



BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

P.O. Box 528 · HEARNE, TX 77859 · (979) 279-9350

[HTTPS://BRAZOSVALLEYGCD.ORG](https://BRAZOSVALLEYGCD.ORG)

September 15, 2026

Re: Brazos Valley Groundwater Conservation District §36.108(d-2) submission to GMA 12 for 30-day website posting

Dear Groundwater Management Area 12 Coordinator:

In compliance with Section 36.108(d-2), (d-2a), and (d-3) of the Texas Water Code, the Brazos Valley Groundwater Conservation District (BVGCD) is submitting the following to be fully posted on the Groundwater Management Area 12 (GMA 12) tab on the website maintained by Post Oak Savannah Groundwater Conservation District (POSGCD) for at least 30 days prior to the next GMA 12. When GMA 12 reconvenes for a joint planning meeting, after the requisite 30-day posting, GMA 12 shall review the information required under Subsection 36.108(d-2), consider any district's suggested revisions to the proposed desired future conditions, receive public comment, and finally adopt the desired future conditions for the management area.

- (1) The BVGCD submits for posting the enclosed public comments and summaries that it received for the relevant proposed desired future conditions.
- (2) The BVGCD suggests as revisions to the proposed desired future conditions to use PS4-2mod_v8 for the adopted DFCs in the Simsboro Aquifer, with a 10%± variance. This would propose for BVGCD the DFC value of 283 feet ±10 %, expressed in average water level drawdown across BVGCD from 2011 through 2079.

BOARD OF DIRECTORS:
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GARY MECHLER, VP

JAYSON BARFKNECHT, PRES.
LEWIS VARVEL III
JOHN ELLIOTT

CAMPBELL YOUNG
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JEFF KENNEDY, SECRETARY

Drawdown based on PS4-2_v8.wel

	Layer	BVGCD	FCGCD	LPGCD	METGCD	POSGCD
3	Sparta	57	57	22	22	46
5	Queen City	46	96	31	19	30
7	Carrizo	83	173	139	45	170
8	Calvert Bluff	119	184	141	58	189
9	Simsboro	283	276	261	85	369
10	Hooper	190	182	157	76	236



Drawdown = $WL_{31Dec80} - WL_{01Jan11}$ (ft)

Grid file: czwx_v3_02_MFUSG_ModelGrid121823.intera.csv

DD Calculation Code: Spheros Python Script

(3) the basis for those revisions and the supporting materials, including the groundwater availability model run results, have been previously posted on the GMA 12 / POSGCD website for the April 16 GMA 12 meeting.

The BVGCD also respectfully requests that POSGCD provide an easily accessible GMA 12 tab link on the POSGCD website's home page.

The BVGCD looks forward to reconvening with GMA 12 to adopt its final DFCs for this round of planning.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alan M. Day". The signature is fluid and cursive, with a large, sweeping "A" and "D".

Alan M. Day

CC:

David Bailey

David Van Dresser

Elvis Hernandez

Summary of All Comments Received

This combined summary reflects a broad range of public comments and stakeholder perspectives on groundwater management and Desired Future Conditions (DFCs) for the Simsboro Aquifer and related resources within the Brazos Valley GCD boundaries. The main themes and recommendations are as follows:

Key Concerns and Issues

1. Significant Proposed Drawdown

- Multiple commenters express concern over the proposed increase in average drawdown for the Simsboro Aquifer (up to 330 feet, a 25% increase from the 2021 plan), citing risks to long-term water availability, local wells, and the environment.
- There is widespread worry about the sustainability of water resources, especially for domestic and livestock well owners, and the potential for irreversible aquifer depletion.

2. Transparency and Process Integrity

- Several stakeholders criticize the DFC planning process for lack of transparency, insufficient statutory compliance, and inadequate public participation.
- Concerns are raised about inconsistent use of technical models, changing monitoring well datasets, and the appearance of predetermined outcomes due to legal settlements or district preferences.

