

Groundwater: Fact vs. Fiction

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Suddenly, everyone's an expert on groundwater. It would seem we've come a long way since 1904, when the Texas Supreme Court declared groundwater to be "mysterious and occult."

Now, 100 years later, any water marketer worth his salt will tell you for a fact that you can pump all the groundwater you want out of an area with absolutely no serious impact on the region's future water supplies. Other experts will tell you for a fact that our groundwater resources should be controlled by a state agency with standardized rules applied uniformly across the state. A few also will insist that managing groundwater resources is the same as managing oil and gas and that if you've done one, you can do the other.

At the Texas Alliance of Groundwater Districts (TAGD), we think "facts" like these don't hold water. And the "experts" who espouse them are all wet.

The members of TAGD – 73 of the 80 confirmed groundwater conservation districts in Texas – have taken a wait and see attitude to the recent debates over groundwater issues. We've listened to considerable wrangling over the amount of groundwater that may or may not be available in certain areas; we've heard heated discussion on the proper role of the state in overseeing groundwater; we've winced at inaccuracies about the roles and responsibilities of groundwater conservation districts and the efficiency of the Rule of Capture.

Now it's time for the folks who really know groundwater to have a say.

It's time for the real experts – the ones with years of experience monitoring groundwater behavior and developing workable policies for using this precious resource – to detail the real facts of managing groundwater in Texas.

Like Texas, like the aquifers we manage, and like the conditions we work under, TAGD is a diverse lot. But our experience unites us on several points . . . the true facts of the situation.

Fact #1: The Rule of Capture is not broken. Although the rule ostensibly allows anyone to freely pump as much groundwater as possible, there are limits. Pumping must be for beneficial use; no waste is allowed. Furthermore, groundwater conservation districts can adopt spacing requirements and production limits. By state law, districts also must develop and implement conservation and drought management plans and permit requirements. All these are important restraints that balance the Rule of Capture.

Fact #2: Groundwater management in Texas is not and cannot be one-size-fits-all. Texas boasts 9 major aquifers and 21 minor aquifers. Some are recharged easily; others very slowly or not at all. Some serve major cities; others are used mainly for agriculture. A single agency, especially one charged with a multitude of other responsibilities, lacks the capability and flexibility to respond to specific conditions and needs in a timely manner.

Fact #3: Groundwater conservation districts are rightly the state's preferred method of managing groundwater. The Texas Legislature appropriately wrote this phrase into law. Hands down, a locally elected and locally managed district is the best way to develop and administer well spacing requirements, groundwater production limits, drought management, and other policies that reflect the conditions of a particular section of an aquifer and the specific needs of the people who draw from it. And thanks to legislative foresight in the last few sessions, districts now oversee 89 percent of groundwater use in Texas.

Fact #4: Local groundwater conservation districts need adequate support and time to develop sound policies for managing our groundwater resources. Many districts are relatively new. Few have started out with adequate financial and technical resources to do their jobs properly, and several are threatened by lawsuits even as they try to organize and establish policies and procedures that fit the needs of their communities. The successes of older, established districts prove that the impact of the Rule of Capture can be reduced when a district implements scientifically sound management policies.

Fact #5: Groundwater management is an important issue in Texas and dialogue is necessary to define efficient and equitable management techniques and policies. But let's make sure that dialogue is based on facts, not suppositions. And let's include in the discussion those who breathe, eat, and sleep groundwater. The Texas Alliance of Groundwater Districts stands ready to assist with sound science and broad expertise.

The Texas Alliance of Groundwater Districts is a nonprofit organization offering networking opportunities and mutual assistance to districts. TAGD also serves as a resource on groundwater science, management, and policy. For further information, contact TAGD at 1300 Guadalupe, Suite 201, Austin, TX 78701; tel: 512/473-8600; www.texasgroundwater.org.