



## Piping plan could affect 'limited supply' of Rio Grande water, some say

May 22, 2010 7:01 PM

[Jared Janes](#)  
The Monitor

A permit request by Texas oilman Clayton Williams to extract billions of gallons of water annually from the Rio Grande watershed has South Texas leaders calling for a moratorium on the request until studies on its impact are completed.

Williams, the former gubernatorial candidate, is seeking permission to extract 41 million gallons of groundwater a day from a Pecos County aquifer so it can be transferred and sold for a profit to water-hungry municipalities elsewhere.

But Rio Grande Valley leaders have sounded an alarm because of concerns that the extraction could have a detrimental effect on the supply of water in the Valley, a fast-growing part of the country where the population is expected to triple over the next 50 years.

The extraction bid by Williams' Fort Stockton Holdings could adversely affect the Rio Grande — the only source of water for border communities — by depleting one of its main tributaries, the Pecos River, said Jay Johnston-Castro, the executive director of the Rio Grande International Study Center in Laredo who is leading the opposition to the permit request. Pumping millions of gallons from the watershed each day to quench the thirst of urban Texas cities could dry up the Rio Grande, a major driver of economic growth and development along the border.

"If Clayton Williams gets away with this, other land barons and water sheiks in the watershed will want to do the same thing," Johnson-Castro said. "This will be a precedent-setting case."

### **MORATORIUM**

The Hidalgo County Commissioners Court, the Lower Rio Grande Valley Development Council and the eight-county Rio Grande Regional Water Planning Group have all approved resolutions asking for a moratorium on the permit request until a comprehensive study on the underground water flows and their impact on the Rio Grande's surface waters is complete.



Williams and his group contend their request won't have any effect on the Rio Grande because it simply changes the use of existing water permits.

Fort Stockton Holdings currently uses existing permits from the Middle Pecos Groundwater Conservation District to irrigate fields of alfalfa that is shipped to feed livestock elsewhere, Williams wrote in a letter to Laredo Mayor Raul Salinas, whose city council also passed a resolution calling for a moratorium. The company's permit request simply seeks approval to transfer the same amount of water used under the agricultural permits to surrounding municipalities where a projected water shortage is seen.

"Because we are asking to use the same amount of water that we're already permitted, we will not impact anyone — including the citizens of Laredo," Williams wrote. "We are simply changing the use of our water, not the amount of water."

Mike Thornhill, a hydrologist who has conducted four studies in the area for Williams, also says that "there is no possible way" that neighboring counties or communities can be affected by the amount of pumping requested. The pumping will not extract any water directly from the Pecos River, he said, and pumping water from the aquifer has a miniscule, undetectable effect on the river.

## **RULE OF CAPTURE**

Unlike surface water, which is owned by the state, groundwater in Texas is governed by the rule of capture, which generally grants landowners the right to capture the natural resources beneath their property.

But under Chapter 36 of the Texas Water Code, the groundwater conservation districts formed to prevent overpumping are required to consider impacts on surface water prior to the issuance of permits.

More hydrological studies of the groundwater in Pecos County are needed to ensure the pumping doesn't impact the surface flows of the Rio Grande, including during droughts, said Salinas, the Laredo mayor. Surface water and groundwater are almost always hydrologically connected in some way just as the Rio Grande and the tributaries that feed into it are connected.

"As the population along the Rio Bravo (the name by which the Rio Grande is known in Mexico) grows, the demand for water increases," Salinas said. "This water is being taken from here and then sold in Midland as a business venture. The water is our main resource, and we have to protect it."

Whether the resolutions calling for a moratorium will have an effect on the groundwater conservation district's decision is uncertain.



Paul Weatherby, the general manager of the Middle Pecos district, declined to comment because “there’s too many lawyers involved.”

But Williams’ permit request could be “the first domino to fall” for other rural landowners who see the potential for massive profits by piping water to the state’s metropolitan areas, Johnson-Castro said. The state Legislature should address the rule of capture in 2011 to prevent the draining of rural water supplies to feed urban areas.

“We’re expecting the state of Texas to protect this watershed,” Johnson-Castro said. “It’s the only source of water for most of those who live on it.”

### **LIMITED SUPPLY**

It’s more than 500 miles from the mouth of the Rio Grande to the groundwater conservation district based in Fort Stockton, where a decision on Williams’ permit request will likely be made in November.

The Rio Grande already runs dry at points, a problem that could grow worse for users at the mouth of the river with continuing development in Mexico, said Wayne Halbert, the general manager of the Harlingen Irrigation District, which supplies water from the river to agricultural users and cities in Cameron County. More studies are needed to ensure pumping water out of an aquifer far away from Cameron County doesn’t affect the Rio Grande.

“We’ve only got a limited supply of water,” Halbert said. “We can’t afford to lose that water for our agriculture or our cities.”

---

**Jared Janes covers Hidalgo County government, Edinburg and general assignments for *The Monitor*. He can be reached at (956) 683-4424.**

#### **FAIR USE NOTICE**

This document contains copyrighted material whose use has not been specifically authorized by the copyright owner. The Texas Living Waters Project, which is a nonprofit undertaking, is making this article available in our efforts to promote comprehensive water planning in Texas. We believe that this constitutes a “fair use” of the copyrighted material as provided for in section 107 of the US Copyright Law. If you wish to use this copyrighted material for purposes of your own that go beyond “fair use”, you must obtain permission from the copyright owner.