3. Protection of Existing Users and Property Rights

- Many comments emphasize the need to protect rural, domestic, and livestock well owners, who are often most vulnerable to declining water levels.
- Groundwater rights owners stress the importance of respecting property rights and warn against regulatory actions that could constitute a "taking."

4. Socioeconomic and Environmental Impacts

- Commenters highlight the potential negative impacts on local communities, agriculture, and ecosystems, including increased costs for deeper wells, risk of contamination, and harm to springs and wildlife.

Recommendations and Proposed Actions

1. Adopt a More Conservative DFC

- Many recommend setting the DFC at 284 feet of average drawdown for the Simsboro Aquifer, with the option to revisit in 2031, rather than the higher 330-foot proposal.
- If not adopted, some suggest limiting projected drawdown to less than 5%.

2. Enhance Data Quality and Monitoring

- Calls for standardized, transparent monitoring well databases and improved data validation.
- Requests for clear explanations of changes in monitoring datasets and more representative socioeconomic and environmental impact studies.

3. Improve Public Information and Participation

- Suggestions include comprehensive public information packets, clear mapping of drawdown impacts, and earlier, more meaningful opportunities for stakeholder input.

4. Balance Growth with Conservation

- Some stakeholders (e.g., City of Bryan) support higher DFCs to accommodate regional growth, but most urge a cautious, data-driven approach that prioritizes long-term sustainability and local needs.

Conclusion

The overall sentiment favors a cautious, transparent, and scientifically rigorous approach to groundwater management, prioritizing the protection of local water users, property rights, and environmental sustainability over short-term increases in groundwater production. Stakeholders urge decision-makers to adopt conservative DFCs, improve process integrity, and ensure that all statutory and scientific factors are openly and independently evaluated.



SIMSBORO AQUIFER WATER DEFENSE FUND

PO Box 931 / Elgin, TX 78621 / 512-454-4779

To: Groundwater Management Area 12
From: Andy Wier, Executive Director, Simsboro Aquifer Water Defense Fund [SAWDF]
Date: June 11, 2026
Re: Recommendations for a Public Information Packet on Proposed Desired Future Conditions

As each district in GMA-12 sets dates for a public hearing and begins taking public comments on the proposed DFCs, SAWDF recommends each district prepare a packet of information that will help landowners to make informed comments on the proposed DFCs.

The packet of information is in keeping with Texas Water Code 36.108(d-2) "During the public comment period, the district shall make available in its office a copy of the proposed desired future conditions and any supporting materials, such as the documentation of factors considered under Subsection (d) and groundwater availability model run results."

Recommendations for a Public Information Packet on Proposed Desired Future Conditions:

- Cover page with first sentence from 36.108(d-2) "The desired future conditions proposed under Subsection (d) must provide a balance between the highest practicable level of groundwater production and the conservation, preservation, protection, recharging, and prevention of waste of groundwater and control of subsidence in the management area."
- For each DFC, a page demonstrating the balance above by listing the acre-feet representing the "highest practicable production", including exempt production, in one column and the acre-feet representing conservation, preservation, protection, recharging, and prevention of waste and subsidence in the other column.
- For each DFC, a full page of map of each county in the district featuring contour lines showing the "percent of remaining available drawdown" in each proposed DFC, and the location of district exempt and non-exempt wells.
 - Available drawdown is calculated using the 2010 water levels used in the GAM and top of the saturated sands in a confined formation.
 -

Thank you.

*Simsboro Aquifer Water Defense Fund [SAWDF] a non-profit
dedicated to protecting groundwater rights and the Carrizo-Wilcox Aquifer.*
www.simsboroaquiferwaterdefensefund.org

Cathy Lazarus

11685 FM 2159
Calvert, Texas 77859
979-814-0733

Public Comment for the Proposed Desired Future Conditions of the Aquifers by GMA 12 for the 2011-2079 State Planning Cycle

August 3, 2026

Jayson Barfknecht
President, Board of Directors
Brazos Valley Groundwater Conservation District
112 West 3rd Street
Hearne, TX 77859

To the Board of Directors:

Thank you for the opportunity to offer public comments regarding the proposed Desired Future Condition for the Simsboro Aquifer of an average drawdown not to exceed 330 feet.

