

## Rancher's land possible site for reservoir

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Rerry Crofoot worries about clouds over his ranch, but not the pale gray ceiling that blew in last week from the south.

Crofoot's acres of rocky scrub and Yellowhouse Canyon valley lies east of Buffalo Springs Lake. He and his neighbors worried last fall after learning Lubbock planned a dam and reservoir covering their property and were relieved when the proposal was dropped weeks later.

Now the lake is back on paper. Legislation to be considered this session designates 19 sites around Texas, including parts of Crofoot's ranch, as ideal spots for reservoirs the state needs to make up a large projected gap between its water supply and water demand.



**Jodi Miller / Staff**

A bill being discussed by the state Legislature could allow for construction of a dam, creating a reservoir that would flood this land owned by rancher Terry Crofoot.

Lubbock water planners said there is still no intention to construct the reservoir and have recommended that it be taken out of the bill. Other lakes on the list may similarly never amount to more than plans. But Crofoot and property owners across Texas worry that a state reservoir designation would limit the use and value of their property without actually purchasing the land.

"I thought it was a dead issue," Crofoot said. "I don't want to, but if I did want to sell it or do something with it, it's basically a cloud on the title."

The reservoir designations are part of a collection of water-related legal changes in a state Senate bill filed by Waco Republican Sen. Kip Averitt.

Much of the bill focuses on setting aside water to maintain river flows that support ecosystems in Texas and on changes to how groundwater management areas are created and operated. The list of reservoirs, pulled from a major state water planning document finalized late last year, are a short section of the total bill.

Averitt's legislation would restrict state agencies or municipalities from certain actions that would "significantly prevent the construction of a reservoir" on the designated site.

Bill critic State Sen. Kevin Eltife, D-Tyler, said that could mean landowners could be restricted from subdividing their property or gaining approval from groups like zoning boards for other improvements. There's no language in the current bill that lays out when such a designation would expire or when the property owner would be compensated.

"I'm not against reservoirs, I don't have a problem if we're going to designate some," Eltife said. "I think when you designate a land site as a designated reservoir, it's another step towards it becoming a reservoir, and I think it decreases the property value, that's my personal opinion."

Averitt doesn't believe the designation creates a burden on the property. Owners can continue to improve their land and will be compensated if it is ever purchased to use as a lake, he said.

The state needs surface water solutions, he said - reliable, renewable sources of water that do not mine Texas aquifers. These sites were selected by the communities that need them, many of them decades ago, and past reservoirs have been killed by government actions, he said.

"All we're doing is saying we want the process to continue, uninterrupted, from the state or local government," Averitt said.

Officials from the area could work to take it out of the state water plan, which would remove it from the designation list, if there was no longer an intention to build the reservoir, he added.

The sites in the legislation were submitted by various regions of the state to satisfy expected drinking water shortfalls for their residents. Lubbock proposed two of the included lakes as part of the city's long-term supply plan.

The city would build reservoirs on either side of Buffalo Springs Lake - Lake 7 to the west and Lake 8 to the east - creating a system for treated storm-water and wastewater to naturally improve in quality to a standard that allowed it to be reused. Plans submitted to the Texas Water Development Board during a regional planning process called for the lakes to produce roughly half of the water Lubbock used in 2006.

The lakes also submerged ranchland north of Slaton and drew opposition from homeowners in the area. The city scrapped the Lake 8 portion of the project after the state's environmental agency told Lubbock that the plan would not comply with state drinking water standards without ratcheting up the cost another \$20 million to \$30 million.

But Lubbock's portion of the state planning documents were already finalized, and the lakes were included in the Averitt legislation.



**Jodi Miller / Staff**

A wild turkey struts among wildflowers on Crofoot's property.

The local lakes haven't received the attention that major state projects - like an enormous reservoir proposed near Dallas - have garnered during public hearings on the bill. None of the property owners contacted by The Avalanche-Journal were aware of the legislation, and few believed the proposal wouldn't affect their rights.

Rancher Lynn Forrest, a neighbor of Crofoot's, said the proposed Lake 8 dam and reservoir would not have submerged all of his property - just the part where his home, pens and other improvements stand.

Even if the city was assuring landowners that it wouldn't build a lake, a reservoir designation adds uncertainty to his property, he said.

"You're taking that chance that if you go out there and spend money on it, you may lose it," Forrest said.

Sam Middleton, owner of ranch real estate and appraisal company Charles Middleton & Sons, said the proposal appeared to encumber the designated property without compensating the landowner.

"You're just losing some of your bundle of rights," Middleton said.

Lubbock water officials have recommended that the lake be removed from legislation. Senators passed the bill out of the Natural Resources committee earlier this week, and Averitt was hopeful the full Senate could consider the legislation this week.

"We have to take pressure off of underground sources," Averitt said. "As our population grows, we're going to have to absolutely provide more water resources, and the best way to protect that aquifer is to make sure that there are other sources available elsewhere."

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