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Un- Regulated Well Field Development in Hays County

Fellow Citizens,

It has been brought to my attention that there is a large un-regulated well field being developed in mid-western Hays County near FM 3237. The company developing this project is a Houston-based company called Electro Purification LLC. They propose to deliver to potential customers around 6,000 acre feet of water per year out of this area of the Trinity Aquifer. As the representative of Precinct 3, this gives me a great deal of concern. Firstly, I am worried about the potential impact on residential and commercial wells in the nearby area. Secondly, I am wary of the overall health of the Trinity Aquifer in Hays County. Some actions have been taken out of the Precinct 3 office that I would like to bring to your attention.

Commissioner Whisenant, Representative Isaac, and I met with the principals of Electro Purification around January, 8th 2015. We each expressed our concerns over this amount of water being distributed out of this area. Electro Purification and their representatives ensured us that the proper studies have been done and that they felt confident their project wouldn't negatively impact the surrounding area or the Trinity Aquifer. I asked them to consider five points.

1. An exit strategy to the project;
2. A binding agreement that protected area well owners, should the project negatively impact their water supplies;
3. Sharing their costs in the project at this point in time;
4. sharing the data associated with the project;
5. Providing copies of any contracts or letters of intent they may have with potential customers

Electro Purification stated that they would provide the information requested in items 4 and 5. However, they asked for more time to consider their level of comfort on requests 1, 2 and 3. At this time, I have received no information. I have asked in two different emails that they at least provide the well data to my office. I am hopeful that they will respond to these requests, as it would provide us with an opportunity to have a real conversation about the impact of their proposed operations.

I, along with many of my colleagues, have discussed this issue with the groundwater districts in Hays County. We have asked that they get together and see if they can develop some reasonable legislation that might cover this gap in groundwater regulatory authority in our community. To my knowledge the groundwater districts are working together and will try to deliver something to Representative Isaac in the near future. This is a complicated issue that will warrant a tremendous amount of discussion. However I am optimistic that our groundwater districts, working with Representative Isaac can come up with a good solution. The rule of capture should not be the only rule that applies to a corporate entity with the intentions of commercial distribution of water resources. I believe there must be some accountability on this whole process beyond free market principles that will protect the private property rights of land owners in an impacted area.

As of yesterday, the Precinct 3 office has filed Public Information Act requests with the following political subdivisions: the City of Kyle, Mountain City, the City of Buda, and Goforth Special Utility District. We filed these requests to ensure we have all information available in order to make the best decisions moving forward in our representation of the citizens of Hays County. We need to understand the entirety of the issue. If any information has been shared or discussed with these political subdivisions, access to that information will allow us to better assess the situation. I do not want to imply that these political subdivisions aren't cooperating with informal request. I believe that implementing formal requests was simply the best way to move forward in a timely manner. Hopefully, the Precinct 3 office will receive information from these entities in the near future that helps us better understand the issues at hand.

Commissioner Whisenant and I have placed an agenda item on the Commissioners Court agenda for next Tuesday, January 20th. In this Court session I plan to share with the Court the information we may have about this project. We will also discuss next steps. I assume this will be one of many meetings that we will have on this issue.

In closing, this is a very difficult and complicated issue. This proposed project may also have a direct impact on many people throughout Hays County. It is important in this time of tremendous change in Hays County that we do things wisely and carefully. We must also maintain our core principles and beliefs. As difficult as that can be, it is the challenge that is

before us today. I am confident with hard work, good government, and principled positions we will meet these challenges and leave Hays County and its people a better and brighter future.

Sincerely,

Will Conley

Hays County Commissioner, Precinct 3