

Utility company Aqua Texas 'ignored' pumping limits in 2022, threatening Jacob's Well

KUT 90.5 | By [Maya Fawaz](#)

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[Aqua Texas](#), a water utility company with customers in Hays County, was [fined nearly half a million dollars](#) for pumping almost twice the amount of water it was allowed last year out of the Trinity Aquifer, which feeds Jacob's Well.

"It's, by far, the largest fine that's been assessed to anybody at this groundwater district," said Charlie Flatten, general manager of the Hays Trinity Groundwater Conservation District, which issued the fine last spring.

The Trinity Aquifer supplies water to the Wimberley and Dripping Springs areas. Flatten said overpumping is partially responsible for Jacob's Well [running dry](#) this year. Flatten said this isn't the first time Aqua Texas has pumped more than its permit allowed to customers.

"It's pretty habitual," he said. "But this is a special circumstance caused by the most severe drought that we've had since the '50s."

David Baker, executive director of the nonprofit The Watershed Association, has worked to protect Jacob's Well and the surrounding natural environment for almost 30 years. He said his organization was involved in talks with officials from the groundwater conservation district and Aqua Texas executives about ways to mitigate drought and conserve water in the region.

"It's really unacceptable to just sort of ignore the guidelines that the groundwater district has set up," Baker said. "To not comply with those rules, we think contributed to the situation we're in now significantly."

The lack of water at Jacob's Well has caused a local disaster, he said.

"The county has lost hundreds of thousands of dollars in revenue from not being able to allow swimmers there for the past two summers," Baker said. He said he's concerned it'll only get worse.

Sticking to conservation efforts

During a drought, the Hays Trinity Groundwater Conservation District can restrict water consumption by a certain percentage, depending on what drought stage the region is in.

Flatten said the problem is the district can't do anything to limit overconsumption; it can only administer fines.

"Some permittees are really very good and they take it very seriously," he said. "They recognize that this is really a finite resource."

But others, Flatten said, aren't motivated to conserve.

"We've got a whole list of permittees and then there is one ill-fitting shoe that can't seem to communicate with its customers and racks up these big fines," he said. "Guess who that is?"

Flatten said he's spoken with groundwater managers in different districts, and they have all shared similar experiences managing Aqua Texas.

"This is a pattern, this is a business model," he said. "They are in the business not to conserve water for the future, but to sell water to their customers because they've gotta fulfill payouts to their shareholders."

Flatten said Aqua Texas is the only permittee in the district that faces pressure from shareholders about its water management practices. He said investor-owned utilities don't have all the tools available to ones that are publicly owned.

"They can't pass ordinances or other legal requirements that would help achieve conservation," he said.

What happens now?

Aqua Texas refused to comment on the \$448,710 fine, which was due in May. The agency is negotiating the fine with the groundwater conservation district, which can reconsider contracts with companies that pump more than their permitted amount.

Brent Rhea, central Texas manager for Aqua Texas, said the utility is sending out letters to customers about Stage 4 drought restrictions. He said the company also launched social media ads and sent emails to customers with information on how to conserve water.

"We know that water is essential," he said. "We are obligated to serve the customers, but we also know that if we sell all the water in one day, we don't have water to sell tomorrow."

Rhea said Aqua Texas can decrease the water pressure on a property that's using too much water, which makes outdoor watering difficult. Beside that, he said, "it's really the customer's responsibility to follow the drought restrictions."

Craig Blanchette, president of Aqua Texas, said he understands the importance of finding water solutions for the community.

"We can't fix it overnight, it takes the entire community to pitch in," he said. "But we're committed to our customers and our partners at the groundwater conservation district to get there as quickly as possible."

Aqua Texas said it is looking to tackle water loss by spending more than \$3 million to replace old and broken pipes. The Watershed Association estimates the Aqua Texas system loses more than 30% of its water to leaks.

Aqua Texas has bought land outside Jacob's Well Management Zone and is exploring the possibility of using a different aquifer as a water source. The company said it is running tests to see if installing a well on this land would affect the local environment and Jacob's Well.

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