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Why does East Texas need a groundwater conservation district? Gregg County judge weighs in

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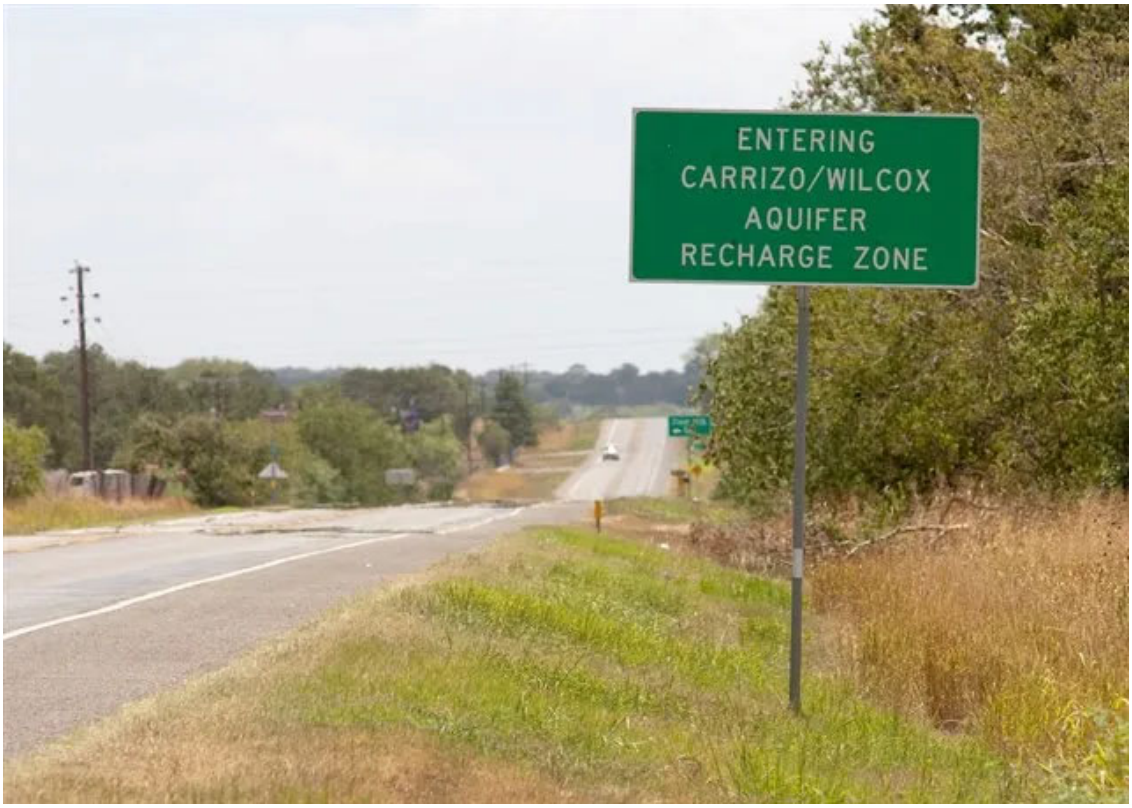

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If East Texas doesn't protect its groundwater supplies, it won't need to worry about its lakes, rivers and streams. They'll dry up, too, without groundwater, Gregg County Judge Bill Stoudt said this week. That's why he and dozens of other regional county leaders are supporting a proposal to create a regional groundwater conservation district, which is the only legal entity that counties can use to ensure their finite groundwater supplies are protected from overuse.

“It’s not something we want to do,” Stoudt said. “We must do it if we’re going to protect the water for the next generation 50 years from now.”

East Texas, a naturally wet region with a large supply of groundwater, is a target for water planners and corporations from the Dallas-Fort Worth area who are seeking to drill roughly 90 high-capacity water wells here in the coming years to supply the growing metroplex. But regional leaders fear those wells could deplete the region’s groundwater supplies, which cities, towns, farms and homes depend on.

A groundwater district could prevent abuse of the region’s groundwater, which is contained in the Carrizo-Wilcox Aquifer. Roughly 14 East Texas counties have agreed to take part in the proposed district, and three more are expected to do so, Stoudt said.

Stoudt spoke to several Longview civic and business leaders Wednesday during the monthly Longview 20/20 Forum at Pinecrest Country Club in Longview to answer questions about the district and why he said the region needs it.

What is a groundwater district?

A groundwater conservation district is a legal entity that can regulate how water is pumped from the ground within the district.

