

Livestock Weekly	News
Internet Edition	March 12, 2009
Columnists	
Markets	
Hindsight	
Weather	
Cartoon	
Buyer's Dir.	
Hotlinks	
Archives	
Classifieds	
Advertise	
Web Traffic	
Subscribe	
Contact Us	
Home	

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Possible Pumping Disparities Loom In Panhandle Water Rules

By David Bowser

WHITE DEER, Texas — As the Panhandle Groundwater Conservation District board of directors discuss the desired future condition of the aquifer beneath their district, the water storage in neighboring water districts will be the center of the discussion.

The 16 Groundwater Management Areas around the state are to give the Texas Water Development Board the desired future conditions of the aquifers in their areas by September 2010.

Groundwater Management Area 1, of which the Panhandle Groundwater Conservation District is a member, proposed not one but three desired future conditions for the Ogallala Aquifer that provides water for the Texas Panhandle and South Plains when they met in Amarillo last month.

Gray County Rancher John R. Spearman, president of the Panhandle Groundwater Conservation District and the district's representative on the Groundwater Management Area 1 board, will present those proposals to the water district when they meet here.

The proposals would allow four counties in the western Panhandle to pump up to 60 percent of the water they have in storage in the aquifer over the next 50 years while Hemphill County would be able to limit pumping to 20 percent of the water they have in storage over the same timeframe.

The remaining 13 counties in the Groundwater Management Area, including all of the Panhandle Groundwater Conservation District, will allow pumping of 50 percent of the water in the aquifer over the next 50 years under the proposed desired future condition of the aquifer.

Last fall, the Panhandle Groundwater Conservation District voted against multiple future conditions and indicated that the neighboring water districts needed to come together for one uniform desired future condition.

If the Groundwater Management Area doesn't come up with one uniform desired future condition, there could be several

lawsuits.

One suit has already been filed against the North Plains Groundwater District for allowing more pumping in the western part of its district than in the eastern part.

Another lawsuit has been threatened against the single-county district of Hemphill County for allowing less pumping than the groundwater districts that surround it.

Panhandle Groundwater Conservation District stands fast in the middle with a desired future condition of 50 percent of its water in storage at the end of a 50-year period, a goal laid out earlier by the Regional Water Planning Group.

C.E. Williams, general manager of the Panhandle Groundwater Conservation District, says he would like to see one desired future condition rather than several. Like others in the groundwater sector, he fears a fracture among neighboring groundwater districts could lead to less local control and more control from the state capitol.

Williams is also a member and past president of the Groundwater Management Districts Association, a member and past president of the Texas Water Conservation Association, and a member and past president of the Texas Alliance of Groundwater Districts. He is currently chairman of the Panhandle Regional Water Planning Group, presiding officer of the Texas State Water Conservation Advisory Council, the secretary and treasurer of the Texas Water Foundation, and vice president of the Texas Weather Modification Association.

"We're trying to balance the use of what we need today and future generations," Williams says.

He admits that's not an easy task.

Williams says the district rules essentially require a landowner who wants to pump water to have a permit. The district requires a \$100 deposit for the permit.

"We don't have any administrative fees," Williams says.

The taxes the district levies cover the administrative costs, he says, so there's no need for additional fees.

"We do have a one acre-foot per surface acre limit," Williams says. "That's on contiguous acres."

That's an important distinction, he points out.

"That looks at all of your acreage," Williams says.

It includes corners under circle irrigation.

"It's not wetted acres."

Under that rule, Williams says, if a producer needs more production, he might be able to go to a neighbor and buy his water, but if the land operation is expanded, to count toward a permit, those acres have to be contiguous. A producer can't count several sections of pasture two or three miles away to pump more water on crop land. Those acres have to be contiguous to count toward the maximum allowable limit of what can be pumped.

"This has created a market," Williams says.

It has worked well in Roberts County, he says, and it's starting to work well in other parts of the district.

"My son's a farmer," Williams says, "and one of his neighbors has an odd-shaped piece of land along U.S. Highway 60. It will probably never be used for irrigation because of its shape."

But Williams' son has leased the odd-shaped ground so he'd have enough water to grow his corn.

That lets the farmers make the decision on what they grow or what they don't grow, Williams says, instead of the water district.

"I don't care what it grows," Williams says. "If I'm managing the aquifer, it shouldn't make a darn whether it's corn or cotton or north of the City of Amarillo or Lubbock."

He says the water district's charge is to manage the aquifer, not to see who gets the permits.

