Water Supply Division MC-160, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or call (512) 239-4691.

### Websites of Interest



**Drought, Wildfire and Forest Health** - <http://texasforests.tamu.edu/main/article.aspx?id=13768>

**Texas Drought Conditions** - <http://atmo.tamu.edu/osc/drought/> or <http://www.tceq.texas.gov/response/drought>

**Firewise Guide to Landscape and Construction** - <http://www.firewise.org/~media/Firewise/Files/Pdfs/landscaping.pdf>

**National Weather Service, National Hurricane Center** - <http://www.nhc.noaa.gov/>

**The role the Texas forest sector plays in the state's economy** - [http://www.texasforestry.org/images/uploads/may\\_the\\_forest\\_be\\_with\\_you\\_facts\\_for\\_web.pdf](http://www.texasforestry.org/images/uploads/may_the_forest_be_with_you_facts_for_web.pdf)

**Texas Commission on Environmental Quality's (TCEQ's) guide to surface water rights in Texas** - <http://www.tceq.texas.gov/publications/gi/gi-228.html#download/file>

**How Rights to Surface Water Are Prioritized** - <http://www.tceq.texas.gov/response/drought/waterrights.html>

**IRS, Timber Casualty Loss Audit Technical Guide** - <http://www.irs.gov/businesses/small/article/0,,id=238854,00.html>

### Wildlife Habitat Incentive Program (WHIP)

Shane Harrington, Staff Forester II, Texas Forest Service, Temple, TX

Many landowners today manage their property for multiple uses such as timber production, wildlife, and recreational opportunities. For landowners who place an emphasis on wildlife can still achieve income from timber production while supporting wildlife habitat. Growing trees and managing wildlife go hand in hand and certain practices for one can benefit the other. For instance thinning out stands allows more sunlight to penetrate the forest floor promoting new growth of native grasses, forbs, and woody browse that wildlife depend on for nesting and feeding.

The Natural Resource Conservation Service (NRCS) has a program that may be beneficial for those landowners who are interested in establishing and promoting quality wildlife habitat. Through the Wildlife Habitat Incentive Program (WHIP) landowners can apply for and receive cost share dollars for implementing practices that are beneficial for wildlife and that establish and promote healthy habitat. Practices such as prescribed burning, tree planting, tree planting, herbaceous weed control, and others can be cost shared through the WHIP program. Landowners who qualify for the program can receive a 60% cost share on approved practices but cannot receive more than \$50,000 in payments per year.

Certain practices like prescribed burning allow landowners to economically remove hazardous fuel loads from the understory which may prevent their property from being adversely affected by wildfires. Also through prescribed burning landowners are able to promote new vegetative growth that is higher in nutrition and more palatable for wildlife. Tree planting can also be cost shared although species selection is based upon the value they provide to wildlife. Most hardwood species along with Longleaf Pine can be planted and both provide quality habitat for numerous wildlife species.

Programs such as WHIP provide an excellent opportunity for those landowners who wish to focus more on wildlife and can reduce the expense of implementing beneficial practices. Applications for WHIP can be submitted at anytime throughout the year by contacting your local NRCS office. Interested landowners should contact their local NRCS office for eligibility requirements and to see what practices are available. More information about the WHIP program and others can be found by visiting [www.tx.nrcs.usda.gov/programs/](http://www.tx.nrcs.usda.gov/programs/).

### Wildfires in Texas, 2011 Fire Season

**Total number of fires:** 14,929 +  
 Handled by Texas Fire Departments: 13,017 +  
 Handled by Texas Forest Service: 1,912 +  
**Total number acres burned:** 3,456,000 +  
**Total aviation drops:** 28,201 +  
 Gallons of water dropped: 14,250,877 +  
 Gallons of fire retardant dropped: 3,679,512 +  
**Texas counties struck by wildfire:** 190 of 254 +  
**Total homes and structures saved:** 31,781 +  
 Homes saved: 22,093 +  
**Total homes and structures lost:** 2,258 +  
 Homes lost: 598 +  
 Other structures lost: 1,672 +



**Tyler County Forest  
Landowner Association**

c/o Bill Tetley, Treasurer  
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<http://tcforest.org/>

**DO NOT FORWARD**

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Check your membership date above. '11 or greater = OK.

**GENERAL MEETING—Sat, Sept. 10, 2011 - 9:30 AM, Tyler Co Extension Office**

**Membership 2011**

In looking at the membership roster, there are a number of people who have not renewed their dues of this calendar year. It is not too late to reup your dues and keep your name on our mailing list.

Just think of all the benefits of your \$10 per year. You get a first class newsletter 4 times in the year, with articles and information relevant to the concerns of private landowners who want to keep up with the their lands.

You also are fulfilling one of the requirements for earning the timber tax deduction from the Tyler County Appraisal District.

And you are associated with many others when it comes time to represent you with elected leaders; County, State and Federal.

So look at the mailing label above for the 2 digit number. **It is isn't an '11 or greater, then you should send in your dues immediately.** And attend the meetings. They always have excellent programs covering timely topics.

**MEMBERSHIP RENEWAL**

**For Calendar Year 2011 - TCFLOA**

**Regular Membership:** Private non-industrial owners of five (5) or more acres of land in Tyler Co.  
**Dues:** \$10 per calendar year per couple. One (1) vote per membership.

**Associate Membership:** Any individual not qualifying as a Regular Member who supports the objectives of TCFLOA. **Dues:** \$10 per calendar year per individual or organization.  
Associate Members are non-voting.

**PLEASE BE SURE TO INFORM THE TREASURER OF ADDRESS CHANGES**

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Please make checks payable to TCFLOA, and mail to:

Bill Tetley, Treasurer TCFLOA, 3607 Gary Ave., Nederland, TX 77627-7145