CONTINUING COVERAGE CENTRAL TEXAS WATER PIPELINE

Group sues water pipeline partner for information

Suit aims to stymie project that would send water to San Antonio.

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Arguing that partners in a proposed multibillion-dollar water pipeline proposed for Austin's eastern flank should divulge more information about the workings of the project, an Austin environmental group has filed an open records lawsuit in state District Court.

The Save Our Springs Alliance is suing the nonprofit Central Texas Regional Water Supply Corp. to force it to hand over information about the pipeline route and pump stations, copies of the meeting minutes for the corporation’s board of directors, and correspondence between corporation officials and other partners in the 142-mile pipeline project.

The corporation, with the backing of the state attorney general’s office, has said that it doesn’t currently meet the definition of a governmental body.

The suit, filed Friday, is the latest effort by a loose coalition to stymie the pipeline project, which would send groundwater to San Antonio. Some landowners in rural counties near the pipeline’s proposed start worry they will be robbed of water; the SOS Alliance has raised concerns that the pipeline will fuel development in the Hill Country, over the Edwards Aquifer.

“What we’re worried about is that this could spur development over the aquifer,” SOS staff attorney Lauren Ice said.

The corporation, set up by a private company that is partnering with the San Antonio Water System on the project, is pursuing right-of-way agreements with landowners to the east of Austin for the pipeline, known as the Vista Ridge Water Supply Project, which will deliver water from well fields in Burleson County to the north side of San Antonio. San Antonio, long dependent on the Edwards Aquifer, committed to the Vista Ridge pipeline project in 2014 to diversify its sources of water. Under the deal, Austin-based Blue-Water Systems will pump the water from beneath Burleson County through the pipe, which will be built by Spanish company Abengoa. BlueWater could send enough water for 200,000 households per year to San Antonio, beginning as soon as 2020.

San Antonio will pay for the water whether it needs it or not; as a result, the pipeline — yet to be built — could also provide water for parts of the Hill Country and communities along Interstate 35 as San Antonio seeks to share costs.

The city of Austin is not interested in buying water from the pipeline project, officials have said.

Abengoa set up the Central Texas Regional Water Supply Corp. in 2014 “for the purpose of acquiring easements rights-of-way and other interests necessary” for the pipeline project, according to official papers cited in the new suit.

In November, the SOS Alliance filed a public information request with the corporation seeking information about correspondence, the locations of rights of way and pump stations. The corporation then asked the state attorney general for permission to withhold information; the attorney general’s office sided with the corporation, ruling that it is not a governmental body and not subject to the open records request.

The SOS Alliance argues that the corporation should abide by the Texas Public Information Act because, citing language in code, it is providing a water supply service and is not subject to property taxes.

But C. Robert Heath, an attorney for the corporation, said it does not rise to the level of such an entity because it does not yet control any property and thus has not even filed for an exemption from property taxes. And in a letter to state Attorney General Ken Paxton in December, Heath argued that the corporation “is not currently providing this water transportation service because the necessary pipeline has not yet been built. ... Since (the corporation does not currently provide a water supply or wastewater service ... (the corporation) is not a ‘governing body.’ ”

In February, the corporation and the San Antonio Water System submitted an $885 million loan request to the Texas Water Development Board.
According to that application, preliminary engineering has been performed, test wells have been drilled, environmental studies have been conducted, and preliminary pipe specifications have been developed.

The partners said the project will “help preserve Edwards spring flows and federally-listed endangered species” by alleviating pressure on the underground aquifer.

The San Antonio Water System, which is not party to the suit, “is always open and transparent” and follows “all laws of open government,” according to utility spokeswoman Anne Hayden.

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