

Panhandle water district issues permits to Pickens' Mesa group

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WHITE DEER, Texas (AP) - Oil tycoon T. Boone Pickens and other Panhandle landowners on Wednesday were handed long-sought permits to mine water from the Ogallala Aquifer.

The permits from the Panhandle Groundwater Conservation District won't become effective until Pickens and the others, known collectively as Mesa Water Inc., can name the recipient of the water they want to pump from beneath about 150,000 acres in Roberts County.

Pickens has five years to find a buyer in Texas or the permits expire.

"I'm happy," Pickens said after the district's board of directors voted 6-3 for the permits. "I've got a permit, and now I've got to sell water."

Pickens has talked to officials in several cities, including San Antonio and Dallas, and he recently mentioned parts of West Texas and New Mexico as potential buyers.

John McKissack, Amarillo's representative on the board, said he voted against the permits because he believed they were incomplete without an end user.

"It's a little bit like sending out a wedding announcement and then asking the girl to marry you," he said. "We've given them a permit to do something and we have no idea where it's going."

The permits allow for as many as 124 wells on the 150,000 acres, which are on noncontiguous land parcels. The wells will be monitored regularly to ensure Mesa meets a district requirement that at least 50 percent of the aquifer's volume in 1998 remains in 2050.

Once a buyer is secured, it will take about five years to build the well field and pipeline.

In Texas, the rule of capture allows landowners to withdraw unlimited amounts of water from beneath their property because the water is viewed as part of the property.

Pickens approached the water district with his idea in September 2000.

In addition to addressing the district's concerns, the landowners encountered resistance in June 2001 when the Canadian River Municipal Water Authority filed a protest with the district.

Water authority officials on Wednesday did not rule out appealing or reinstating their protest. They wanted the permits to limit the water district's authority to regulate production, said C.E. Williams, general manager of the district.

In its protest, the water authority complained that Mesa had not provided enough information in its application about its planned well field, and that the proposed operation could infringe on the water authority's ability to serve its 11 member cities in the Panhandle and South Plains.

In August 2001, Mesa landowners sued the water authority, claiming its new wells in Roberts County would infringe on Mesa's property rights.

The protest and the lawsuit were dropped in April.

Charles Bower, president of the board, voted against the permits because he didn't like the way they were named. Bower wanted them to be called interim permits. Mesa attorneys argued that could make it difficult for a buyer to obtain financing. The wording in the title now reads "high impact permits upon designation of a destination end user."

Bower said he expected other landowners in the district to apply for permits.

Amarillo resident Inge Brady, saying she was speaking for the public's interest, urged the board not to approve the permits.

"Future generations absolutely will not benefit from what happened today," she said after the vote. "I'm real passionate about water. I know what a national and local treasure it is. I don't want to see it become a commodity."