The proposed district — which includes Gregg, Smith, Harrison, Upshur and several other counties in the region — would put “guardrails” on the region’s groundwater to protect it from being depleted, Stoudt said. Groundwater is held in the Carrizo-Wilcox Aquifer, which is one of the state’s largest.

Presently, Northeast Texas’ groundwater is unregulated, meaning any entity is free to drill large, high-capacity commercial water wells and pump out as much as they want — regardless of the potential dangers.

Water planners in the Dallas-Fort Worth area are aware of the fact that this region does not have a groundwater district, and they have a long-term plan to drill 90 wells in Smith, Wood and Upshur counties, the News-Journal previously reported. That figure does not include any wells other large entities might seek to drill here.

Presently, Texas groundwater laws allow that kind of activity. The state’s longstanding rule of capture basically dictates that water belongs to whoever can pump it out the fastest.

The groundwater district would regulate commercial wells, not private wells supplying homes or farms, Stoudt said.

“This is more directed for commercial overuse of underground water,” he said.

The 17 counties that are expected to join the district will make it one of the state’s largest, Stoudt said.

What will the district do?

The district’s primary functions will be to study the aquifer and approve or deny permits for commercial wells.

The district will conduct studies of the aquifer every five years to determine how deep it is — and determine how much water can be pumped out annually to prevent it from being depleted, Stoudt said. Groundwater supplies can be depleted rapidly but can take hundreds, even thousands, of years to refill.

“We want to make sure it doesn’t keep going down because somebody upstream is pumping it all out, and it’s going somewhere else,” he said.

The district would use various legal procedures and tools to ensure that the aquifer level is maintained, including well registration requirements, well construction standards, well spacing requirements, reporting requirements, permit requirements and more.

Those regulations could prevent someone from buying large tracts of land (giving them access to the groundwater below) and drilling numerous high-capacity wells to pump water outside the region, Stoudt said. In such a scenario, the district could prevent at least some wells from being drilled if they would be spaced too close together.

“We have negotiating power to make sure that, if we do decide to let someone [drill wells], it’s not going to overburden the aquifer,” Stoudt said. “We might say, ‘Hmm. I think we’re not gonna do that.’ That’s how important this is to get us a seat at the table.”

Why protect groundwater?

The aquifer is a major supplier of water to East Texas cities. It also is a crucial water supply for private homes, farms, ranches and industries in the region.

If the aquifer level drops because too much water is being pumped out, homes and businesses might not have enough water. They might have to drill new, deeper wells as the aquifer level drops.

That’s becoming a reality in West Texas, where the Ogallala Aquifer’s level continues to drop rapidly. That aquifer supplies irrigation water for a large portion of the nation’s crops, and if depleted, it could cause significant problems for agriculture.

“I’m not saying that this district wouldn’t sell water,” Stoudt said. “We’re gonna make sure we’re not gonna hurt each other.”

Groundwater supplies also affect surface water supplies, Stoudt said. Groundwater supplies feed rivers, lakes and streams. If that supply dries up, so will those bodies of water.

How will the district be established?

The district must be created in conjunction with the Texas Water Development Board. Ultimately, state lawmakers will need to vote to approve it during the next legislative session that begins in January, and the governor would need to sign the measure into law, Stoudt said.

East Texas lawmakers support the proposed district, Stoudt said. He believes it’ll gain the necessary legislative support, though that will require regional lawmakers to inform their counterparts from other parts of the state about the need for it.

How will it be funded?

Not through property taxes, Stoudt said. Instead, the district will receive funding from fees levied on commercial wells, including water supply districts, cities that use groundwater and commercial wells within the district.

That means customers of water supply districts and cities using water wells will pay more for their water, Stoudt said. However, estimates from other advocates of the water district, including Upshur County Judge-elect Brandon Dodd, peg those fees at $3 or $4 per month per household.

Households and farms with private wells will not pay fees to use their wells, Stoudt said.

Adequate funding for the district will be essential to fight back against lawsuits from entities that seek to drill high-capacity wells here and aren't happy if their permits are denied. That's what's playing out in Anderson County, where billionaire Kyle Bass has sued to overturn a moratorium on his proposed water wells, which could pump billions of gallons of water annually to Dallas.

Who will lead the district?

The district will have a staff that will prepare reports and work with agencies to conduct required studies. The staff will also receive applications to drill wells.

The district board will be responsible for approving or denying applications. The district's first board likely will be composed of county judges in the district, Stoudt said. Later, counties will be able to appoint members.

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