

NEWS

Naked City

Not Without My Water

BY ROB D'AMICO, FRI., JUNE 23, 2000



Many Hays County residents continue to vent their anger over a proposed water well that they fear would serve new development, and last week the local aquifer district put a halt to the plans unless the driller outlines his exact intentions.

T.J. Higginbotham, a Hays Co. resident who owns a ranch west of Buda on FM 967, asked the **Barton Springs-Edwards Aquifer Conservation District** in March for a permit that would allow for test wells and eventually a well producing about 50 million gallons annually on his 40-acre-plus property. However, Higginbotham and his attorney, **Jimmy Allen Hall**, refused to specify what the well water would be used for when seeking the permit at a May 3 district board meeting.

That refusal angered district Board Members **Craig Smith** and **Jack Goodman**, but their peers on the board at the time -- **Roy Dalton**, **Don Turner**, and **Lois Franklin** -- went ahead and voted to grant the permit for the test well to measure water production capacity and its effects on other area wells.

Goodman and Smith were even more upset at the district's June 13 board meeting, after they learned from a third party that Higginbotham's water may be destined to supply two planned subdivisions near Dripping Springs.

Goodman says **George Murfee** of Murfee Engineering Company called him to lobby for the well, which Murfee told him would serve the Greenhawe and Rutherford Rim subdivisions being developed by **John Lloyd**. Goodman says Murfee told him the subdivisions were planned as low-density communities that environmentalists would favor. "I was rather astonished that [Murfee] confirmed the whole thing," says Goodman. Murfee also wrote the city of Dripping Springs in April and noted that the sites would be served by a well off FM 967.

The site of the subdivisions is part of the **Rutherford Ranch** tract over the aquifer's recharge zone that environmentalists and local residents fear will become home to large-scale developments. Higginbotham's ranch is several miles to the east -- meaning that the water would have to be piped to the sites and would require a transport permit.

So at the June 13 meeting, newly elected district board member and environmental activist **Jim Camp** joined Goodman and Smith with a successful motion to cease any further well activity unless Higginbotham provides information on his purpose, including who helped pay for the test well.

Both Higginbotham and Hall deny any intention of trying to serve the subdivisions and say they weren't even aware of Murfee's letters or conversations until after they turned in their application to the district. Furthermore, Higginbotham says that the whole issue has gotten out of hand, and that residents need to realize he can't say exactly what his plans for his land and its water are until he learns exactly how much water he can pump. Hall adds that his client fully intended to tell the



By Doug Potter

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Stovy Bowlin, the district's general manager, says 50 million gallons would amount to about 3% of the district's total permitted pumping -- about 1.7 billion gallons annually with an allowed limit of 1.9 billion gallons for the aquifer -- and it would be one of the largest permits ever granted: enough to serve 347 homes annually at an average of 12,000 gallons a month per household.

Regardless of the amount of water pumped or its intended use, Smith says he is still angry that Higginbotham is trying to give the district the runaround. He says Higginbotham's claim that he knew nothing about Murfee's letters and comments on supplying subdivisions is highly suspect, since one of Murfee's employees, **Phil Savoy**, supervised the drilling of the test well. The board has requested invoices on the cost of drilling the test well to see if anyone connected with Murfee or the subdivisions did finance the well. Murfee did not return several phone calls to his office and Savoy refused to comment on the matter.

Higginbotham took exception to questions about his honesty. "I don't like being called a liar," he says. A fixture in Hays County politics, he also an original member of **Take Back Texas**, the property rights group that lobbies for landowners wanting to develop their land free of environmental regulation. The tract where he wants the well drilled has been in his family since the 1930s, he says. "I'm about property rights and water rights and the right to do what you want with your land and not have anyone tell you what to do with your land," Higginbotham says. "That's basically the way I feel, that I have the right to drill on my land."

Higginbotham says he is weighing his options and hasn't decided whether to provide the board with the information it requested.

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