

TESPA files formal complaint against Aqua Texas

'We're looking to try to get, essentially, a bad situation corrected'



[Megan Navarro](#) on May 8, 2024

WIMBERLEY — The Trinity Edwards Springs Protection Association (TESPA) is taking formal action against Aqua Texas, a utility company that provides water to residents in Woodcreek and Wimberley.

TESPA announced on Wednesday, May 1, that it filed a formal complaint with the Public Utility Commission of Texas (PUC). The association claims that Aqua has been serving its customers with an illegal groundwater supply. In the filing, TESPA requests that the PUC either “revoke Aqua’s authority to provide water in the Wimberley area” or “mandate significant changes to its operations.”

The complaint details a history of actions that establishes that Aqua violated “public trust, placed local residents’ water service in jeopardy and caused Jacob’s Well to go dry,” according to TESPA. The claims include the following:

In 2022, Aqua violated its authorized groundwater production limits by 90 million gallons

- Aqua exceeded its production limits by 70 million gallons in 2023
- Aqua lost 55 million gallons of water, due to leaks in its infrastructure and a lack of maintenance, which is a direct violation of the PUC’s requirements to maintain infrastructure and state and district prohibitions on wasting groundwater
- Aqua’s actions caused Jacob’s Well to stop flowing for multiple days when it had been otherwise

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- Aqua allegedly misrepresented the number of connections within its service areas when it requested authority from the PUC to sell water in those areas, claiming a smaller number than actually existed. Since that time, the number of connections Aqua represented to the PUC has grown by 65%, without the company ever demonstrating to the PUC it has an adequate water supply
- Aqua continues adding customers in Hays County communities despite not having a legal water supply

“Jacob’s Well went dry during this most recent drought that we had. Aqua contributed to that overdraft, if you will, of both the aquifer and the dewatering of Jacob’s Well,” said Jim Blackburn, board president of TESPAs.

The complaint comes after Aqua sued the Hays Trinity Groundwater Conservation District in federal court in December 2023, claiming unlawful and unfair treatment from the district.

“They filed suit in federal court, really challenging the authority of the district to enforce rules against a utility like Aqua. We felt that was simply not the type of action that a public utility should take,” Blackburn said. “We’ve questioned [whether] that is in compliance with the laws and rules in the state of Texas and we’ve asked the Public Utility Commission to take a look at it.”

Blackburn said he believes that TESPAs is acting on behalf of the customers who are supplied water through Aqua Texas. He said that currently, there is an inadequate water supply to provide water during times of drought, so TESPAs wants alternative water sources developed and for the leakages in the system to be fixed.

The complaint has been documented by PUC and assigned an administrative law judge to consider evidence on the alleged violations.

“PUC has basically put this on a docket and has asked both the PUC staff and Aqua to respond to the filing that we have made up. So, I would say that essentially, we have filed, PUC has recognized the filing and has asked for a response. We don’t know what’s going to happen beyond that,” Blackburn said.

Aqua released the following statement in response to the complaint:

“Aqua Texas is committed to delivering quality and reliable water to our more than 3,000 valued customers in Hays County.

Last week, Aqua Texas kicked off a \$4 million capital project in Wimberley Valley to mitigate water loss and replace 25,000 feet of main, which will further improve Aqua’s efforts to conserve water and improve service reliability. Additionally, Aqua has purchased new property away from Jacob’s Well to further reduce our impact in the future. Activation of those wells has been stymied by the Hays Trinity Groundwater Conservation District.

We look forward to continuing to work with our customers and other stakeholders on these ongoing improvements.”