

County considering water districts

By Matt Smith/Staff Writer

Two state representatives and officials from Johnson and Bosque counties met Friday to discuss forming an alliance for managing groundwater. The state is requiring counties to form single-member or multi-county water districts by June 2009, prompting the meeting.

The Johnson County commissioners called the meeting at the behest of District 58 State Rep. Rob Orr, R- Burleson, and District 99 State Rep. Charlie Geren, R-Fort Worth. Bosque County Judge Cole Word also attended, as did Cleburne city officials.

The meeting covered growing concerns about the viability of groundwater resources throughout North Texas because of population growth, drought and natural gas production, which uses water to fracture wells. Concern throughout the area focuses on the Trinity and Woodbine aquifers.

Counties that don't form the water districts will be placed in a district by the Texas Commission on Environmental Quality, Geren said. Commissioners Mark Carpenter and John Matthews said Johnson County does not want to be placed in a district of TCEQ's choosing because of added bureaucracy and the chance of being paired with counties Johnson shares few goals and interests with.

Geren said Tarrant County would be fine with either being a stand-alone district or joining a multi-county district, which could include Johnson County. Although Johnson County commissioners did not reject the idea, they voiced several concerns.

Possible water usage fees

Once in effect, the water-conservation districts would most affect those — such as municipalities, farmers and ranchers — who have water wells that pump more than 25,000 gallons per day. Owners of water wells pumping less than 25,000 gallons per day would remain unaffected.

The state will collect revenue on wells pumping more than 25,000 gallons per day either through a tax affecting all residents or fees affecting well owners. Taxing residents would require a local-option election. Officials at Friday's meeting said they oppose such a move, however, and prefer the fee-based route.

Oil and gas companies

not affected

The commissioners' biggest concern springs from how the oil and gas industry — controlled by the Texas Railroad Commission — will not be affected by the usage fees.

"You've got a rancher pumping water and he's going to have to pay a fee," Matthews said. "Right next door there can be a well owned by one of the gas companies pumping out 100 times more water than him and they're not going to have to pay a dime."

Geren said he understands the commissioners' concerns and feels the water laws in Texas need to be changed. Neither he nor Orr thinks that will happen during this legislative session, however.

"But while gas and oil are not affected, they will have to report where they drill [water wells] and how much they pull out," Geren said. "Knowing what and where they're [drilling water wells] gives us information to take back to the Legislature and push for a change in the law."

Matthews asked Geren and Orr if they could include, in legislation on water-conservation districts, a reference to counties' concerns of having no control over the water usage of oil and gas companies.

"We already have an uproar because of pipelines and gas-drilling trucks tearing up the roads," Matthews said. "Now here's another thorn in the side of the guy with a small ranching concern. I'm all for the gas industry, but we're going to have an awful hard time explaining to citizens how they're affected by this but the gas companies aren't."

Geren repeated that water-conservation districts would only require oil and gas companies to report where they drill water wells and how much water they use.

"The only way long-term anything's going to be done to control how oil and gas companies use water is to show they are doing damage," Geren said.

Other concerns

Matthews raised additional concerns, which the other commissioners echoed.

"This is another quasi-governmental entity the state wants to create to tax or impose fees on our residents," Matthews said. "We're worried a multi-county arrangement might favor the larger counties, such as Tarrant and Dallas. There's also nothing requiring gas companies to recycle groundwater. If the state is so worried about groundwater conservation, why don't they have some requirement of that in there?"

Geren told commissioners the fees collected from well owners would likely cover the participating counties' administrative costs and ensure the requirements did not become an unfunded mandate.

Geren also addressed the role of more populous counties participating in any multi-county arrangements.

"We [Tarrant County] don't want to be the 500-pound gorilla," Geren said. "I firmly believe the rural counties can run their own water and we're not trying to push this on anyone, but this is coming and we're either going to have a Tarrant County district or partner with others."

"We don't mind partnering with Tarrant as long as it's one county, one vote," Matthews replied. "We don't want a situation where you have six people on the board and we have three."

Geren assured commissioners that he would only support a multi-county district in which each county received equal representation.

Geren and Orr told commissioners that any legislation to create a water-conservation district would have to be introduced into the Legislature by March 9.

The commissioners asked Orr if he thinks Johnson County should partner with Tarrant County and other counties.

"I do," Orr responded. "By going in with Tarrant, the burden of the fees would be less because they will be spread out among the counties."

The commissioners made no decision Friday.

"I think the next step is we need to discuss this among ourselves and decide what we as a court want to do," County Judge Roger Harmon said. "Then we need to contact any counties we might be interested in partnering up with."

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