****

**SIMSBORO AQUIFER WATER**

**DEFENSE FUND**

**(SAWDF)**

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

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**Judge Rules for Local Landowners**

**In Groundwater Export Dispute**

BASTROP – A state district judge in Bastrop has ruled in favor of four local landowners in a dispute over permits that allow massive amounts of groundwater to be pumped from Lee and Bastrop counties.

Judge Carson Campbell’s January 4, 2018 order (copy attached) ruled that the Lost Pines Groundwater Conservation District improperly excluded three individual landowners and conservation group Environmental Stewardship, also a landowner, from participating as parties in a 2014 hearing over permits issued by the district in 2016 to water marketing company End-Op LP, now known as Recharge Water.

Those permits allow Recharge Water to pump and export up to 46,000 acre-feet of water annually (approximately 15 billion gallons per year) from 14 wells in the Simsboro formation of the Carrizo-Wilcox Aquifer, for export to Hays, Travis and Williamson counties.

The judge’s ruling also revokes the permits issued by the groundwater district to Recharge Water and orders the district to conduct new proceedings on the permits that allow the four landowners to participate as parties.

“Judge Campbell’s ruling sets an important precedent for all of Texas,” said Michele Gangnes, a Lee County attorney and director of the Simsboro Aquifer Water Defense Fund. “It means groundwater districts must recognize the property rights of *all* landowners in their groundwater and give them a voice on pumping permits that likely will affect the groundwater under their land.”

Gangnes said a new hearing before an administrative law judge over the Recharge Water permits would also allow the landowners to present evidence that the pumping allowed by those permits would permanently damage the viability of the Simsboro formation.

“Pumping of that scale, especially when combined with other planned Simsboro projects, would cause huge drawdowns, affecting the wells and groundwater resources of thousands of landowners across Lee and Bastrop counties,” Gangnes said.

In a new hearing, Environmental Stewardship also would present evidence that the pumping would have negative impacts on the rivers, streams and springs that depend on groundwater. "Our objective is to protect and sustainably manage the Colorado River, its tributaries and our aquifers, through monitoring and practices based on good science," said Steve Box, Executive Director of Environmental Stewardship.

”While the district may side with End Op and appeal Judge Campbell’s ruling to a state court of appeals,” said Ernest Bogart of Elgin, one of the landowners’ attorneys, “we hope the district will accept this ruling that will allow the district’s constituents and all Texans to protect their property and water rights.”

During a hearing before Judge Campbell on Oct. 18, attorneys for the groundwater district and Recharge Water argued that the landowners had no right to be parties because none of them had wells that were producing water from the Simsboro formation.

“The judge’s ruling affirms our position that whether you have a well or not is irrelevant – your groundwater resources would be impacted by these pumping permits and you as a landowner have the right to be heard,” Gangnes said.

SAWDF was formed in 2016 by veterans of several groups, including Neighbors for Neighbors, who have battled for almost two decades to protect the region’s groundwater. SAWDF, a 501(c)(3) organization, has focused its current fundraising campaign on supporting the landowners’ case.

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