I oppose adoption of the 330-foot DFC and support the more conservative GAM PS4-2 scenario establishing an average drawdown of **284 feet**, which was approved in November 2025. The associated availability run includes the groundwater export volume for UW Brazos Valley Farm LLC. Therefore, the 284-foot DFC should accommodate anticipated demands during the next ten-year planning cycle while allowing additional time to collect data, evaluate actual aquifer response, and confirm future demand projections.

In 2015, I submitted comments to this Board regarding the DFCs proposed during that planning cycle. Many of the concerns I raised then remain unresolved. Today, those concerns are even more significant because groundwater demand has increased dramatically due to large-scale economic development and the transportation of groundwater outside the District. My 2015 public comments and a summary of those concerns are included as Attachment B.

The issue is no longer limited to agricultural or municipal growth. Today, the District faces rapid industrial development, large-scale groundwater exports, greater uncertainty regarding long-term demand, and increasing pressure on the Simsboro Aquifer for uses that were not envisioned when earlier DFCs were established.

Because the decisions made today will affect Robertson County property owners and water users for generations, I urge the Board to take a conservative approach.

Several of my 2015 concerns remain relevant. Computer models are only as reliable as the data entered into them. Monitoring-well selection, measurement validation, and data interpretation therefore remain critical. I recognize that the District has worked to improve its monitoring program and select more statistically meaningful wells. Nevertheless, the set of 12 wells used to evaluate DFC performance appears to change between performance evaluation presentations and, therefore, possibly in GAM runs.

**Public Comment for the Proposed Desired Future Conditions
of the Aquifers by GMA 12 for the 2011-2079 State Planning Cycle**

The Board and the public should be provided with a clear explanation of why wells are added, removed, or replaced and how those changes affect the resulting projections. Consistency in the underlying data is essential when comparing one scenario with another. Outliers, anomalous readings, or questionable data should be identified and explained rather than allowed to influence major policy decisions without adequate review. Relevant examples are included in Attachment A.

The proposed 330-foot DFC would accommodate substantially greater industrial and municipal demand than existed ten years ago—or even a few months ago—according to the socioeconomic impact study funded by Brazos County stakeholders. Those stakeholders included larger Brazos County municipalities and rural water suppliers.

I am concerned that the interests of rural Brazos County and Robertson County residents were given insufficient weight in that study. The study appears to reflect changed intentions and increased demands by the sponsoring stakeholders and to support what they describe as their “locally preferred DFC.” However, increased demand does not, in itself, demonstrate that greater aquifer drawdown is prudent or sustainable.

I am also concerned that the study does not adequately address the potential negative effects of substantially increased Simsboro pumping on the northern portion of the District, particularly areas that may experience the effects of declining water levels without receiving the projected economic benefits.

The District should fully evaluate who receives the economic benefits of additional pumping and who bears the costs and risks. Those costs may include declining water levels, increased pumping expenses, pump lowering, well rehabilitation, replacement wells, and reduced future groundwater availability for landowners and communities within the District.

One issue is especially troubling. The Board previously settled litigation involving groundwater transportation permits, and a condition of that settlement required the General Manager to advocate for adoption of a 330-foot DFC.

Regardless of the legal validity of that provision, it creates an appearance that the District’s scientific and policy evaluation may be influenced by a commitment made in the settlement of litigation. Advocacy for a predetermined number is different from independently evaluating the full range of available scientific evidence and policy alternatives.

The public deserves confidence that the DFC is being selected solely through an open evaluation of the science, statutory factors, actual aquifer conditions, and the independent judgment of the Board—not because of a prior commitment to advocate for a particular result.

My position is not simply opposition to development or groundwater production. A previous GAM scenario produced a DFC of approximately 284 feet, and I believe that alternative deserves serious consideration. It would allow continued development while providing greater protection for existing groundwater users, reducing long-term risk, and allowing additional monitoring data to confirm whether higher drawdown assumptions are justified.

