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Judge says agency will need to resolve dispute over Texas lake

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BY BILL HANNA

billhanna@star-telegram.com

An Austin judge's opinion is the latest wrinkle in the Metroplex's quest for a long-term water source.

State District Judge Gisela D. Triana issued a preliminary ruling last week signaling that a state agency will have to resolve a dispute between two regional water planning groups over whether to build the Marvin Nichols reservoir in Northeast Texas.

The Dallas-Fort Worth planning group has the reservoir in its long-term plans; the Northeast Texas group does not.

Siding with landowners, Triana said the Texas Water Development Board should mediate or resolve which plan is used in the state's master plan for meeting water needs for 50 years.

"This is just a small step in the process but hopefully one of these small steps will lead to a solution," said Austin attorney Richard Lowerre, who is representing timber owners and landowners who have land in the footprint of the planned reservoir.

The Water Development Board's general counsel said the judge's preliminary ruling is "under evaluation" as the agency awaits the official order.

East Texas water

The Northeast Texas property owners want the Metroplex to explore other options for water. But the area has had setbacks in other initiatives.

Notably, last month the 10th U.S. Circuit Court of Appeals rejected a request from the Tarrant Regional Water District to rehear its lawsuit to obtain water from Oklahoma. That leaves the district to decide whether to appeal to the Supreme Court. It has until Jan 19 to decide.

"We want to know with far greater clarity what our options are by 2015," said Wayne Owen, Tarrant Regional's planning director.

Water providers are again looking toward Northeast and East Texas, where Tarrant Regional is planning a \$2.4 billion integrated pipeline with Dallas that should provide enough water until about 2035. The water district is also working to expand its wetlands reuse project near Richland-Chambers reservoir and to build another near Cedar Creek Lake.

But where Tarrant Regional and other water providers go after that remains an open question.

The draft of the Dallas-Fort Worth region's 2012 plan includes various management strategies including reuse. It also calls for four new major reservoirs for the region: Lower Bois d'Arc Creek reservoir and Lake Ralph Hall, both in Fannin County; Marvin Nichols, in Red River County; and an unnamed replacement for Lake Fastrill. Dallas wanted to build that lake along the Neches River in Anderson and Cherokee counties but was stopped when the site was designated a national wildlife refuge.

Raising Wright Patman Lake

Environmentalists and others suggest other alternatives for the Metroplex.

For example, the plan does not include raising the level of Wright Patman Lake in Bowie and Cass counties and using more of the lake for water rather than flood control.

"Wright Patman is already in place, the land is already inundated, the condemnation, the environmental damage has already happened," said Janice Bezanson of the Texas Conservation Alliance.

Bezanson also says the Metroplex can do more reuse and conservation than is in the plan.

Area water providers say they are open to the idea, but it will require an Army Corps of Engineers study that has not been fully funded.

The local sponsor, the Sulphur River Basin Authority, has pledged half of the \$8.9 million cost for the 4 1/2-year study, but no federal dollars have been committed.

"I still don't have anything at this point other than schedule," said Marcia Hackett, the corps' project manager for the Sulphur River basin study.

But Hackett hopes to get approval soon to start accepting funding from the local sponsor, and she said more funding from nonfederal sponsors could be sought.

Jim Parks, executive director of the North Texas Municipal Water District and chairman of the Metroplex water planning group, said he is eager to see the study completed.

"There seems to be interest in changing the operating protocol of Wright Patman," Parks said. "If you can produce the same amount of water as you can out of Marvin Nichols, I would support it."

Bezanson says the study should simply focus on Wright Patman instead of waiting to do a study of the entire basin.

And Lowerre, the Austin lawyer representing Northeast Texas timber and property owners, said there is still distrust over the long-term aims of Metroplex water providers.

He says his clients are all in favor of using Wright Patman -- as long those water providers give up plans to build Marvin Nichols, or at least postpone them for a number of years.

Bill Hanna, 817-390-7698

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