

Water rule at issue

Group wants no limits on selling groundwater

By Monica Wolfson / Scripps Howard Austin Bureau
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WACO - Landowners, businesspeople and environmental watchdogs agree water is a marketable commodity.

How much of that water should be pumped from underneath the West Texas landscape and sold is a question lawmakers must answer soon.

The Texas Senate Select Committee on Water Policy held a hearing Wednesday to study several water issues, such as the rule of capture and groundwater districts, in preparation for the January legislative session.

T. Boone Pickens, the Panhandle oilman and water marketer, told lawmakers that he is ready to sell his water but can't find a buyer.

Eighty percent of Roberts County landowners, in the Panhandle, representing 360,000 acres, want to sell their water rights, Pickens said.

"We all have the same water and should have the opportunity to sell if we want to sell," Pickens said. "I don't want any money from the state to accomplish what I'm after."

Pickens shrugged off the title of "water marketer" because he considers himself a landowner, he said.

"I'm a little bit amused when someone says water is different than oil and gas," Pickens said, referring to comments made by lawmakers that water shouldn't be treated as a commodity. "I'm confused by that."

Surface water is owned and regulated by the state. Groundwater is a property right and owned by local landowners. Locally controlled groundwater districts manage local aquifers by regulating pumping limits and well drilling.

Groundwater districts exist in 50 percent of the state and manage about 80 percent of groundwater. Critics have argued the state needs to regulate groundwater districts because locally elected managers of the districts have been accused of making water-pumping decisions based on politics rather than on science.

As private companies seek ways to turn a profit selling water, lawmakers have grown concerned about the sustainability of groundwater. Many of the water-for-sale proposals come from rural West Texas.

Sen. Robert Deuell, R-Greenville, pointed out that Texans fear pumping aquifers for profit because the capacity of aquifers is mostly unknown.

"I agree with you that gas and oil aren't different than water," Deuell told Pickens. "But with gas and oil, we don't care if we pump it dry."

The Panhandle proposal to sell water from the Ogallala Aquifer to a parched metropolitan area such as San Antonio or Dallas has been challenged by other water-rights owners in the Panhandle, including the city of Amarillo, because they fear the aquifer will be drained. Some Panhandle ranchers and municipalities are relying on the aquifer for future water use.

The state should regulate aquifers more stringently because little is known about maximum pumping limits and the recharge characteristics of many aquifers, said Mary Kelly, an attorney with Environmental Defense, an organization that advocates on behalf of the environment.

"Our overall approach is to proceed cautiously," Kelly said. "Have a sustainable management goal for all of our aquifers. Have a goal that annual pumping should not exceed annual recharge. ... Our feeling is a sustainable pumping cap aquiferwide is the best way to manage groundwater aquifers for future generations."

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