



For Immediate Release

February 11, 2020

**TESPA Sues Barton Springs Edwards Aquifer Conservation District
Over Needmore Permit**

The Trinity Edwards Springs Protection Association (TESPA) announced today that it has filed suit in Travis County District Court challenging the decision by the Barton Springs Edwards Aquifer Conservation District (BSEACD) to issue a permit to Needmore Water, LLC to withdraw about 289 million gallons of groundwater each year in Hays County near Wimberley, Texas.

The litigation arises out of HB 3405 passed by the Texas Legislature in 2015. This bill gave jurisdiction to BSEACD over previously unregulated portions of the Trinity Aquifer in Hays County including the land now giving rise to the Needmore Water LLC permit application. The litigation is concerned with a controversial provision that "grandfathered" certain existing wells, creating a two-step process that has been interpreted by BSEACD to substantially limit their ability to regulate the groundwater withdrawn from such wells.

In this litigation, TESPAs specifically alleges that the well in question was not operating at the time the permit application was filed, therefore it does not meeting the requirements for a grandfathered well under the legislation. Grandfathered wells do not have to meet all rules and regulations of the District, but rather are subject to only a few requirements established by the statute.

The specific complaint of this litigation is that the well in question was not operating at the time the permit was filed and further was incapable of being operated due to disrepair, therefore the well in question did not qualify for grandfathered status. In proceedings before the BSEACD and an administrative law judge, TESPAs was not allowed to challenge whether the well qualified for "grandfathered" status, and that determination gave rise to the current litigation.

According to Jim Blackburn, President of TESPAs, "This issue of the regulation of this well is very important. We are fighting for our groundwater here in Hays County. Every drop counts, and in this situation 289 million gallons of water are being allowed to be taken without our having a chance to properly protect our property rights. This is wrong, and we are going to fight it. If we don't rise up and fight now, our groundwater is going to be lost and our springs and rivers along with it. We are going to do our best to keep this from happening."

(more)

Patrick Cox, executive director of TESPAs, joined with Blackburn in stating the importance of standing tall for water rights,“ BSEACD needs to know that those of us who own adjacent groundwater will fight just as hard for our rights as those who are seeking to suck this water from the ground. We were promised regulation of groundwater, not permitting without meaningful regulation, which is what we have gotten.”

The case of *Trinity Edwards Springs Protection Association v. Barton Springs Edward Aquifer Conservation District* was filed by attorney Jeff Mundy of Austin in Travis County District Court on Monday, February 10, 2020.

TESPA is a non-profit organization with a mission to protect the Trinity and Edwards aquifers from over pumping, the springs that flow from this interconnected system, and the property rights of landowners who depend on and wish to conserve this precious natural resource.
TESPATexas.org

-30-

Attached

A time-stamped copy of TESPAs Petition for Judicial Review in the case of *TESPA v BSEACD*

Media Contacts

Patrick Cox, TESPAs Executive Director, mobile 512-217-2279

Jim Blackburn, TESPAs board president, mobile 713-501-9007