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Ranching families at odds over Refugio water limits

GREG BOWEN

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REFUGIO - A spokesman for the historic D.M. O'Connor Ranches asked water officials Tuesday to enact strong protections to guard the county's groundwater from other ranchers who plan to export billions of gallons each year.

"We must not destroy our natural resources and our natural heritage in our rush to sell water," said Jim Blackburn, a Houston environmental attorney representing descendants of pioneer rancher Dennis Martin O'Connor.

"We've fought for over a century to protect our property rights, we're not about to stop now," Blackburn told members of the Refugio County Groundwater Conservation District Tuesday evening at the Refugio County Courthouse.

He suggested that the board adopt a rule that would allow landowners across the county to pump no more than one-tenth of an acre-foot of groundwater per surface acre of land. An acre-foot equals 325,851 gallons.

If the board were to adopt Blackburn's suggested production cap, Refugio County could have the most restrictive pumping limits in the state.

Neighboring Goliad County, which caps pumping at one-half of an acre-foot of water per surface acre, has previously claimed the most restrictive pumping limits in Texas, though water officials in Runnels, Concho and Tom Green counties in May established a six-month moratorium on drilling new wells due to drought conditions.

Two groups, Goliad Sands Ltd. and J.F. Welder Heirs, are making plans to export groundwater from Refugio County.

Goliad Sands, led by descendants of 19th-century rancher Jeremiah O. Driscoll, plans to sell groundwater from its 83,000-acre spread in southwestern Refugio County and southeastern Bee County.

Talks have begun concerning a possible water-sales deal between Goliad Sands and the San Patricio Municipal Water District, which supplies water to Rockport, Aransas Pass, Ingleside, Gregory, Portland, Taft and other areas.

Descendants of yet a third pioneering ranching dynasty, J.F. Welder Heirs, are also making plans to export underground water from Refugio County.

The Welder Heirs plan an underground water development on their 25,000-acre Vidauri Ranch in northwestern Refugio County.

Contracts are being prepared to supply approximately 20,000 to 40,000 acre-feet annually to the Lower Guadalupe Water Supply Project, which is designed to supplement the water needs of the San Antonio area.

Last year, D.M. O'Connor Ranches came out in opposition to the Lower Guadalupe Water Supply Project.

On Tuesday evening, Blackburn said the proposed sales of water potentially pose a threat to private property rights.

He pointed out that a new study by Texas A&M Kingsville estimated that Refugio County has approximately 50,000 acre-feet of surplus underground water each year.

"If you give one or two projects the entire 50,000 acre-feet of groundwater that has been determined to be

available, you've essentially taken (other landowners') private property rights and allocated them to one or two entities," Blackburn said.

"I don't think it's fair and I don't think it's right for one party or two parties to be given all the groundwater. I think it's a violation of both the Texas and United States constitutions."

He said historical users of groundwater should be protected before any new groundwater withdrawals are allowed.

Blackburn also asked that supplies of groundwater flowing into the Mission River be protected. Failing to do so, he said, could harm or destroy the oyster reefs and natural productivity of Copano Bay.

He also requested that the board set rules to protect the "development future of Refugio County" by not allowing water needed for the county's economic growth to be allocated to urban areas.

"That's certainly the reality that's facing us here in Refugio County," he said.

"There are many landowners who are looking to you to protect them, and to protect their groundwater," Blackburn told the board. "We ask you to pass a set of regulations on the use of groundwater that will be fair to every landowner in Refugio County."

Steve Petersen, a Houston geologist associated with Goliad Sands Ltd., said the water-marketing group plans to pump conservatively and not to overdraft the underground aquifer.

"Our goal is to produce water without any negative effects to our neighbors," Petersen said.

James Dodson, a water professional who represents both Goliad Sands and Welder Heirs, asked the board to consider factors other than just the Texas A&M Kingsville study when it sets pumping limits.

The six-month, \$31,000 study was commissioned by the Refugio groundwater board to give the district information needed to formulate its rules.

Draft rules are expected in 30 to 60 days.

Dodson said that the board's rule-setting deliberations should involve a process that includes policy input from other scientific consultants, landowners, environmental interests, economic-development interests and other local and regional governments.

He encouraged the board not to adopt "substantive rules" until after the policy-setting process is completed.

Dodson also said allowing water marketers to go forward with the development of reasonable amounts of water quickly will let them begin gathering important scientific data that could help fill gaps in existing knowledge about the aquifer.

Larry Aduddell, president of the Refugio GCD, said he feels comfortable setting rules based on the water-availability figures found in the A&M study. He said other studies contain similar figures.

Aduddell said rules can always be changed in the future if new evidence points to the existence or more or less available groundwater in Refugio County.

"If the science is there, we'll change - as long as it's done fairly to everybody," he said.

• **Greg Bowen is a reporter for the Advocate. Contact him at 361-580-6519 or by e-mail at gbowen@vicad.com.**