



Ruling in favor of landowners says to resolve area water dispute

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By Glenn Evans gevans@news-journal.com | 0 comments

A district judge in Austin sided with Northeast Texas landowners and a timber company Monday, ordering a state water agency to resolve a dispute over whether Dallas will build Marvin Nichols Reservoir.

"She definitely came to the conclusion that there is a conflict between Region C and Region D and their regional water plans," plaintiff Richard LeTourneau of Hallsville said, referring to the Dallas/Fort Worth Metroplex and Northeast Texas water planning regions.

Texas is divided into 16 water planning regions, each of which sends its plan to meet water needs for the coming 50 years to the Texas Water Development Board to compile into the state's master plan. The 1997 legislation creating the regions, of which Northeast Texas is Region D and Dallas is Region C, says the water development board will resolve conflicts.

However, in shipping updates of their individual plans to Austin almost a year ago, the Dallas region included its intent to build Marvin Nichols. The Northeast Texas plan rejects the lake.

"And instead of following their mandate for regional water planning, they decided they would just pass both plans as is," LeTourneau said of the water board.

"One says, yes, and one says, no. ... The judge is basically saying that the water development board should address the conflict."

Marvin Nichols would flood an estimated 72,000 acres along the Sulfur River, mostly in Red River County.

The four landowners, three of whom are members or past members of the Region D Water Planning Group, say Dallas should explore other options before building a lake.

Co-plaintiff Ward Timber fears economic loss of up to \$275 million in Northeast Texas if the hardwood bottomland timber is lost.

Filed in January in Austin, the lawsuit urged Judge Gisela Triana to order the water development board to resolve the conflict in the two regional plans. The plaintiffs did not seek financial or other damages.

In a letter announcing her ruling dated Monday, Triana wrote the water board's insistence that no conflict exists "is not supported by substantial evidence."

A spokesman for the Texas Attorney General's Office, which is representing the water board, said late Tuesday that no decision has been made on whether to appeal the ruling.

LeTourneau said he hopes the ruling will prompt the water development board to mediate between the two regions.

"The water development board could elect to accept the judge's findings and begin negotiating and mediating the conflict," he said, after noting this is "absolutely not" the end of the Marvin Nichols proposal.

In opposing the reservoir, the Region D group has consistently argued it is not trying to keep the Dallas/Fort Worth Metroplex from securing the water it needs for growth.

During the life of a joint Region C-D committee in 2010, LeTourneau and other Northeast Texans proposed several conduits for Dallas to get its water.

Those included taking more water from Lake Texoma on the Oklahoma state line, raising the level of Wright Patman Lake, which also is on the Sulfur River, and more aggressive conservation methods.

Those remain as options for Dallas, and they are among avenues LeTourneau hopes the Water Development Board will encourage Dallas water planners to pursue.

"(Monday's ruling) may or may not change a regional plan," he said.