

Federal court ruling results in significant wins for Texans relying on groundwater

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The Trinity Edwards Springs Protection Association secured a ruling with a federal court decision granting the organization's motion to intervene in the ongoing case of Aqua Texas Inc. vs. Hays Trinity Groundwater Conservation District. With this decision, TESPAs and its members have been granted intervention as a matter of right, meaning their interests – access to reliable groundwater – are valid and have a place in the lawsuit.

Senior United States District Judge David Alan Ezra granted TESPAs request to intervene and be included as a party, and ruled that permits withheld by the groundwater district that prevented drilling from new wells were determined to be reasonable. Aqua's due process claims were dismissed.

The court also ruled that the fines Hays Trinity Groundwater Conservation District issued were determined to be within its legal authority. Judge Ezra dismissed Aqua's "claim based on a theory" that they were not.

The court further dismissed claims Aqua filed against the district's directors because they were duplicative of its claims against the district.

According to Judge Ezra, "Aqua Texas's own allegations... demonstrate that the area was suffering from drought at the time the NOAVs [notices of violation] were issued to the water providers. Therefore, the Court finds that the District had a reasonable basis to withhold the permits for Aqua Texas's new wells." Judge Ezra also said that [the District had a] "clear interest in conserving and sustaining resources to the aquifer in times of drought." He went on to say that, "Aqua Texas seeks relief that could considerably alter water rights in Texas and would impact a basic resource upon which Trinity Springs [TESPA] members and others rely for their central operations."

According to TESPAs, if Aqua prevails in court with some of its requests to invalidate Texas laws protecting water resources, current state law to protect and manage Texas water resources would be dismantled, undoing decades of work that would impact generations to come. The state would see a significant loss of groundwater, affecting countless local residents and businesses.

The case remains in federal court pending further action on Aqua's equal protection claims, as well as their claim that their groundwater property was illegally "taken" by the district's denial of their permits.
