

Item 7 – Regional Mitigation of Artesian Head Reduction Effects

There has been an expressed desire for the three districts that are either already experiencing or will experience a significant artesian head reduction as a result of large pumping projects to meet and discuss possible cooperative regional mitigation. Three (3) districts (Post Oak Savannah GCD (POSGCD), Lost Pines GCD (LPGCD) & Brazos Valley GCD (BVGCD)) will suffer the brunt of artesian pressure reduction and affected water wells as more large production begin to produce.

POSGCD has two export projects actively transporting large volumes of water to both the Manor area and San Antonio. They also have the SLR project set to come on line in the near future delivering water to the Samsung facility in Taylor, Texas. LPGCD has a number of significant pumping projects permitted. BVGCD currently has only one transport project permitted for up to 49,999 ac-ft/yr. UW Brazos Valley Farm LLC has entered into a reservation agreement with the City of Georgetown for their permitted water.

BVGCD is currently feeling the effects of pumping from the Vista Ridge project in the Simsboro Aquifer in both Brazos and Robertson counties. Any of the aforementioned projects and the effects associated with pumping do not respect district boundaries. HB 3059 (King) passed during the 88th Legislative Session allowing districts to maintain the operability of wells that are affected by large-scale pumping. Districts can now mitigate wells, maintain their operability, and protect landowner property rights.

The three districts listed above met on October 11, 2023 at the POSGCD office in Milano, Texas. Each district general manager was present along with two (2) board members from each district. Jayson Barfknecht and John Elliott were chosen by President Stephen Cast to represent the District. The purpose of the initial meeting was to determine if there is interest in performing regional mitigation of wells since pumping effects from one district travel beyond district boundaries and affect wells in another district.

Below is a listing of topics/issues that were breached during the meeting.

Regional Mitigation

- Can districts enter into interlocal agreements and mitigate pumping effects created by projects located within their jurisdiction but with the effects extending beyond district lines?
- HB 3059 provides districts the avenue to mitigate pumping effects but does not clearly state that monies collected by the district can be used beyond district boundaries
- Is there a need to address this issue by asking the legislature to insert language into 36.207 TWC making clear that districts may address the operability of wells

located outside of the district but affected by pumping projects permitted within the district boundaries?

Assuming interlocal agreements can be utilized:

- What is the goal of the Regional Mitigation Plan?
- Will all metered pumping be accounted for in the cumulative effect of depressurization?
- Who would administer the fund if it was based on total pumping from each district and money contributed to a communal account?
- Will site/project specific pumping effects be the methodology used to determine who is responsible for mitigation of a particular well?
- Will a boundary, determined by hydrogeologists, be drawn around an affected area and assigned to a district for mitigation?
- Will all district mitigation plans need to be the same? Mitigate prior to pumping effect?
- Will district rules need to be the same?
- Will other districts identify and measure water levels on potentially affected wells?
- Will there be a starting date for mitigation of wells affected by pumping?
Examples: Wells affected by Vista Ridge pumping, Wells affected by SLR pumping, Wells affected by UW pumping
- Should POSGCD & LPGCD work on an agreement without BVGCD involvement since mitigation is currently needed and happening as a result of Vista Ridge?
- Who will determine how the well will be mitigated? The districts do not currently have the same methodology and protocol for mitigation procedures.

The questions that need to be addressed and answered:

Does the BVGCD board believe that regional mitigation of wells affected by permitted pumping approved by the BVGCD board be the responsibility of the District?

Does the Board want to continue engage in discussions with POSGCD and LPGCD related to regional mitigation?

Does the Board want District staff to investigate the need to revise language currently in statute making it clear that districts have the ability to maintain the operability of wells where the affected wells are beyond District boundaries.