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# Texas

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## Push Comes to Shove Over Water Restrictions

By KATE GALBRAITH

FLOYDADA — J. O. Dawdy, who has been a farmer for 36 years, is so worried about getting enough groundwater that he is considering a lawsuit to protect his right to it.

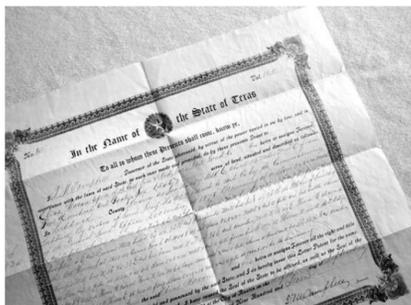
As sleet pounded his West Texas farmhouse one recent afternoon, Mr. Dawdy and three other farmers said that new regulations — which limit the amount of water they can withdraw from the Ogallala Aquifer and require that new wells have meters to measure use — could have crippling effects on their livelihoods.

“We view it as a real property-rights violation,” said Mr. Dawdy, who grows cotton. If the restrictions had been in place last year during the drought, he said, his land would not have produced a crop.

Water is a contentious issue across Texas, but tensions have been especially high in a 16-county groundwater conservation district stretching from south of Lubbock into the Panhandle, an area considered part of America’s “breadbasket.” There, farmers reliant on the slowly diminishing Ogallala are fighting to maintain their right to pump unrestricted amounts of water. The issue gained urgency last month when a landmark Texas Supreme Court opinion confirmed that landowners own the water beneath their property, in the same way they own the oil and gas.

The ruling opens up water dis-

kgalbraith@texastribune.org



An irrigation system near Floydada, top, where farmers like J. O. Dawdy are fighting to pump unrestricted amounts from the Ogallala Aquifer. Above, Mr. Dawdy’s deed and a well pump.

tricts like the High Plains Underground Water Conservation District, which covers the 16-county West Texas area and is the largest such district, to litigation from landowners, said Amy Hardberger, a water expert with the Environmental Defense Fund and a visiting professor at Texas Tech University’s School of Law. The West Texas clash, she added, is a “micro-sample of what could be happening all across Texas.”

Texas has nearly 100 groundwater conservation districts, but High Plains has been among the first to limit the amount of water pumped from individual wells, Ms. Hardberger said.

High Plains began those restrictions in January, along with the meter requirement. After the rules prompted an outcry, the district’s board, which consists of five locally elected officials, voted

last month to delay enforcement and penalties until 2014.

Until now, the district’s groundwater regulations have consisted of requiring specified space between wells and a certain distance from property lines.

Jim Conkwright, the general manager of High Plains, said the new rules were necessary to keep the area’s aquifers viable. On average in the district, the Ogallala has been declining by at least three-quarters of a foot per year, he said. The next measurements, available in May, should show the recent drought’s impact.

High Plains wants to make sure that half of the Ogallala’s water that was available in the district in 2010 remains in 2060. This goal, and the tightening rules, are part of a complex statewide groundwater-management

process ordered in recent years by the state Legislature.

“We feel like we’ve built in the rules enough water to be used to grow the crops in our district,” Mr. Conkwright said of the new regulations. “And we feel like it’s just a pretty sensible thing to do and make this last longer and add value to the land longer.”

The situation reflects a basic conundrum in Texas groundwater policy, as it has evolved through the courts and the Legislature: groundwater is owned by landowners, but groups like High Plains can regulate it.

Robert Glennon, a professor at the University of Arizona’s Rogers College of Law, said that Texas is virtually the only state that functions by the “rule of capture,” which allows landowners to pump essentially unlimited

Continued on Following Page

## Not Every Election Is Such a Big Drama

Elections aren’t as competitive as they look.

What you mostly hear about — what we mostly write and talk about — are the races that either have a lot of heat or are close for other reasons. Arguments and oddities get the attention: a sharp exchange over health care for women, a dog on the roof of a candidate’s car or a moment of fog-headed incompetence in a debate.

All that stuff about civics and responsibility is a cover. We — voters, reporters, all of us — come for the dramas and the stories.

Attention draws voters, and for candidates who need that help, it’s a boon. But lots of elections are decided quietly, without drama. The candidates slip into office like cat burglars.

Now that Texas candidates have filed for the primaries, it’s clear that half of these contests aren’t contests at all. The ballot is full of contests that only a mother would watch.

Why would a voter?

Senator John Whitmire, Democrat of Houston, has been in the Legislature since 1973. He has a Republican opponent this year, but it’s a Democratic district and Mr. Whitmire has the best defense an incumbent can have: money. He ended the year with \$5.1 million in the bank — far more than any of his fellow legislators and a lot more than any sane challenger would put together for a position that pays \$600 a month.

He’s like the kid with the beginnings of a mustache who shows up to wrestle at a middle school meet. It might be advisable for his opponent to find a magazine or a nice book to read.

Maybe it’s that voters are, in some of these cases, getting what they want.

Senator Jane Nelson, Republican of Flower Mound, doesn’t have a primary opponent and doesn’t have a major party general election opponent.

It doesn’t matter whether the opposition is happy or scared, as long as they don’t show up.

Redistricting is part of it, but it doesn’t help to be in a district where only one party’s candidates have a reasonable chance of winning. All of the parties field show candidates, which can pay off.

