

1954 WEST TEXAS LANDOWNERS WIN A COURT BATTLE TO PUMP WATER OUT OF THE GROUND. AND A DECADE LATER, COMANCHE SPRINGS IS DRY.

# SILENT SPRINGS

BY STEPHEN HARRIGAN

IF YOU VISIT FORT STOCKTON TODAY and ask to see Comanche Springs, you will be directed to a municipal swimming pool in Rooney Park. The pool is large but unremarkable; it does not seem to warrant the two-story bathhouse and pavilion that towers above it.

But when the bathhouse was built by the WPA in 1936, it stood over a different body of water, a natural pool that was fed by the prodigious discharge of a spring called the Comanche Chief. The Chief was the largest of the outlets that made up the Comanche Springs system. Together they pumped 60 million gallons a day of clear and slightly alkaline water onto the dry earth, forming a desert oasis that the people of that country—back to the Jumanos and before—had relied upon for many thousands of years.

The springs—along with the pools, creeks, and marshlands that they fed—quit flowing for good sometime in the early sixties. There is no mystery to it. Farmers who owned land higher on the water table drilled so many wells that the springs were simply pumped dry.

People downstream saw it coming. In 1952 a group of them filed suit against Clayton Williams, Sr., and a few other "pump farmers," seeking an injunction against further drilling. The legal action was long and bitter, its concerns vital but arcane. The central issue was who owned the groundwater. The plaintiffs argued that the water that fed Comanche Springs ran in well-defined underground channels and therefore constituted a subterranean stream. According to the plaintiffs, a stream was a stream, whether it flowed on the surface or below it. In each case, under the doctrine of riparian rights, the water belonged to everyone along its course. The pump farmers argued that the water beneath their land did not flow, but percolated, and was therefore theirs to keep.

The case ultimately reached the Texas Court of Civil Appeals, where the flowing-versus-percolating argument turned out to be a moot point. Underground water, the court said, belonged



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to the landowner, and that was that. Knowing full well that its decision would seal the fate of Comanche Springs, the court ruled for the defendants. The verdict helped set the stage for the hazardous groundwater policies, depleted aquifers, and water crises that would henceforth be fixtures of Texas life.

The immediate effect on Fort Stockton was devastating, at least to those families whose land, previously watered by the springs, slowly turned to desert. There is no precise date for when the springs stopped flowing. For a few years after the Court of Civil Appeals decision they would dry up in summer and return in winter, but always with less force. By the early sixties they were gone entirely. There were no more water hazards on the golf course, and Fort Stockton children no longer learned to swim in the spring-fed wading pool just downstream from the Chief. But the annual Water Carnival continued in the concrete pool,

and for a short time an effort was made, for sentimental reasons, to pump city water through one of the old dried-up spring openings.

Today the Chief is a deep, dry crevice, so wide that one can stand above it and marvel at the explosive force with which the water must once have rushed forth out of the earth. Long ago, a cage was built over the spring opening to prevent swimmers from exploring its dangerous passages. The cage is still there, as if containing some fitful, invisible presence. A few years back a group of cavers squeezed in through the mouth of the Chief and discovered an extensive cave system. They found a few pools of water, but mostly the caves are dry, and most people expect them to stay that way. Just in case, though, the concrete bottom of the pool rests on stilts above the bedrock. That's to leave room for the water to flow if the springs ever come alive again. ♦