**Public Comment for the Proposed Desired Future Conditions
of the Aquifers by GMA 12 for the 2011-2079 State Planning Cycle**

The 284-foot alternative also recognizes an important distinction: a computer model may show that a particular level of pumping is mathematically possible under selected assumptions, but that does not necessarily mean the resulting drawdown is desirable, equitable, or without unacceptable consequences.

Groundwater decisions should be made conservatively because their consequences are difficult—and sometimes impossible—to reverse. When substantial uncertainty exists, the burden should not be placed on future generations to discover that today's assumptions were overly optimistic.

I respectfully ask the Board to:

1. Thoroughly evaluate each statutory DFC factor;
2. Fully explain the scientific and policy basis for increasing the DFC;
3. Identify and justify changes in the monitoring wells and datasets used among scenarios;
4. Independently review the assumptions regarding industrial, municipal, and export demand;
5. Evaluate the geographic distribution of both the economic benefits and the adverse effects of increased pumping;
6. Address the appearance of a predetermined outcome created by the settlement provision; and
7. Adopt the more conservative 284-foot DFC unless compelling, independently evaluated evidence demonstrates that a 330-foot average drawdown can be achieved without unacceptable long-term consequences.

A 284-foot DFC is not a rejection of growth. It is a reasonable and responsible choice for the next planning cycle—one that accommodates identified demands while preserving time to improve the data, test model predictions against actual aquifer performance, and protect the groundwater interests of the entire District.

The strongest addition is the distinction between what a model says is **possible** and what the Board should determine is **desirable, equitable, and prudent**. That puts the 330-foot proposal in its proper policy context rather than allowing the discussion to be treated as purely technical.

Sincerely,



Cathy Lazarus
Robertson County Resident

Attachments (2)

**Public Comment for the Proposed Desired Future Conditions
of the Aquifers by GMA 12 for the 2011-2079 State Planning Cycle**

ATTACHMENT A

When I reviewed AGS's presentation, *Status of Water Levels Compared to Desired Future Conditions—2026*, I was particularly interested in the DFC wells used to calculate the arithmetic average drawdown over the reporting period.

In the past, I have found that the wells selected for this calculation have differed from one presentation to another, which concerns me. If replacement wells are spatially similar and have comparable aquifer characteristics at the well bore, they should provide performance readings that are not significantly different. However, if a replacement well is in a thicker portion of the aquifer or where the aquifer lies deeper below the surface, then we may not be comparing equivalent conditions over the same period.

I also used BVGCD's interactive Groundwater Map to obtain water-level readings for the listed DFC wells. The table below presents my findings, including the best available—or estimated—artesian head levels for each well at year-end 2010 and year-to-date 2026. Four of the wells (*) have substantial gaps in their records and do not include a 2010 reading. For those wells, I extrapolated an estimated year-end 2010 value from the available information.

BV Well ID	State ID	Well Owner	BVGCD Drawdown end of 2010	BVGCD YTD 7/2026 DD levels	Calculated DD Change 2010 - 2026	Calculated DD if BVOP-0018 and BVR-1257 were omitted	AGS Reported change 2010-2026	AGS avg DD if BVOP-0018 and BVR-1257 were omitted
BVR-1284	39-46-702	Private	110.16	136.8	27	27	27	27
BVR-1257	39-52-504	Private	57.55	60.35	3		3	
BVG 1282	39-53-703	Private	85.78	107.9	22	22	19	19
BVOP-0018	39-59-601	Private	131.9	136.81	5		-9	
BVR-0644	39-59-905	Private	187.13	223.15	36	36	36	36
BVOP-0029	39-61-706*	Franklin #4	227.7	293.87	66	66	57	57
BVR-1283	59-03-437*	Private	58.12	108.56	50	50	25	25
BVHU-0013	59-04-701	Hearne #4	107.67	175.86	68	68	69	69
BVHU-0031	59-05-901*	Wichson Creek SUD	139.74	320.58	181	181	87	87
BBHU-0027	59-14-706	Wickson Cree #1	164.9	246.3	81	81	89	89
BVHU-0041	59-21-412*	Bryan #19	232.73	330.45	98	98	79	79
BVJU-0456	59-21-714	TAMU #8	46	245.95	200	200	131	131
					837	829	613	619
		Average Artesian Head Change 2010-2026			70	83	51	62

The purpose of this exercise was to confirm the AGS presentation and improve my understanding of the calculation process. Because DFC measurements strongly influence our perception of “aquifer performance,” it is important that these numbers be accurate, consistent, and meaningful.

