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TOP STORY

EDITOR'S PICK

## Robertson County group seeks transport permit to send water to Georgetown area

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**H**EARNE — A war on water is being waged in Robertson County.

A group of landowners in Robertson County are seeking a water transport permit to build a pipeline to send water from the Simsboro Aquifer to Georgetown and its surrounding areas.

Seven applicants with a total of 32 wells have applied for a transport permit with co-applicant Up Well Brazos Valley Farms LLC (UWBVF). UWBVF already holds an approved transport permit for 16 wells for 49,999 acre-feet per year of water. The proposed transport permit is not to exceed 100,000 acre-feet per year in aggregate.

In 2023, the total Simsboro production was 54,630.15 acre-feet per year, according to the Brazos Valley Groundwater District's (BVGWD) annual report. In 2021, the BVGWD estimated there is 147,245 acre-feet per year of available groundwater in the Simsboro.

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Landowners in the group say the project provides a proactive solution to regional water needs while ensuring local needs continue to be met. Opponents object that this transport permit will have negative effects on the future local water supply.

The BVGWD board will meet at 2 p.m. Thursday at the district office in Hearne at 112 W. Third Street. The agenda includes “discussion and possible action on pending transport permit applications for groundwater from the Simsboro Aquifer.”

“While I understand the protectionist reaction to the project, opposing the pending transport application only wastes times, money and effort,” said Mark Hoelscher, a third-generation Robertson County landowner who has aligned with UWBVF. “It will only delay and burden local landowners undertaking thoughtful and responsible development of their private property in support of regional and statewide water supply needs.”

No action was taken on the transport pipeline by the eight-member BVGWD board after a June 18 public hearing in Hearne. Around 75 people attended the open meeting. After a 30-minute presentation to the board on the proposed permit, 12 people spoke in public comments and were split on both sides of the issue.

The board will meet to decide whether to send the entire issue to the State Office of Administrative Hearings (SOAH) or have a preliminary hearing at the district office to determine party standing (status) and then send it to SOAH.

There were four requests for contested case hearings filed in a timely and proper manner, including one from the Texas A&M University System signed by A&M Chancellor John Sharp and A&M President Mark A. Welsh III, and another filed jointly by Brazos County along with the cities of Bryan and College Station.

The requests for a contested case initiated the SOAH process. If taken through the entire process, an administrative law judge will ultimately deliver a “proposal for decision” to the board for consideration and possible approval of the permits.

The BVGWD manages groundwater resources in Brazos and Robertson counties. The district's management plan says a majority of residents in Brazos and Robertson counties rely solely on local groundwater supplies to meet needs for drinking water, along with agricultural and livestock needs. The district management plans adds that local groundwater resources are vital to the Brazos Valley's growth, health, economy and environment.

"While Texas law clearly establishes water rights for the landowner or water supply company, it is unclear whether an entity has the right to deplete an aquifer to the point where all landowners have to either re-drill wells or live without water," said Ermine Diekman, a Robertson County landowner who also filed a contested case hearing.

Currently, one approved transport permit is in place for UWBVF for 49,999 acre-feet per year from its Goodland Farms property. No water has been transported via this permit. UWBVF purchased 9,000 acres outside Hearne in 2021. In October 2022, the BVGCD approved UWBVF's drilling permit.

The UWBVF project includes a hub for the project's connection of the gathering system to the transmission system to the western receiving area. The hub would likely be located on UWBVF's Goodland Farms property.

The receiving area of the transport permit would be Bell, Milam, Travis and Williamson counties. It's expected that water transport would be primarily to the city of Georgetown. UWBVF previously entered into an agreement with EPCOR, a utilities company. EPCOR has entered into a reservation agreement with the city of Georgetown to negotiate a public-private partnership and a water supply agreement for Georgetown to import between 39,399 and 70,000 acre-feet per year from Robertson County.

Georgetown's water demand in the city's service area is projected to surpass its current supply by 2030, which prompted the city's agreement with EPCOR, Georgetown Mayor Josh Schroeder wrote in a letter to the BVGWD in June.

Schroeder said conservation is an increased city priority and said city staff has enhanced enforcement of water citations from 148 in 2019 to over 3,500 so far in 2024. Williamson County has been one of the fastest-growing counties in Texas this century.

“We are also investing heavily in reclaimed water, planning to recycle and purify excess water from our five water reclamation plants,” Schroeder wrote. “A reclaimed water master plan is underway to identify optimal uses for this resource.”

Those aligned with UWBVF, like Hoelscher, told the board that UWBVF has shown a commitment to sustainable pumping and a proactive approach to well mitigation measures.

“The transport of our permitted production aims to address a well-documented regional water need, and it does so through thoughtful, sustainable pumping and a forward-looking approach to well mitigation, if and when that is needed,” said Nick Lutz, another landowner aligned with UWBVF, wrote in a letter to the Bryan city manager that was also sent to the BVGWD prior to the June 18 meeting. “The transport application also includes a project-level limit on total export, giving the local water resource potential additional protection beyond what the rules require.”

One item of discussion during June’s public hearing was the Simsboro Aquifer’s desired future condition (DFC). Alan Day, general manager of the BVGWD, explained how the DFC is a regulated figure that’s developed to project what the current board wants the aquifer to look like in 50 years. The BVGWD Board has established a DFC of 262 feet by 2070.

Curtailment happens when production reaches 65% of the DFC. Another evaluation comes at 80%. Production is halted at 90%. According to projections under the proposed permit, curtailment would come in 2036 if production began in 2029. A study from Advanced Groundwater Solutions LLC (AGS) showed the drawdown in 2070 will increase the current DFC from 262 feet to 408 feet, if the requested transport permits are granted.

The AGS study estimates in 2059 that of the 612 permitted and registered Simsboro wells in the BVGWD, 356 will need well pump lowering and 154 will need to re-drill the well. The cities and county's attorneys said this increased drawdown would have significant impacts on the cities' wells. Engineering estimates show the cost of re-drilling a municipal well range from \$4.3 million to \$20 million per well.

The cities and county's attorneys noted the cities serve water to over 200,000 people in the district and anticipate that figure growing to over 400,000 by 2070. Almost all of the drinking water provided by the cities come from Simsboro wells. The attorneys said granting this transport permit application would cause significant reductions in the artesian head at the cities' wells that would lead to rate increases for retail water service.

Campbell Young, general manager of the Wellborn Special Utility District, was one of several people who spoke in opposition to the transport permits. He said if the full transport permit is approved, all of Wellborn SUD's Simsboro wells would require extensive modifications within the next decade. He added that a massive increase in pumping with the transport permits would decrease drinking water levels.

"There may not be a good solution here," Young said. "The laws are what they are and maybe this project has to happen, but if this transport project is approved, there will be higher costs for every water user within this groundwater district. We will continue to pay that higher cost for less and less water forever. Eventually, we will have to build our own pipeline to some other water source and just hope there will be some left somewhere."

**By Alex Miller**

**News reporter**

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