

Public Hearing Regarding New Drilling & Operating Permits Comments

Badgerjack Resources - 12 Wells – 16,421 ac.ft.

High Timber Resources – 6 wells – 11,870 ac.ft.

Corpora Farms – 13 Wells – 16,421 ac.ft.

July 13, 2023

I respectfully ask the BVCGD Board of Directors to consider the following comments before granting or denying these permits:

1. Conflicts of Interest - I respectfully ask Director David Stratta to consider recusing himself from the deliberations and approval process for these wells. Mr. Stratta's familial relationship to a local water well service company that might significantly profit from drilling and serving these wells if approved raises concerns of possible impropriety. While it is Mr. Stratta's choice to recuse himself, I believe that public perception of this potential conflict of interest may undermine trust in the Board's final decision.

2. Beneficial Use Declaration - I have repeatedly voiced objections to the "multi-use permit" that allows applicants to declare "beneficial use" for agricultural, industrial, public water supplies (PWS), whether for rural or municipal use. During the October 2023 permitting process, the District Manager explicitly stated that TCEQ would not approve a PWS well connected to an agricultural network. There may be different specifications required for PWS wells that do not apply to agricultural-use wells. This raises concerns about the need for applicants to be more specific about their intended use. If these wells are indeed intended for agricultural use, consideration should be given to the actual need, considering that other water sources are already available to the applicant. In the past, the District limited agricultural use to around 2 acre-feet per acre of land surface as reasonable and customary. If the use is for public water supplies, it should be clearly stated with the required "evidence" as mandated by District Rules.

Brazos Valley GCD Rules adopted in 2022, Rule 8.3 (c)(4): Before granting or denying a drilling and/or operating permit for a well, or permit amendment under §36.1146, the District shall consider whether the proposed use of water is dedicated to a beneficial use and whether sufficient evidence of an intended beneficial use is presented.

Texas Water Code, Chapter 36, Sec 36.113(c)(3): A district may require that only the following be included in the permit or permit amendment application, as applicable under the rules of the district: a statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose.

I respectfully ask the District to require all applicants to clearly specify their requests with verifiable need and transparent information regarding their intended "beneficial use." The interpretation of State and District requirements should not allow an "all of the above" response when determining the amount of groundwater to be permitted.

3. Accuracy of Well Monitoring Program - I urge the District Management to address discrepancies between the listed well aquifer assignments in BVGCD's well database and the District's Virtual Bore Data. The virtual bore data is meant to be a reliable guide for determining a given location's top and bottom layers for its underlying aquifers. Upon comparing wells in similar locations and their well depths, I found several instances where the listed well depths in a particular aquifer fall short or exceed the listed aquifer's Bore Data limits. Misabeled aquifers for monitored wells may be collecting data under the wrong attribute, which in turn raises concerns about the reliability of the District's Monitoring Program and its impact on the determination of the "desired future conditions" (DFC) or any other management tool. (e.g. Modeled Available Groundwater - MAG, etc.)

I have raised concerns on multiple occasions about the data collected, its collection methodology, selective targets, and the resulting predictive scenarios for aquifers used in determining DFC. Reporting "inconsistencies" have cast doubt on the reliability and fairness of the information used when permitting wells, establishing rules, or setting triggers for "enforcement" of curtailments or limits.

4. Environmental Considerations - I request confirmation that the Board has thoroughly considered and established baseline assessment criteria for determining the potential environmental consequences related to Brazos River inflow/outflow and the Carrizo-Wilcox Aquifer(s) cross-formational flows, as affected by the UPwell BV Farms (16 wells), Skiles (2 wells), Brien (3 wells), and the three permit requests for 31 new wells to be considered in July 2023. For reference, these 52 wells will be collectively referred to as the "Pumping Field" in this document.

5. Cone of Depression Interference - I urge the Board to provide additional hydrology reports that include simulated additional drawdown after 1 and 10 years, assuming all new Simsboro wells in the "Pumping Field" are pumped at full permit limits.

6. Depletion Management Zone - In my opinion, the "Pumping Field" wells along with other Simsboro producing wells within the same geographical area, potentially create a perfect example of a Depletion Management Zone. Our rules define this Zone as "areas of the District that are experiencing significant drawdowns of the aquifer levels, which may be caused by concentrated groundwater pumping." I urge the Board to review and adopt rule language to confirm fair and reasonable criteria for the designation and management of this classification today.

COMMENTARY:

I understand that applicants in compliance with the Board's Rules are rarely denied permits. I also recognize that the transport of groundwater from Robertson County to other municipalities is inevitable. No permit holder intends to cause harm to our groundwater resources. I am thankful the District has the authority to establish rules and limits while implementing a Management Plan that ensures the protection of our aquifers. They use various "management tools" to predict the available groundwater and set goals for fair production that aligns with the desired future condition of a healthy aquifer. At least, this is their mission.

Around 1992, an IBM executive concerned about predicting the future of personnel computing said, "*The future isn't what it used to be!*" That can certainly be said about our groundwater resources. Since the invention of the centrifuge pump, the future of groundwater has changed, especially in more recent decades as water-levels have fallen in many areas where excessive pumping has occurred. These are no longer our grandfathers' aquifers. The future is definitely different for our grandchildren.

My primary concern for the future lies with the residents of Robertson County and their fundamental right to uninterrupted access to domestic and public groundwater resources, without facing additional costs or inconveniences. It would be a grave "*tragedy of the commons*" if a few individuals were allowed to excessively extract from our shared groundwater resources, thereby negatively impacting the wells of our cities and residents.

In order to address these concerns, the District has implemented a well assistance program. In my opinion, as revenue from transport fees increases, it is crucial for the District to prioritize funding the well assistance program and invest in conservation infrastructure projects for end-users within the District. A new conservation tactic has surfaced in some areas of Texas that involves "*pay for not pumping.*" In my opinion, it is unacceptable for our District to pay a monetary "*conservation incentive*" to permit holders in order to discourage them from pumping their groundwater allotments. I firmly believe that groundwater should not be treated as a commodity to be harvested, and it is especially concerning IF our government chose to subsidize the non-harvesting of water that they permitted.

While the District has taken proactive measures, its effectiveness ultimately depends on the politically appointed Board members' understanding of the issues and data presented. I fear that as the value of water increases, there is a risk of sitting Board members becoming more biased and influenced by political factors. Moreover, I am concerned that the current data collection methods and analysis may be insufficient to accurately assess our groundwater resources and identify potential issues before preventable damage occurs. I genuinely hope that my fears prove to be unfounded in both regards.