Why do my results differ from those presented by AGS?

1. Difference in the 2010 baseline values.

I believe the difference between my calculated average drawdown of 70 feet and AGS's reported average of 51 feet may be attributable to the 2010 baseline values. I do not know which 2010 values AGS used. Based on the information available through BVGCD, I would have expected my extrapolated values to be closer to those used by AGS.

Public Comment for the Proposed Desired Future Conditions of the Aquifers by GMA 12 for the 2011-2079 State Planning Cycle

2. Inclusion of an unconfined well.

I firmly believe that the unconfined well, BVR-1257, should continue to be monitored and reported. However, it should be reported separately from the confined aquifer wells and should not be included in the calculation of average artesian head decline.

3. An anomalous well reading.

Upon reviewing the data, it became apparent that readings from well BVOP-0018 were anomalous. Its reported performance was inconsistent with that of surrounding wells. Therefore, its inclusion in the average should be carefully reviewed and, if the readings cannot be validated, the well should be excluded from the calculation.

One final observation.

The District's Interactive Groundwater Map appears to serve as the primary database for registered wells and provides the attributes used to identify and monitor those wells. One attribute, "**Monitored**," appears to be used to identify special monitoring categories. However, I noticed that this field contains several different designations, including **DFC**, **UW1**, "**Yes**," and blank entries.

More importantly, not all wells used for DFC performance appear to be consistently identified. Some DFC wells are labeled "DFC," some are identified only by a UW designation, and others have no entry at all in the **Monitored** field. If this database is used by the District's hydrologist to identify the wells included in DFC performance calculations, then the monitoring designation should be complete, standardized, and consistently maintained. Otherwise, it becomes more difficult for Board members, consultants, and the public to independently verify which wells are included in the DFC analysis and to reproduce the reported results.

Is there a reason why all DFC monitoring wells are not consistently identified within the database?

Conclusion

Additional work is still needed to identify and maintain a network of monitoring wells that provides a reliable and representative measure of the Simsboro Aquifer's performance.



Looking forward...

Rather than considering only how much artesian head has already been lost, should we not also evaluate how much artesian pressure remains?

