

Water fight spills over into Texas Legislature: Opponents prepare to counter legislation that includes Marvin Nichols Reservoir

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Legislation has been filed in the Texas Senate to designate 19 reservoirs as unique reservoir sites, including the controversial Marvin Nichols Reservoir.

Marvin Nichols is a plan by the state to address longterm water needs in the Dallas vicinity, and a battle over building the lake has raged for years.

It would be located roughly on the Sulphur River upstream from its confluence with White Oak Creek, with the dam being located in Red River and Titus counties, and water being impounded as well in Franklin County.

"I knew Sen. Averitt (Kip, R-Waco) was working on the bill and that Marvin Nichols was probably going to be listed on it," said state Sen. Kevin Eltife, R-Tyler, whose district includes the Texakana area. "I have grave concerns about that. I don't think Marvin Nichols needs to be listed in there."

Frost explained that being designated a unique reservoir site means folks who live in the area where it will be built can do little or nothing to impede its construction.

"What is extremely troubling to me, if you look at this type of bill and Rep. (Bill) Callegari's bill (on interbasin water transfers), it's clear to me that what the urban interests really want is to make sure they can reach out and take resources from any part of the state they want to, without any regard to the area that is giving up those resources," he said.

Eltife, state Rep. Stephen Frost, D-Atlanta, and the usual opposition crew of Northeast Texas land, timber and farm owners are gearing up to fight it once again.

"Water is going to be a big issue, and we're just going to have to be ready to do battle and do our best to prevent them from running over our interests in Northeast Texas," Eltife said. "I'm going to do everything I can to make sure Senate District 1 is properly represented and our interests."

Frost also said he would do everything possible to see that the legislation doesn't pass.

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Frost said while Gov. Rick Perry pinpointed reservoir development as an issue he wanted to address, he had better be prepared for the debate and opposition.

"It's clear the governor has aligned himself with the major city interests," he said.

Frost also said he will illustrate to the House that Northeast Texas wants to help secure water for the areas that need it, but building a reservoir and flooding out people's land isn't the answer.

"We just need to do it in a way that doesn't damage the property rights and family heritage in our area," he said.

Max Shumake, president of the Sulphur Oversight Society, is among the loyal opponents of Marvin Nichols. He said they will do what they can to fight it, including gathering supporters, writing letters and speaking to lawmakers.

"There's no set plan right now other than that," he said.

Shumake said their message will remain the same.

"They're (reservoirs) not needed. It's a big scare tactic to make everyone think we're about to run out of water," he said.

Shumake explained there is plenty of existing water to be had, if they would only conserve or build a pipeline to it.

"They're still not practicing good conservation measures. It's all about money," he said.

Eltife warned that even if this legislation doesn't pass, it's not the end of the water battle in the state.

"There are going to be a lot of water bills (filed)," he said. "There is going to be a lot of debate and talk on water bills."

Among the other reservoirs included in the legislation:

n Lower Bois d'Arc Reservoir, to be located on the Bois d'Arc Creek in Fannin County.

n Lake Ralph Hall Reservoir, to be located on the North Sulphur River in southeast Fannin County north of the city of Ladonia.

n Lake Fastrill Reservoir, to be located on the Neches River in Anderson and Cherokee counties.

To view the bill and see other reservoirs included in it, visit <http://www.legis.state.tx.us/tlodocs/80R/billtext/html/SB00675I.htm>.