

# Lawsuit filed against water development board

## Plaintiff wants Lower Guadalupe project removed from Region L plan

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A lawsuit filed Tuesday in Austin to strip the controversial Lower Guadalupe Water Supply Project from the 2007 Texas Water Plan contends last-minute inclusions to the Region L plan violate water code.

The suit was filed by D.M. O'Connor Ranches of Victoria against the Texas Water Development Board, the state agency charged with statewide water planning.

That state board received Region L's plan beyond the deadline given to the 16 Texas regional water boards, and that plan included three versions for the Lower Guadalupe Water Supply Project, or LGWSP - a project to pump water from this area that many thought was dead.

Region L is a 21-county planning region that includes San Antonio and Victoria.

"We're asking that the three versions of the LGWSP be removed from the state water plan," said Jim Blackburn, the plaintiffs' Houston environmental attorney who filed the suit, in a telephone conversation. "Region L passed their version of the plan, and then passed it on to the state. We're suing the state water development board for including these water projects in the plan."

He said those inclusions violate the rules set by the Texas Water Development Board.

The original LGWSP, which proposed pumping groundwater from the Victoria area, remains in the plan even though two former project sponsors - the San Antonio Water System and the San Antonio River Authority - have disavowed the project.

The LGWSP lost 89 percent of its financing when SAWS withdrew from the project in 2005, but its third sponsor - the Guadalupe Blanco River Authority - reconfigured the project to remove its controversial groundwater component in hopes of keeping it alive.

Blackburn said that even though the new plan calls for the pumping of surface water, nothing guarantees that GBRA will not re-add the groundwater-pumping component to the plan later.

The third version of the LGWSP is challenged in the litigation as violating several criteria required for a water-management strategy.

The petition says the last-minute inclusions were not subject to public input or adequate technical analysis, that it would supply water far beyond the amount necessary to meet projected water demands, and that it is not cost-effective.

"We are also complaining of the absence of an evaluation of the impact of this project on Guadalupe Delta flooding and on San Antonio Bay productivity," Blackburn said. "It could also put a heavy use on the Guadalupe. We're concerned with the removal of river flows."

Bill Jones, a spokesman for Victoria's D.M. O'Connor Ranches and a member of the Region L water-planning group, said, "I'm going to defer all comment on the suit to our attorney, Jim Blackburn. I would say that I've already said what I've had to say about the matter over the past four years."

In those years, Jones has opposed the LGWSP and called for alternatives.

Carla Daws, a spokeswoman for the Texas Water Development Board, said in an e-mail: "We are awaiting formal notification of the filing of this suit. We will then carefully review all documents with the agency's legal representation which is the office of the attorney general, and will proceed based on their direction."

Bill West, GBRA executive director, said in a telephone conversation, "It's unfortunate that one family is trying to hold up the state water plan for its own interest. Most of Texas is still in a drought. We need to be working together for future water supplies rather than being delayed by frivolous lawsuits.

"This is a classic example of personal agendas interfering with developing water plans that will help 100,000s of people in the Guadalupe Basin. What's the O'Connor's agenda? Why are they spending these amounts of money if it's only good for the greater Victoria area. Being the largest landowner in that area, it makes them the largest groundwater holder. If they're really concerned about protecting groundwater, why haven't they promised not to market their groundwater sources?"

West said the benefits of this project will be seen under existing rights the river authority has, and the water will stay in the basin and serve communities north and south of it.

"GBRA is fulfilling its responsibility to serve those both up and down the basin. We're just trying to do our job."

Blackburn said, "We think this lawsuit being filed will set the record straight about what's desirable, what's not. ... Ultimately, to help everyone who needs water to get the water we need, just not at our expense."

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