"That's another thing we learned the hard way," Williams says, "but we learned it."

With a grin, he says the district tries not to make the same mistake twice.

"We'll make some," he says, "but we'll correct them, and we try not to make the same one twice."

Williams says they don't require a permit on the drilling rig, but they do require notification from the driller to make sure the producer has a permit. A simple phone call will do.

"We try to keep it as simple as we can," Williams says.

He notes that the district has an initial production permit, or IPP.

"It was born out of the Mesa controversy," Williams says. "It recognized the initial production that is assumed for everybody."

If a person has 100 acres, then the IPP will state that the person can produce up to 100 acre-feet of water from that land. In some instances the hydrology may not allow that, but the rules would if it were possible.

Mesa wanted that set up so they could substantiate how many acres they had put together in their water marketing program.

The benefit for the district, Williams says, is that it is easier to keep up with the water rights in the district.

"By issuing those, it's been a really valuable tool by tracking what groundwater's been severed," Williams says. "We've got a way of tracking them. We know how much has been severed. It kind of gives us an idea of what's going on out there. It's been a really valuable tool for the district."

The Panhandle Groundwater Conservation District consists of all or parts of eight counties in the Texas Panhandle — Potter, Carson, Gray, Wheeler, Hutchinson, Roberts, Armstrong and Donley.

"We have a nine-member board," Williams says. "Our board has been very involved in water use conservation for a number of years."

One of the issues now facing state water officials is something the Panhandle water district board has faced for a number of years. That is the rural-urban divide.

To complicate things, Williams says that just defining that conflict is difficult.

"If you're in Austin," he says, "west of I-35 is all rural. Everything east of I-35 is all urban."

Williams says that when he first joined the Panhandle Groundwater Conservation District as executive director in 1990, the problem was rural Carson County and the regional urban center of Amarillo.

"The City of Amarillo had well fields in Carson County," Williams explains. "They moved water from Carson County to the City of Amarillo."

Amarillo at the time was not part of the district. It has since joined, or rather the part of it that is in Potter County has joined the district. Amarillo straddles the line between Potter and Randall counties.

In 1990, Amarillo met all the district's rules concerning pumping of groundwater.

"The problem that popped up," Williams says, "was we allowed four eight-inch wells per section."

Amarillo was able to use that water because they were transporting the water off-site into the city. They also pumped 250 days a year.

Typically, however, the district saw only two eight-inch wells in their agricultural studies that produced 120 days a year.

"That urban-rural conflict," Williams says, "is what started us down the road."

He says everybody thinks the conflict is recent.

"It's really not," Williams counters. "It's been there for a long time."

He says his board has been dealing with that for many years.

"My point is that the board has been serious about water use and conservation for a number of years," Williams says, "and they are to be commended for that."

As for what is happening in the Ogallala Aquifer, the giant aquifer that lies beneath Williams' district and much of the Great Plains across the Central United States, he says they rely on a computer model built by the Bureau of Economic Geology at the University of Texas.

"Alan Dutton is the one who actually did the model," Williams says.

The model starts in 1950 and runs based on collected data to project what might happen in the region by 2060.

"When it goes to 2060," Williams says, "there are a number of

counties that show problems."

Some of the more notable problems appear in the western Panhandle, but there appear to be problems in Carson, Roberts and Gray counties as well.

"They're not big problems," Williams says, "but they're there."

The model, of course, is based on current data and shows what is expected to happen if nothing changes and existing trends continue.

"The key," Williams says, "is that we have to step up to the plate and take additional steps to protect the water and see that what's projected is not the eventual outcome."

The guiding principle of the Panhandle Groundwater Conservation District, he says, is the preservation and conservation of the aquifer and the long-term efficient use of the water.

"We try desperately to treat everybody fairly and honor private property rights," Williams says. "We try to put into place non-discriminatory use and regulation of the aquifer as long as it's being put to beneficial use, and we also see the need to conserve for future generations."

The non-discriminatory regulation of water by the district is something neighboring groundwater districts may want to heed.

"We try to work together with all of our clients, no matter who they are," Williams says. "One thing I guarantee the board always does is listen."

He says they take the producer's needs and concerns into consideration.

Williams says they also take into consideration changes in schedules and emergencies so they often work outside regular office hours. He gets calls on Saturdays and Sundays.

"It doesn't matter," he says. "Call us."

His primary concern is the next generation. If the district does things right, Williams says, the next generation will benefit from the work of the water district.

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