

Senate committee hears Patterson

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General Land Office (GLO) Commissioner Jerry Patterson told Senate Select Committee members Tuesday (Feb. 3) that there are conditions Rio Nuevo, Ltd. must meet before any water lease is signed with the company.

At a meeting of the Senate Select Committee on Water Policy in El Paso, Patterson said that for a lease to be approved, Rio Nuevo must meet with water districts in the region, as well as with the Far West Texas Regional Water Planning Group, which is charged with planning for the region's long-term water needs.

"They are the ones given the authority by the Legislature to decide whether or not water will leave West Texas," Patterson said in a statement released the day of the meeting.

The Senate Committee, which is chaired by State Sen. Ken Armbrister of Victoria, is charged with reviewing all issues related to ground and surface water policy. The committee also follows the work of the Subcommittee on the Lease of State Water Rights, which, in its study of the lease of state lands for water marketing, is focused more squarely on the Rio Nuevo deal.

Patterson told senators he has also asked Rio Nuevo to produce a business plan for how it would develop and market the water were production to begin.

Restating a previous position, Patterson drew a distinction between the exploratory phase of a potential lease and the development or production phase.

During the exploratory phase, Patterson said, Rio Nuevo would pay for a private consultant to assess groundwater resources in Far West Texas. Production would begin only after the research was completed.

Texas Commission on Environmental Quality (TCEQ) Chair Kathleen White and others have expressed concern about allowing Rio Nuevo or the GLO to be involved in aquifer research, as both entities would have a financial stake in the results. White has suggested that the Texas Water Development Board (TWDB) oversee the research. The TWDB would likely hire private consultants to conduct the testing. In his statement, Patterson restated his support for allowing private enterprise to assume the expense of groundwater research.

"The exploratory part of this lease means that a private company spends their money to determine how much water lies under West Texas public lands," Patterson said. "It gives us the data everyone is looking for at no cost to the state."

Patterson said there is no fixed timeline for reaching a deal with Rio Nuevo, and that a lease will not be signed before the questions of the Senate Committee and the GLO are answered.

Both the Senate Committee and Subcommittee have called on Patterson to hold off on a Rio Nuevo lease until late 2004, when they will complete their fact-finding work. Patterson, however, has said only that a lease would not be signed before March 2. That date marks the end of a 90-day comment period initiated at the Dec. 2 School Land Board meeting in Alpine.

http://www.dmtimes.net/blog/_archives/2004/2/5/18285.html