

## Our Water and the Threat to the Heart of Our Existence By Patrick Cox, Ph.D.

Everyone should understand the tremendous importance and impact of the water wells that are now being drilled in the heart of Hays County. This issue has made people a lot hotter than Willie Nelson's Picnic on the Fourth of July. But this act deserves this type of heat and concern - it's a thrust into the heart of our very existence.

Hundreds of residential wells in the Trinity Aquifer are threatened by Houston-based company Electro Purification (EP). This private company has secured contracts to provide water from the Hays Trinity aquifer for a minimum of 1.9 billion gallons a year to several public entities and developments - which equates to 5,830 acre feet of water. If one acre foot fills about 22 average size swimming pools, that's more than 128,000 swimming pools - almost unimaginable.

That's a lot of water by anyone's measure. Based on news reports and independent analysis, the EP reports of available ground water is highly suspect. Furthermore, they have seriously undercounted the number of private wells in the surrounding area that rely on water from this segment of the aquifer. Yet the train keeps rolling.

To further illustrate this audacious act, if EP is withdrawing approximately 5 million gallons of water per day, this is more than double the average daily pumpage of water from Wimberley Water Supply Corporation, Aqua Texas, and Dripping Springs Water Supply combined. And all of that water will be gone forever. This action clearly ignores Chapter 36 of the Texas Water Code that confirms that a landowner, including a landowner's lessees, heirs, or assigns, is entitled to produce groundwater below the surface of real property, "without causing waste or malicious drainage of other property."

The EP plans are the "rule of capture" taken to its most extreme and by any measure provides a real threat to our livelihood.

If successful, this project will not only significantly alter the future of Hays County. This will send a clear message to everyone in Texas and beyond that any entity can take all the groundwater they can pump, ship it anywhere, make a lot of money, and leave a lot of people and businesses high and dry. This sounds like a tall Texas tale - but it's a hard reality.

This move not only shows disrespect for the thousands of people who rely on groundwater as their primary source of water. This is also a calculated scheme to find a loophole in the law, launch a fast and unpublicized plan, and once discovered, create panic and put neighbors at odds with one another in a fight that should never have happened. Anyone remember the movie Chinatown?

So what should we do? Throw up our hands because these clever folks have outsmarted us and are living by the law of the biggest pump. No - there are some essential actions to take right now. And with this crisis, we can also look beyond this initial battle to a more definitive set of solutions that will help not just people in Hays County but all of Texas.

For the immediate future, here's what we need to do:

- call and email elected officials of our concern and need to protect our property and water;
- attend public meetings and forums urging elected officials to oppose this unseemly action;
- contact Buda, Goforth, and Anthem who have signed EP contracts to voice our concern and opposition;
- circulate petitions to oppose EP wells and extensive drilling that exports water;
- urge all public entities, cities, organizations and homeowners groups to pass resolutions in opposition to this action;
- encourage and require objective, independent scientific studies of aquifer capacity, recharge and conservation;
- distribute information to friends, neighbors and businesses on importance of this issue;
- provide locations, data and logs on our private wells to the Hays Trinity and/or the Barton Springs Edwards Aquifer Districts that will allow for accuracy and a complete data base.

In the longer term, we need more permanent solutions:

- provide sufficient funding for groundwater districts and jurisdiction over all aquifers within their boundaries;
- align groundwater districts along hydrogeologic, not artificial political boundaries that ignore natural aquifers and waterflow;
- mandate effective, realistic drought and conservation plans for all groundwater districts;
- initiate a cultural change that encourages and rewards water efficiency, reuse and conservation and treat water as a precious, valuable resource;
- expand the water development fund and simplify the process to include groundwater studies, rain water collection systems, and conservation projects;
- require publication and time for citizen comment and reaction to all major initiatives - in the impacted area and not miles away or on some obscure web page.

Wallace Stevens wrote a very pertinent statement about water: "Human nature is like water. It takes the shape of its container." In this drama, as the human containers and consumers of our water, we each have responsibilities to assume. We need to be aware of where the water comes from - and it's not the faucet. So we should all agree make a concerted effort to change our own behavior along with fair and equitable rules and laws that govern this essential natural resource.

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