

## **Ogallala Critical Source of Water for Panhandle and West Texas**

Sen. Robert Duncan and Sen. Kel Seliger

Many angry landowners have contacted us about a plan that, contrary to good public policy, will negatively impact property rights of rural Texans from Roberts to Jack County. The brand new Roberts County Fresh Water Supply District No. 1, acting as an alter ego of businessman T. Boone Pickens and Mesa Power Pampa, LLC, has launched a private venture that may force landowners across 11 counties to submit to the power of eminent domain so they can pump water from the shrinking Ogallala Aquifer and sell wind-generated electricity. This new governmental entity is composed of only five people, all employees or associates of Mr. Pickens. Mesa is Mr. Pickens' private company – he controls the various corporate shells identified with this project in filings with the Public Utility Commission.

Mr. Pickens' plan is to sell 200,000 acre feet of the Ogallala each year to the Metroplex, even though the plan has not been embraced by water policy planners as an economically viable solution to the Metroplex's future water needs. Such an extensive extraction of water from this area of the Ogallala Aquifer will have a negative effect on natural spring flows and on the Panhandle and West Texas communities that rely on this resource for their future existence.

Enabling the wind part of this project is a last-minute House amendment last year that allows a fresh water supply district to host transmission lines from wind energy projects on its rights-of-way or easements. This amendment lets Mr. Pickens' personal fresh water supply district develop right-of-way to build the transmission lines for wind-generated energy he intends to sell. This component of the plan also taps the emotions of those who support development of wind energy resources in the Panhandle (as we do).

Many believe that if they oppose Mr. Pickens' supply district's Ogallala-to-Metroplex water project, they will miss out on wind energy opportunities. That is not true.

The fact is, Mr. Pickens isn't the only one seeking to develop wind energy. He's just the only one who personally owns a governmental entity (a new freshwater supply district) to obtain the right-of-way for him.

There is an undeniable demand growing for renewable energy. Wind power is coming to Texas and it will be developed in the Panhandle and West Texas, regardless of whether Mr. Pickens' latest venture succeeds. To transport the much-needed renewable energy to the rest of the state and nation, companies will construct transmission lines. Mesa Power is proposing one transmission line, but it isn't the only proposal.

Within the next few weeks, the PUC will complete its Competitive Renewable Energy Zones (CREZs) proceeding, consistent with the public policy priority of efficient and orderly development of wind energy. A transmission route will be selected to carry wind energy to the state's energy grid. Since this process began in 2006, more than a hundred people have filed comments with the PUC, and 85 parties, Mesa among them, have participated in this process.

The Panhandle and West Texas have a long history of helping our neighbors. Our cotton, grain, beef and oil have clothed, fed and moved Texans for generations, and we're proud of that heritage. While we look forward to developing renewable energy to be purchased by our neighbors, we cannot give up an important future source of water for our region – nor are we required to do so. The Ogallala is not "surplus" water; it is a critical source of water for future generations who choose to settle and raise their families in the Panhandle and West Texas.

We are working with our colleagues in the Legislature to develop long term solutions for water and wind resources. We intend to address the issues raised by this poorly conceived project. Water is not like oil; it is like blood -- life-sustaining.

*Senator Robert Duncan, R-Lubbock, serves 46 Panhandle and West Texas counties in the Texas Senate. Senator Kel Seliger, R-Amarillo, represents 26 counties from the Panhandle to the Permian Basin.*