

# Lessons Learned on a Water Quest

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**Water initiatives in Texas:**

**Energy, Technology, and Policy**

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***“Our water is drying up and the breath of hell is descending on Texas.”***

State Representative Lyle Larson, TDA Conference  
September 11, 2014

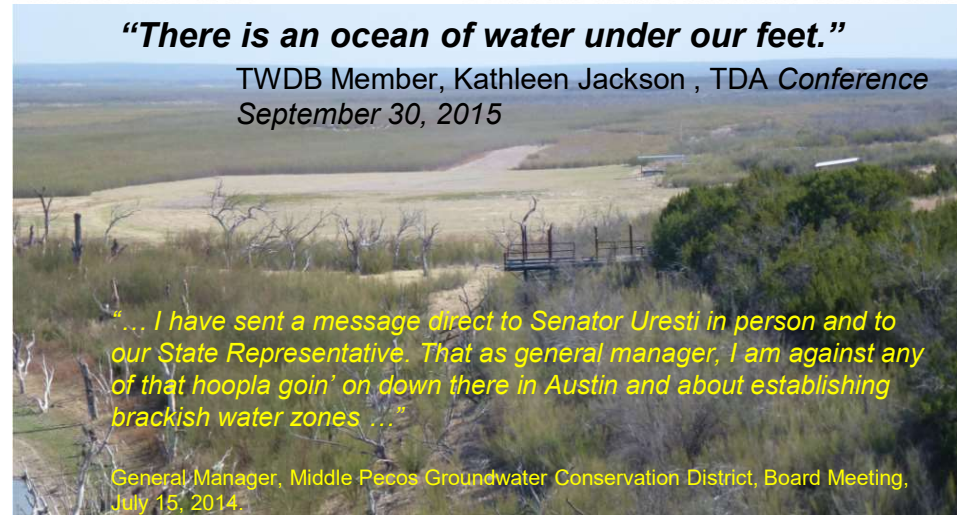


Lake Travis: 1952

Source: Austin American Statesman

***“There is an ocean of water under our feet.”***

TWDB Member, Kathleen Jackson, TDA Conference  
September 30, 2015



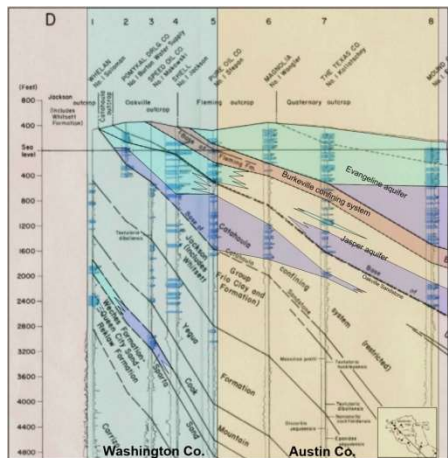
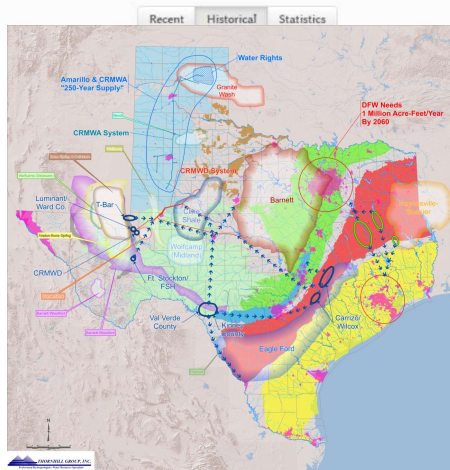
***“... I have sent a message direct to Senator Uresti in person and to our State Representative. That as general manager, I am against any of that hoopla goin' on down there in Austin and about establishing brackish water zones ...”***

General Manager, Middle Pecos Groundwater Conservation District, Board Meeting,  
July 15, 2014.

Lake O.H. Ivie: 2014

Source: Water Quest, Inc.

**O. H. Ivie Reservoir is 14.6% full as of 2015-01-12**  
**O.H. Ivie Reservoir is 12.4% full as of 2016-02-12**



**We all need reliable, economically feasible, and politically feasible water supplies**

- **Municipal/Industrial**
- **Mining/Oil & Gas**
- **Agriculture**
- **Environment**
- **Recreation**

## Collaborating with industry peers and other entities on local water sourcing challenges

- Competitors can be successful working together**
- Develop brackish water resources as a planned well field
  - Cradle to grave management
  - Once you get it, don't let it get away!
    - Recycle/reuse
    - Evaporation control
  - Municipalities
    - Waste water
    - Infrastructure

## Texas Association of Groundwater Owners & Producers

## During attempt at brackish water policy recommendations we learned

- Current groundwater management in Texas has some issues
  - Consistency and clarity in rules
  - Controlling projects vs managing aquifers
    - Creating conflicts among users and management
  - Accountability
  - Time and money

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# We can have Reliable, Economically and Politically Feasible Supplies

## Day Case Reference – letting the Texas Supreme Court be our guide

**“As with oil and gas, one purpose of groundwater regulation is to afford each owner in a common, subsurface reservoir a fair share.”<sup>152</sup>**

<sup>152</sup> See *Elliff v. Texon Drilling Co.* 210 S.W.2d 558, 562 (Tex. 1948)

(“... our courts, in decisions involving well-spacing regulations of our Railroad Commission, have frequently announced the sound view that each landowner should be afforded the opportunity to produce his fair share of the recoverable oil and gas beneath his land, which is but another way of recognizing the existence of correlative rights between the various landowners over a common reservoir...”)

## Identify the difference between groundwater regulations that are based upon:

- Private property subject to constitutional protections on regulations for **all owners** (correlative rights or “**per property**” permitting)

vs.

- Property believed to be owned by the State or the administrative board to **ALLOCATE** to whom the boards wish to apply (discretionary rights or “**per user**” permitting)

## **Respecting Private Property Rights – Recommended Changes to Water Code – Ch. 36**

- REQUIRE all GCDs to pass and enforce rules that follow the authorities in Section 36.116 of the Water Code
  - Per property regulations
    - Well spacing
    - Production allocation
- Eliminate discretionary authorities currently contemplated in Section 36.113(d) and 36.113(e)
  - Per user considerations
    - Effects or type of use