

HAYS COUNTY

Federal judge grants Wimberley environmental group right to intervene in groundwater pumping lawsuit

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HAYS COUNTY, Texas (KXAN) – A federal judge granted a Hill Country environmental nonprofit the right to intervene in an ongoing federal lawsuit between the Hays Trinity Aquifer Conservation District and water supplier Aqua Texas.

In August, the Trinity Edwards Springs Protection Association, TESPAs, filed a motion to intervene in the lawsuit to, “[protect] its members’ private property – their groundwater – from the further negative impacts of Aqua’s continued disregard for regulation and limitations to its groundwater use,” an August press release read.

Lawsuit background

[Aqua Texas filed a lawsuit in late 2023](#) against the Hays Trinity Groundwater Conservation District, saying the district has provided “unlawful and unequal treatment of Aqua Texas” as well as a “complete disregard for Aqua’s state law duty to provide ‘continuous and adequate’ water service to its customers,” per court filings.

This lawsuit was filed after the Hays Trinity Groundwater Conservation District accused [Aqua Texas of overpumping by almost 90 million gallons of water in 2022](#), resulting in a nearly \$449,000 fine issued against the water provider.

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Then in August 2023, district officials said they wouldn't renew Aqua Texas' current permits for 2024 if the groundwater provider did not pay the fine.

Aqua Texas alleges that due to millions of dollars spent on conservation efforts, the company should not have had to pay the fine.

In a statement to KXAN on Tuesday, a spokesperson from Aqua Texas said it, "continues to be focused on our lawsuit with the Hays Trinity Groundwater Conservation District, which failed to treat Aqua Texas equally. Aqua Texas is pouring more than \$30 million into improving our Wimberley Valley water infrastructure and have already completed the replacement of 5,000 feet of aging water mains– the first of several phases totaling 25,000 feet."

Why TESPAs got involved

"We intervened in this federal lawsuit to help the district and to also assert the rights of the citizens that we represent, who are very concerned about, among other things, losing access to groundwater," said Jim Blackburn, an environmental lawyer and president of TESPAs

Blackburn said if conservative groundwater pumping practices are not employed, private property owners in Wimberley might not be able to utilize their own property's groundwater in the future.

"And also trying to make sure that our springs flow, so that we have water in Cypress Creek, the Guadalupe River, the Blanco River, and all of the wonderful water resources of the Hill Country," Blackburn said.

With the federal court ruling that TESPAs can intervene, "the judge recognized that there are property rights that we have and that there are interests that we have as a citizen group protecting citizen rights," Blackburn said.

"Ultimately, this turns out to be about protecting the rights of citizens and the rights of all of us in Texas to enjoy springs and groundwater," he said.
