

## Subcommittee outlines its recommendations for Texas water leases

### *ODESSA AMERICAN*

Recommendations from Sen. Frank Madla's subcommittee will be taken up by the Texas Legislature in January 2005. They include:

- The School Land Board should be responsible for all leasing.
- The School Land Board should adopt clear and detailed rules about the leasing of groundwater from Permanent School Fund lands.
- Amend the Natural Resources Code to require that groundwater sale or lease proposals from the Permanent School Fund and Permanent University Fund lands meet all competitive bidding requirements unless: the contract is between the state and another agency or political subdivision of the state; the contract is between the state and an end-user of the water; or the contract is for less than 125,000 gallons of water per day.
- State groundwater sales or leases will use an open bidding process to prevent questionable or perceived conflicts of interest and to maximize returns to the state.
- Increase the number of School Land Board members from three to five. The lieutenant governor will appoint one of the additional members and the governor, from a list of candidates identified by the Speaker of the House, will appoint the other.
- Amend the Natural Resources Code to prohibit out-of-state exportation of groundwater from state-owned lands.
- Amend the Water Code to allow proposals to produce or transport groundwater from Permanent School Fund and Permanent University Fund lands to be included as a recommended water management strategy in regional or state water plans or as amendments and updates to regional or state water plans.
- Anyone wanting to buy or lease state-owned land should be subject to regulations of the local groundwater conservation district.
- The subcommittee was created in November 2003 by Lt. Gov. David Dewhurst at the same time Madla's subcommittee was formed to examine leasing water rights on state land. It is scheduled to release its report in December.
- The Select Committee on Water Policy, chaired by state Sen. Ken Armbrister, was charged with examining issues related to ground and surface water law, policy and management.
- Armbrister's committee will issue its report before the next regular legislative session in January.
- Patterson said he thought the committee's recommendations contained "some good things." He said some of the policies and procedures have already been adopted.
- The idea of increasing the School Land Board is something officials have been thinking about as well to help curb any possible Texas open meetings act violations.
- "Whatever the legislature does, or for that matter doesn't do, whether it's on public lands or private lands" groundwater needs to be treated the same way, he said.