

Landowners, timber company sue state water agency

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The suit charges that the Texas Water Development Board created a conflict by adopting a plan for the Dallas-Fort Worth-North Texas area that calls for Marvin Nichols Reservoir to be built after having also adopted a plan for North East Texas that opposes Marvin Nichols.

Landowners who would have their land condemned and taken if the proposed Marvin Nichols Reservoir were built, and a timber company whose business depends on logging in the Sulphur Basin, filed suit Thursday against the Texas Water Development Board, the state agency that oversees planning for future water supply.

“The Texas Water Development Board adopted regional water plans that conflict with one another,” said Richard LeTourneau, who owns land in Red River County.

The suit charges that the Texas Water Development Board created a conflict by adopting a plan for the Dallas-Fort Worth-North Texas area that calls for Marvin Nichols Reservoir to be built after having also adopted a plan for North East Texas that opposes Marvin Nichols. Texas water law says that when there is a conflict between two regions, the Texas Water Development Board (TWDB) is required to work with the two regions to resolve the conflict. TWDB made no effort to resolve the conflict, simply adopting both regional plans.

Texas is divided into 16 regions for water planning purposes. The counties around Dallas and Fort Worth are referred to as Region C. Northeast Texas, where the proposed lake would be built, is known as Region D.

LeTourneau, who is a past chairman of the Region D Water Planning Group, explained the background for the suit. “Texas water law clearly indicates that the terms of the Region C water plan and those of the Region D water plan are in conflict. TWDB has failed to meet its statutory requirement for resolving regional differences.”

The petition in the case asks the Court to find that the Texas Water Development Board erred in approving the Region C Plan and in finding that there is no conflict between the Region C Plan and the Region D Plan. The plaintiffs are asking that the Court reverse and remand the decisions by TWDB and find that there is a conflict between the plans.

The plaintiffs are not seeking any personal compensation. The purpose of the suit is solely to require the Texas Water Development Board to meet its obligations.

Water planners and residents of Region D, which includes 19 Northeast Texas counties, are committed to working with Region C water providers to help them obtain the water they need. The Region D Water Planning Group does not oppose export of water from the Sulphur Basin to the DFW Metroplex, but strongly opposes building the proposed Marvin Nichols Reservoir to obtain that water. Throughout the deliberations of a Study Commission mandated by the Texas Legislature, LeTourneau and other representatives of Region D recommended a study of raising the level of Wright Patman Reservoir, to supply Sulphur River water to the DFW area. The Study Commission failed to come to a recommendation when representatives from Region C would not agree to allow Region D to have a say in who conducted the study.

“Filing this suit is another way that folks in Region D are saying that we want to work with Region C to provide water without harming the landowners, timber industry, agribusiness, and communities of Northeast Texas,” concluded LeTourneau. “The suit would force the Water Development Board to take a step toward resolving the disagreements between the two regions.”