After the 2010 elections, the Republican sweep was so big and unexpected that veteran officeholders and lobbyists had to scramble to find out basic information about the people who

rramsey@texastribune.org

were on their way to Austin. Some of those districts weren’t designed to elect Republicans. And in the redistricting that followed, the Republican mapmakers found it impossible to protect all of the tenderfeet from the normal Democratic tendencies of their voters at home.

Competition, when it comes, is expensive. Most voters don’t have any pressing need to know the names of their state lawmakers, so they don’t.

The cheapest and easiest way to get re-elected is to run without opposition. For everyone who is not a statewide candidate, redistricting can take care of November by knocking the other major party candidates out of contention.

All that’s left, then, are the primaries, where a combination of luck, political talent, money and timing can tamp down the ambitions of potential opponents.

It happens more often than you’d think. Everyone in the Texas Senate is up for re-election this year, so there should be dozens of races under way. But look at the ballots. Four senators are retiring or running for other offices. Ten senators don’t have major party opposition. Another dozen have opponents in November, but

*The ballot is full of contests that only a mother would want to watch.*

only one of those, Wendy Davis, Democrat of Fort Worth, is in a district where her party affiliation puts her at risk. Of the 27 incumbents defending their positions, only she and Senator Jeff Wentworth, a San Antonio Republican with two primary opponents, started the election season on red alert.

Confusion may account for some of it. Because of delays from redistricting litigation, the state had two filing periods for political candidates, and even the pros were baffled by new lines and rules and competitive situations.

The lineups aren’t unusual, though. A relatively small number of candidates will find themselves in truly tough contests in either the primary or the general election this year. Fewer still will have fights in both rounds. And many, now that the filing periods are over, already know the outcomes.

After the voting formalities, they’ll take office next year.

## Rural Community Colleges Battle Financial Squeeze

By REEVE HAMILTON

SNYDER — The coffers at Western Texas College are about as dry as the windswept West Texas plains that surround it. Reductions in state financing have been a literal drain — last year, the college cut costs by emptying its N.C.A.A. competition-size pool.

“We have a large hole that used to be a swimming pool,” said Mike Dreith, the college’s president. “And we have a beautiful room designed to be a planetarium. It’s a nice, circular storage room now.”

Any more cuts would certainly mean faculty layoffs, said Patricia Claxton, the college’s chief financial officer. “We are already to the bone,” she said.

The remote institution in Snyder, population 10,000, has a shal-

rhamilton@texastribune.org

low bench to begin with: only two people in the town are qualified to teach public speaking at the collegiate level. One teaches at Western Texas, and the other is Mr. Dreith.

In rural West Texas, as with elsewhere in the state, community colleges play a pivotal role in the higher-education landscape, providing academic opportunities for students who are not able or willing to go away to universities. In Snyder, for example, it’s roughly a 100-mile drive to the nearest university. But the institutions also face unique financial challenges that demand creative solutions to keep the doors open and to help sustain the region.

State Senator Robert Duncan, Republican of Lubbock, said such schools allow young people to stay close to home longer. “The key to maintaining population in rural areas is making sure different generations have a reason to

come back,” he said.

Mr. Duncan noted that in addition to state appropriations declining, which means schools are increasingly relying on tuition and local taxes, a quirk in the taxing system can limit financing for such colleges.

South Plains College in Levelland, for example, serves an area in the Panhandle that is larger than some states, but it can collect taxes only from its local area. Though it is the main feeder for Texas Tech University in Lubbock, its tax base does not extend the 30 miles to the city.

Rural West Texas colleges, therefore, must generate significant local buy-in. The community college tax rates around South Plains and Western Texas are more than double those for colleges in urban areas like Austin or Dallas.

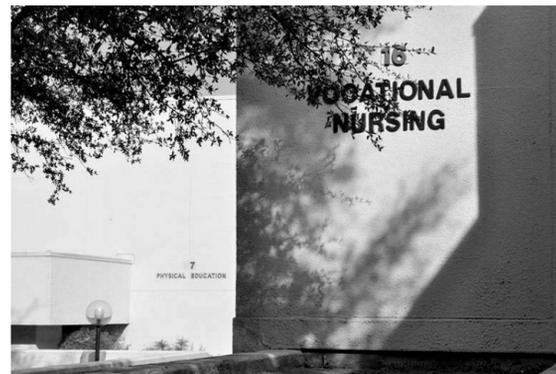
Western Texas officials have struck a deal with the local com-

munity. Any students from Scurry County, the local tax base, can attend free if they maintain certain grades and standards.

For many residents, it is an impossible deal to turn down. Tanner Robertson, a student from Snyder in his second year at Western Texas, never questioned where he would go after high school. “You graduate from Snyder High School, and you go to W.T.C.,” he said. “It’s what you’re raised to do.”

Increasingly, Mr. Dreith said, the school is working with estate planners and companies to finance its operations to ensure its future.

“We spend as much time on that, unfortunately, by virtue of the financial circumstances that we’re in, as we do on student success, which is really Job 1,” he said, noting that Western Texas still has among the highest community college graduation rates



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Western Texas College, in Snyder, has struggled with cuts.

in the state.

The financial situation at South Plains is not as dire, because it is less remote, but the schools’ concerns are similar, and so are their aspirations. “Our goal is to sustain rural Texas,” said Kelvin Sharp, the college’s president.

“We can’t all live in Lubbock,” he said. “Some people have to live in Muleshoe, Plains or Denver City. And you have to have an auto mechanic, and firefighters, nurses and all the things we offer in technical ed. You have to have those basic services.”