

Victoria groundwater district plan heads to Austin

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Proposed legislation allowing voters to create a groundwater conservation district that could enact pumping limits and other safeguards for Victoria County's underground water supply was approved Monday by county commissioners.

The bill, if approved by lawmakers in Austin and then signed by the governor, would establish the Victoria County Groundwater Conservation District, which would be subject to a confirmation election by local voters.

"In all probability, we'll have an election in November," said County Judge Don Pozzi.

"We want our water protected," said Commissioner Jerry Nobles. "This proposed bill is probably the only step commissioners court can take to help see that those protections take place."

Lacking a groundwater district, Victoria County remains under the state's rule of capture, which allows landowners to claim, with few exceptions, all the underground water they can pump.

Observers say protections afforded by a groundwater district are needed for the local aquifer now that plans are moving ahead for the construction of the Lower Guadalupe Water Supply Project, a major state-water-plan project that would export groundwater from Victoria County to San Antonio beginning in about 2012.

Opponents have voiced concerns that large groundwater withdrawals could lower the level of the area's aquifer, causing water wells to go dry, land subsidence, diminishing water quality and even harming the aquifer's ability to refill itself naturally with rainfall.

"Victoria County is now vulnerable," said Victoria's Bob Keith, one of eight citizens who rose Monday to speak to commissioners concerning the proposed legislation. "There is considerable concern for the future of groundwater in Victoria County. I think the step that you're taking is important and timely."

Keith said the proposed legislation would allow local interests to have a say in state and regional water planning.

Without locally instituted protections, state and regional water planners could tend to focus on obtaining the maximum amounts of groundwater production from rural counties in order to supply big cities, he indicated.

"I would hope that a groundwater district is created so that we are better represented and better protected in the statewide planning process," said Keith.

Coolidge Gerdes of Victoria warned that the Lower Guadalupe Water Supply Project's water wells will be capable of pumping up to 1,000 gallons of water per minute.

"I don't know how many years our water aquifer can stand to lose (that many) gallons of water," said Gerdes. "People here are trying to build our community, but what can we build when we have no water?"

None of the speakers opposed the formation of a groundwater district.

Commissioners approved the proposed legislation unanimously.

"This issue is probably as important an issue as there is in Victoria County right now," said Judge Pozzi. "Our hope is that the bill will pass."

Pozzi said he assumes it will be approved by the Legislature - unless the state's senators and representatives decide to revamp laws concerning all groundwater districts.

Pozzi said immediate plans are for Victoria legislators Sen. Ken Armbrister and Rep. Geanie Morrison to introduce the bill to the State Legislature this week.

If legislators approve the new Victoria County district, it would be created with an effective date of Sept. 1.

In the meantime, commissioners will choose appointees to serve on the initial board of five temporary directors. The temporary directors - who would later be replaced by publicly elected ones - would call the district's local confirmation election.

The legislation forming the new district would cap its tax rate at 2 cents per each \$100 worth of taxable value. That maximum 2-cent tax rate, if instituted, would amount to \$20 in taxes per year on a \$100,000 home.

But Commissioner Wayne Dierlam said he expects that the tax rate would be under 2 cents.

"A half-cent, or not much more, might fund it," said Dierlam.

The bill approved Monday would create a district that would have elected directors and no powers to seize private property for public use via eminent domain.

In 2001, Victoria County voters rejected the formation of a would-be district that would have had appointed directors and eminent domain powers, two factors that county officials believe led to its defeat at the polls.

The new bill OK'd Monday was approved contingent upon on the language it contains allowing voters to cast ballots on a single proposition that would both create the district and give it the power to tax up to 2 cents.

Pozzi said the county's legal advisor has assured commissioners that language now in the bill allows a single proposition if the temporary directors decide that's what they want. However, the judge said he'll seek verification of that - and commissioners will amend the bill if needed.

Bill Richter of Victoria asked commissioners to make sure that the language in the bill allows both issues to be presented to voters in a single proposition. Richter said he felt if there were two propositions - one on creation, the other on tax - voters could approve the district without giving it taxing powers. The result would be a weak and under-funded district that couldn't adequately protect the local aquifer, he said.

Ken Schustereit of Victoria suggested various refinements to the bill, including a conflict-of-interest clause that would prohibit anyone profiting from the sale of water from serving as a district director.

However, commissioners said they felt the conflict-of-interest question and others are already covered by state law and that including them could send up red flags that could stall the bill in the Legislature.

"Our purpose is certainly to have a simple, clean bill that we think will pass (the Legislature) and be approved by the residents of Victoria County," said Judge Pozzi.

Schustereit said the bill, even without his suggested changes, "is a much better bill than we had before."

Asa Logan of Victoria County thanked the commissioners for acting to protect the county's groundwater.

"We compliment the commissioners court for taking these measures," Logan said.

Commissioners on Monday also:

- Received official notice from the state's Office of Rural Community Affairs that Victoria County has been awarded a \$350,000 disaster relief grant.

The money will be used to repair county roads damaged in the November 2004 floods. Funds are expected to be available in the weeks ahead. Materials will then be ordered and work started.

- Approved a request for assistance from the Telferner Volunteer Fire Department, which asked for \$3,200 to help fund the assembly of a new brushfire-fighting truck. Fire Marshal Donnie Teague recommended that commissioners approve the request.
- Approved an agreement allowing the Victoria City-County Employees Federal Credit Union to establish an office in the county's Bridge Street Annex, located across the street from the downtown county courthouse complex.

The credit union's office is expected to open in the summer. It'll occupy a 1,460-square-foot space on the annex's first floor.

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