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Gangnes: State needs to aid protection of rural groundwater

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Posted: 6:00 p.m. Monday, March 23, 2015



By Michele Gangnes - Special to the American-Statesman

The American-Statesman should be commended for its reporting on groundwater wars in Bastrop, Lee and Hays counties. In fact, the Simsboro formation of the Carrizo-Wilcox Aquifer under Bastrop, Lee, Burleson and Milam counties has been targeted for withdrawals of at least 90 billion gallons per year over the next 10-plus years, mostly for export. The League of Independent Voters and many others have sounded the alarm over efforts by speculators to steal groundwater from rural counties and pump it long distances to feed the insatiable appetite for suburban sprawl and a fast buck.

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We value our present way of life, but we value the future of our children and our state more. Mining the ancient stored water in our aquifer for San Antonio, Austin and the Interstate 35 corridor in between endangers all three and makes no sense economically. Why burden taxpayers and ratepayers with the expense of moving water long distances to promote growth where water is otherwise unavailable?

Recently, disputes over groundwater have been framed in terms of property rights. Landowners do have the right to sell their water, but this ruse hides the real motivation. The “demand” for water that landowners have the right to fill is driven almost entirely by a handful of special interests – including investors, speculators and Austin attorneys. The attempt to sell groundwater to cities and political subdivisions isn’t an issue of free market versus regulation. The reality is speculators are using political influence and the legal system to reach into the pockets of taxpayers and ratepayers to enrich themselves and their clients. Our folks might call that graft and influence peddling.

Abengoa/Vista Ridge, engineer Joe Beal and well-heeled Austin lawyers represent those who want to profit via government contracts. They care little for rural landowners who provide the water. The public at minimum needs to know the true cost and who benefits before allowing projects that drain our aquifer and forever alter our region’s future.

The real path forward is on the demand side of the groundwater equation. The unequivocal truth is all of the demand for groundwater transfers is driven by



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political subdivisions of the state. One can only imagine the revolving door of water marketers, peddling their wares to public officials with a thirst for water and the riches of economic development, not necessarily in that order. The absence of responsible supervision when it comes to the distribution of groundwater results in huge well fields, duplicative pipelines and bidding wars that put public dollars in private hands – bad ideas and bad policies.

Our new governor reminds us that political subdivisions are creatures of the state. The state thus could easily put a halt to the “groundwater gold rush.” The League of Independent Voters of Texas is not advocating state supervision of groundwater, but alternatives for better local control of groundwater development may be found in new guidelines for water-short political subdivisions.

The Legislature could amend the state water code to require approval by the county Commissioners Court on both ends of the pipeline when distant political subdivisions want to buy groundwater. The state’s preference for local control would be preserved, and the plethora of PUAs, LGCs, MUDs and other special districts would submit to a measure of control by elected officials who answer to voters, taxpayers and ratepayers.

Another recommended amendment would restrict the exercise of eminent domain powers for groundwater projects to require the approval of each Commissioners Court through which the project will cross. Not only local control but also a second set of eyes and a

measure of dialogue on these controversial projects would be encouraged.

By driving out groundwater speculators, today's equivalent of money changers in the temple, and applying a little good will and common sense, we can provide a fair and secure water supply for all Texans.

Gangnes is an attorney and volunteer water activist. She is a landowner in Blue, a community in rural Lee County, and is a board member of both the League of Independent Voters of Texas and Neighbors for Neighbors.

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