

Fayette County Groundwater Conservation District

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GROUNDWATER WASTE

La Grange, Texas—
By: William P. Kohlleppel, Jr.

Over the last few years, it has become clear that water – our most critical natural resource – is in short supply in many areas of Texas, the U.S., and around the world. Water is a topic you see in the news nearly every day now. Fayette County does not currently have a water shortage. However, we must all take responsibility for using water wisely to insure that we do have enough water for ourselves, our children and grandchildren, and for all the expected growth in this county.

The Fayette County Groundwater Conservation District has received numerous unofficial reports of people running their pumps continuously for long periods of time to fill or top off a tank, sometimes causing harm to neighboring wells, and sometimes to the point where water is running off. The District would like to address this issue in this article.

Texas ponds and tanks experience drastic draw-downs during the summer months. This is part of the natural cycle, and should be expected. These draw-downs concentrate all the fish in small areas and can reduce populations through either predation or oxygen depletion. You can minimize the impact of such draw-downs by providing deep water (12 to 16 feet) in part of the pond, by not overstocking the pond, and by not overfeeding. If your pond is subject to drastic draw-downs, stock it based on its size during the draw-down. Contact the Fayette County Extension Agent or Fayette County Soil and Water Conservation for more information on fish pond construction and stocking.

The District considers the use of groundwater to fill a surface reservoir, such as a fish pond, to be a wasteful practice. The primary reason is the massive loss of that water due to evaporation and seepage. Evaporation is influenced by wind speed, air temperature, and humidity. A pond can easily lose ¼ inch per day to evaporation alone. For a one acre pond, that equates to a rate of roughly 6,800 gallons lost per day, nearly 2 ½ million gallons, or 7 ½ acre feet, per year! (One acre foot of water can easily supply a family of four for an entire year.) Evaporation loss can be even greater when the water is aerated - for example, by a windmill, waterfall, bubbler, or fountain.

Chapter 36 of the Texas Water Code includes in its definition of waste “wilfully or negligently causing, suffering, or allowing groundwater to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the commission under Chapter 26”. If someone is allowing groundwater to overflow, and is not capturing or controlling that

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SOURCE: FAYETTE COUNTY GCD

runoff, that person is in violation of the State code, which is enforced by the Texas Commission on Environmental Quality (TCEQ).

Under the “rule of capture”, the current State law, a person can pump an unlimited amount of groundwater from beneath his/her land, and that person is not liable for injury to another adjacent landowner caused by excessive or harmful pumping, other than from subsidence, as long as it is not wasteful and the damage was not intentional.

However, where a groundwater district exists, the rule of capture does not govern groundwater withdrawals. The district implements rules and policies that govern the withdrawal of groundwater, such as spacing requirements, permitting procedures, and production limitations. One goal of such rules would be to insure that all district residents have an equitable and reliable share in the available groundwater. A landowner can no longer pump as long as he wants or as much as he wants if he is causing harm to a neighboring well. If asked, the district will intervene in those instances.

Natural resources - water, minerals, coal, oil, gas, living things, and the land itself - are Fayette County's treasures. It is the responsibility of everyone living in or owning land in Fayette County to be effective stewards of these valuable natural resources.

Most people who grew up in a rural setting learned from an early age the importance of taking good care of what they have been given, not only for their own benefit but for the benefit of those who follow. We've also learned to show consideration for our neighbors – we know that how we manage our land and natural resources has an impact on others.

But for many, living on a few acres in a country setting is a new lifestyle. Rural land ownership carries with it unique responsibilities: to sustain land, water and environmental quality. Rural homeowners, no matter what size acreage they may own, must be good stewards of their land and its natural resources.

For more information or questions on this or any other topic, please contact the District office at (979) 968-3135 or stop by the office in the Fayette County Agricultural Building at 254 North Jefferson, Room 600, in La Grange. You may also visit our website at www.fayettecountygroundwater.com.