

SUBJECT: Jurisdiction of the Barton Springs-Edwards Aquifer Conservation District

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 10 ayes — Keffer, Ashby, D. Bonnen, Burns, Kacal, T. King, Larson,
Lucio, Nevárez, Workman

0 nays

1 absent — Frank

WITNESSES: For — Will Conley, Hays County; Linda Curtis, Independent Texans PAC; John Dupnik, Brian Sledge, and Mary Stone, Barton Springs Edwards Aquifer Conservation District; Linda Kaye Rogers, Hays Trinity Groundwater Conservation District; Louie Bond; Patrick Cox; Ashley Whittenberger; (*Registered, but did not testify*: Roy Cathey, Environment Texas; Harvey Everheart, Mesa Underground Water Conservation District; David Foster, Clean Water Action; Jimmy Gaines, Texas Landers Council; Myron Hess, National Wildlife Federation; Conrad John, Travis County Commissioners Court; Ken Kramer, Sierra Club - Lone Star Chapter; Chloe Lieberknecht, the Nature Conservancy; Christy Muse and Ken Whalen, Hill Country Alliance; Paul Weatherby, Middle Pecos Groundwater Conservation District; Thomas Weber, Travis County Commissioners Court; David Weinberg, Texas League of Conservation Voters; Ray Whisenant, Hays County, Texas; and 18 individuals)

Against — (*Registered but did not testify*: Mike Rutherford, Jr.)

On — Catarina Gonzales, City of Buda; Kaveh Khorzad, Wet Rock Groundwater Services; Ed McCarthy, Electro Purification; Daryl Slusher, City of Austin, Austin Water Utility; Todd Votteler, Guadalupe-Blanco River Authority; Robert Wilson, Plum Creek Conservation District; Gary Bradley; Billy Gray; Tim Throckmorton; (*Registered but did not testify*: Kelly Mills, Texas Commission on Environmental Quality; John Hatch)

DIGEST: CSHB 3405 would expand the Barton Springs-Edwards Aquifer

Conservation District to include shared territory inside the boundaries of the Edwards Aquifer Authority and Hays County. The shared territory would not include any territory within the boundaries of the Plum Creek Conservation District as those boundaries existed on February 1, 2015.

The Edwards Aquifer Authority would have jurisdiction over any well drilled to produce water from the Edwards Aquifer in the shared territory.

The Barton Springs-Edwards Aquifer Conservation District would have jurisdiction over any well drilled to produce water from the Edwards Aquifer or any other aquifer within its territory but outside of the shared territory.

The Barton Springs-Edwards Aquifer Conservation District would have jurisdiction over any well drilled to produce water in the shared territory from any aquifer other than the Edwards Aquifer.

Only the Barton Springs-Edwards Aquifer Conservation District and the Edwards Aquifer Authority could regulate the spacing of water wells or the production from water wells in the shared territory.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

**SUPPORTERS
SAY:**

CSHB 3405 would expand the Barton Springs-Edwards Aquifer Groundwater Conservation District to cover areas currently unprotected and unmanaged in Hays County, known as "white zones." A private company developed a groundwater well field in an area just outside of any groundwater conservation district's territory in an unprotected and unmanaged white zone area. It has contracts in place to deliver up to 5.3 million gallons per day across Hays County. CSHB 3405 would protect the Hays County groundwater right owners and the long-term health of Central Texas aquifers.

OPPONENTS

CSHB 3405 could fail to protect existing contracts, leases, and associated

SAY: property rights that have been in place since before the regular session of the 84th Legislature began. This failure would be to the detriment of a private company, its landowner-lessors, and municipal supply customers in the City of Buda and Goforth Special Utility District.