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TCEQ considers water management area

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As debate about the potential lease of state land by the General Land Office (GLO) to Rio Nuevo, Ltd. continues, two state agencies took steps last week in anticipation of a possible water marketing deal in Far West Texas.

Both the Texas Commission on Environmental Quality (TCEQ) and the Texas Water Development Board (TWDB) initiated processes related to the proposed Rio Nuevo project.

TCEQ Chair Kathleen White said Tuesday (Jan. 27) that she has listed a part of Hudspeth County proposed for lease to be considered for designation as a Priority Groundwater Management Area (PGMA).

The Hudspeth County land, which accounts for about 60 percent of the state land sought by Rio Nuevo, is currently without a water district; no regulation would limit the amount of water Rio Nuevo could pump in that area. The PGMA process, which White said typically takes about two years, would require the formation of a water district in the area. White has asked TCEQ staff to review how the process might be accelerated.

“It’s the one exception in the water code to the broad authority and preferred method of local control of groundwater resources,” White said of the PGMA process. “It’s there for extreme circumstances.” There are currently five PGMA’s in the state; the Hudspeth County land is one of three areas to be considered for addition to the list.

While GLO Commissioner Patterson has previously said that the GLO could include pumping regulations comparable to those of regional water districts in a lease with Rio Nuevo, White said she has questions about the GLO’s legal authority to regulate pumping. She is also concerned, she said, about the potential conflict of interest posed by GLO regulation, because the GLO would stand to collect royalties from Rio Nuevo’s water sales.

White, who met Patterson at a Jan. 23 seminar on water law sponsored by the Texas Water Conservation Association, said she has a number of other concerns about the Rio Nuevo proposal.

She cited the effect large-scale water extraction could have on the region’s springs, which, as draws for game, are integral to West Texas’ hunting economy. “The springs are a vital link for our wildlife and our plant life,” said White, a Valentine resident. “In this ten-year drought, I don’t know where else the big game would be.”

The TWDB approved last week a plan for a \$1.2 million study of groundwater availability in the areas being considered for lease to Rio Nuevo. Both the Senate Subcommittee on the Lease of State Water Rights, chaired by State Sen. Frank Madla, and the Senate Committee on Water Policy have asked the TWDB to assess groundwater resources in Far West Texas.

Robert Mace, director of the TWDB’s groundwater resources division, said Tuesday (Jan. 27) that the proposed study is a general one on the region’s aquifers that could be filled out if additional information on Rio Nuevo’s plans became available. Mace said funding for the study has not been identified.

“It could come from the GLO. It could come from the legislature,” Mace said. “Once the funding is identified and the legislature wants to go forward, the water development board stands ready to get this work done.”