



**Barton Springs
Edwards Aquifer**
CONSERVATION DISTRICT

BSEACD Board of Directors Denies Motion for Rehearing of the Needmore Water LLC Permit

For Immediate Release: Thursday, December 12, 2019

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This evening at its Regular Meeting, the Barton Springs/Edwards Aquifer Conservation District (BSEACD) Board of Directors denied the request from the Trinity Edwards Springs Protection Alliance (TESPA) for a rehearing of the Needmore Water LLC permit. Blayne Stansberry, Director and President of the Board, stated that the primary reason the Board denied this request was that TESPAs did not present any new information that would warrant another hearing on the matter. She further stated that the District held a 5-hour public hearing on this permit application on July 29 where the Board received comments from more than 20 members of TESPAs and other concerned citizens and that the information presented this evening was the same as that presented at that public hearing.

Mary Stone, BSEACD Board member from Precinct 1 in Hays County, stated that the decision on the Needmore permit was determined by the Texas Legislature when the law was passed in 2015 that expanded the district's boundaries to include the Needmore Ranch. "I do not like the outcome and personally find it offensive that one landowner can pump so much groundwater in an area like Hays County where water is scarce. But, our hands were tied by the legislature on this permit application." The legislature passed House Bill 3405 in 2015 to expand the BSEACD to cover the previously unregulated portions of the Trinity Aquifer in Hays County. In order to get the bill passed over significant opposition and ensure the management of the aquifer in the future, local legislators agreed to grandfather certain existing wells like the one on the Needmore Ranch.

Board President Stansberry, whose Precinct 2 is largely in Hays County, agreed. "The 2015 law made clear that Needmore was entitled to this permit for its existing well. We didn't write the law, but we took an oath to uphold it." Stansberry noted that while it would have been more popular to deny the permit in spite of the law, the Board of Directors also has to be good stewards of public money. "A permit denial would have led to costly litigation using public money, which would clearly have been overturned by a court in light of the controlling law," she said. "We just have to be more financially responsible than that with public funds."

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On July 29, 2019, the BSEACD Board of Directors held a public hearing on the conversion of the Needmore Water LLC Temporary Permit to a Regular Permit. The Board unanimously voted to grant Needmore a Regular Permit in the amount of 289,080,000 gallons per year with special conditions that will curtail pumping in the future if necessary to protect the aquifer and other wells in the area. The motion passed 5-0. This amount is the maximum production capacity that Needmore was eligible to request under House Bill 3405 as passed by the legislature. Needmore is required to comply with the drought curtailments of a Historical Trinity Production Permit as well as the terms outlined in the special conditions approved by the Board, which are a set of response measures, conditions, and requirements that are designed to protect the aquifer and to avoid unreasonable impacts to existing well owners in Hays County by requiring reduced pumping by Needmore during times of drought and lower water levels in the aquifer.

Director Stone expressed hope that TESPAs would not appeal the decision on the Needmore permit to District court. “The district really needs to be spending its limited funds on monitoring the aquifer levels in this area to protect Hays County landowners under the special conditions included in the permit—not on costly litigation that would ultimately lead to the same result, or perhaps worse if a judge were to remove the special conditions we included to protect the aquifer and existing wells.” Stone noted that the Needmore permit is unique and is the only large well permit that was filed under the special provisions of House Bill 3405. “There will never be another permit like this,” she said. “Thankfully, the Board will have much more discretion under the law in granting or denying applications for other large water well permits in the future,” she added.

Useful Links:

- Needmore Permit Notice page: <https://bseacd.org/2017/03/needmoreregpermit/>
- Permitting tools overview article: <https://bseacd.org/2019/11/evolution-of-sound-policy/>
- Press Release Archive: <https://bseacd.org/publications/press-releases/>

BSEACD is a groundwater conservation district charged by the Texas Legislature to preserve, conserve, and protect the aquifers and groundwater resources within its jurisdiction, which includes parts of three central Texas counties. It is governed by a Board of five elected directors and staffed with hydrogeologists, groundwater regulatory compliance specialists, environmental educators, geospatial systems specialists, and administrative support personnel.