



**SIMSBORO AQUIFER WATER
DEFENSE FUND
(SAWDF)**

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~~Working for a legacy of aquifers that last forever~~

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Judges Recommend Approval of LCRA's Groundwater Pumping Plan

BASTROP – The Lower Colorado River Authority's plan to pump and sell groundwater in Central Texas came one step closer to being realized this week.

In an 82-page report, two State Office of Administrative Hearings (SOAH) judges recommended that the Lost Pines Groundwater Conservation District issue the LCRA a permit to annually pump and export up to 8 billion gallons of Simsboro groundwater from Bastrop County.

The judges issued their advisory opinion in favor of issuing a phased production permit and instituting a well-monitoring system after a six-day contested case hearing last October in which six different parties aired their objections to the proposed permit.

The final decision on whether to issue a permit and on what terms, lies with the board of directors of the groundwater district, which must hold a public hearing prior to making its decision.

Aqua Water Supply, the City of Elgin, Recharge Water (formerly, End Op), Elvis and Roxanne Hernandez, and Environmental Stewardship, together with 30 aligned local well owners, who were organized and supported by the Simsboro Aquifer Water Defense Fund (SAWDF), all protested issuance of the permit.

“The landowners who participated in the SOAH hearing essentially represented all landowners in Bastrop and Lee counties who object to the threat these mega-projects pose to the entire Carrizo-Wilcox aquifer and their communities,” said Andrew Wier, who testified for the landowners at the hearing and whose Simsboro well’s viability will be adversely affected by massive groundwater pumping.

The judges decided that LCRA’s computer modeling of the project’s impacts on water resources and on other permit holders in Bastrop and Lee counties sufficiently demonstrated the project will not unreasonably impact the aquifer, the Colorado River, or existing permit holders.

The judges recommended aquifer monitoring wells and phased-in pumping to allow the district to protect against any real-world effects the computer modeling did not predict.

However, they found that the District does not have authority under its own rules or under state law to unilaterally impose mitigation requirements on the LCRA for harm done to other wells in the district.

Wier, who also is a director of SAWDF, said SAWDF, the landowners it represents and their legal team are exploring all options to address issues raised by the judges’ ruling.

SAWDF and Environmental Stewardship did support two of the judges’ findings. The judges said the proposed permit should include the right of well owners who

participated in the hearing to also participate in the LCRA permit renewal process, including whether monitoring data requires any permit amendments.

The judges also found the potential for impacts on the Colorado River and other surface waters “caused by the LCRA and District-wide pumping” justified the recommended surface water monitoring systems and plan, which were requested by Environmental Stewardship, a Bastrop-based conservation group.

“Adoption of the recommended monitoring plan will bring all pumping in the district under a broad umbrella of surface water protection,” said Steve Box, executive director of Environmental Stewardship.

Over the next two months, the groundwater district’s general manager will respond to any objections to the judges’ decision raised by the other parties. The judges will then reconsider and finalize their recommendations before handing them off to the district’s board of directors.

Because of the coronavirus pandemic, it’s difficult to predict when the groundwater district will hold the required public hearing and then deliberate on the permit, Wier said.

SAWDF was formed in 2016 by veterans of several local groups who have battled to protect Texas aquifers for two decades.

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