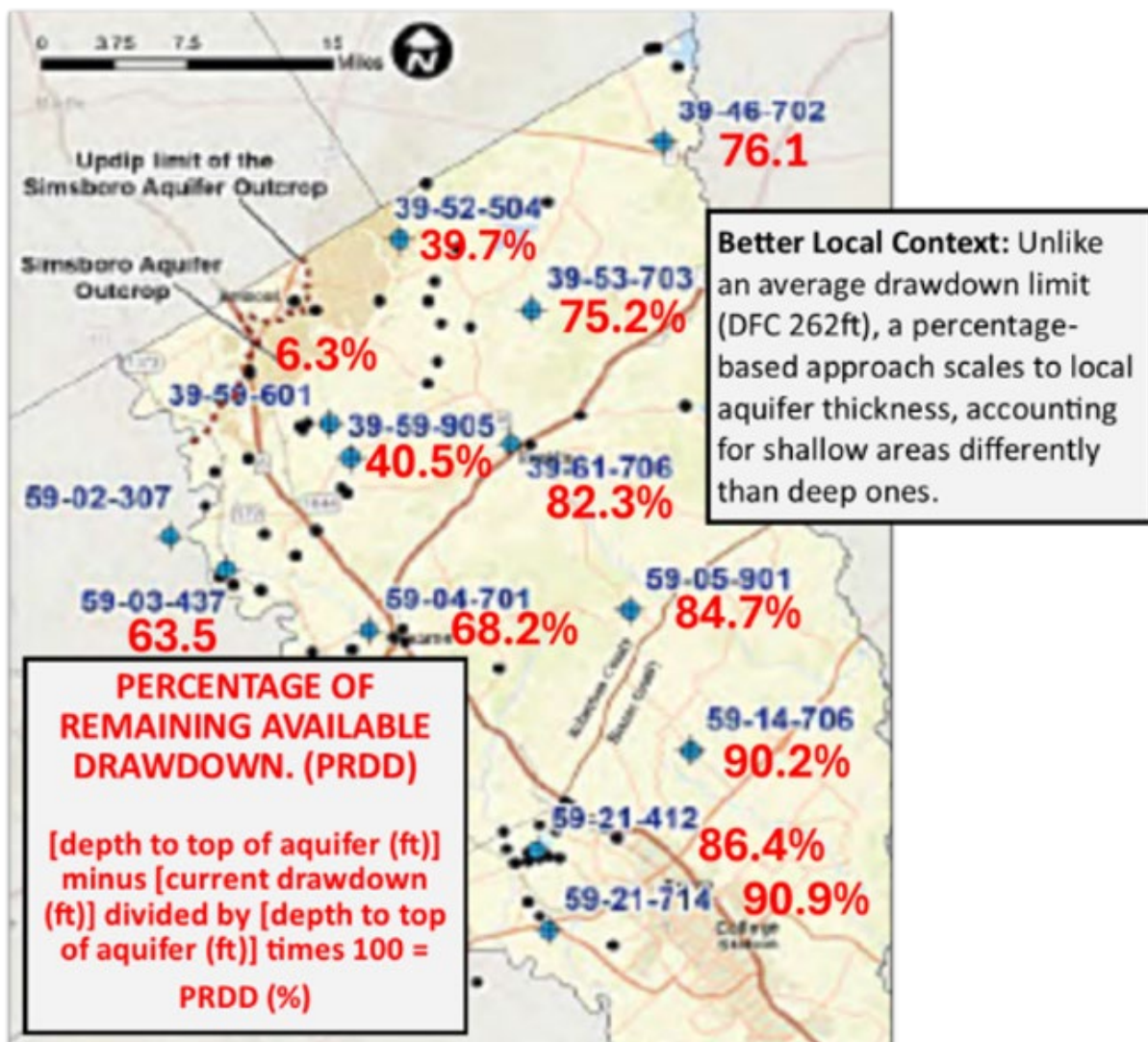
In my 2015 comments, I asked how we would know when "enough is enough." My understanding is that a significant change in aquifer performance occurs when water levels fall below the top of the aquifer formation and a previously confined portion of the aquifer begins to respond as an unconfined aquifer. At that point, the aquifer's behavior changes substantially.

State ID	Well Owner	Top Aquifer (ft)	BVGCD YTD 7/2026 DD levels (ft)	Calculated remaining artesian head (drawdown to top of aquifer in ft)	Calculated Percentage of Remaining Drawdown
39-52-504	Private	85	60	25	Unconfined
39-59-601	Private	146	137	9	6.3%
39-59-905	Private	375	223	152	40.5%
59-03-437*	Private	253	109	144	57.1%
39-61-706*	Franklin #4	925	294	631	68.2%
39-53-703	Private	435	108	327	75.2%
39-46-702	Private	573	137	436	76.1%
59-04-701	Hearne #4	995	176	819	82.3%
59-05-901*	Wichson Creek SUD	2089	321	1768	84.7%
59-21-412*	Bryan #19	2431	330	2101	86.4%
59-14-706	Wickson Cree #1	2511	246	2265	90.2%
59-21-714	TAMU #8	2714	246	2468	90.9%

**Public Comment for the Proposed Desired Future Conditions
of the Aquifers by GMA 12 for the 2011-2079 State Planning Cycle**

If pumping continues and water levels decline further, the shallower portions of the aquifer may begin to dewater. This could contribute to declining well yields and may increase the risk of formation compaction and subsidence. Therefore, we should include measuring and reporting the **percentage of remaining artesian head** as part of the metrics to judge DFC compliance. The shallow northern portions of the District appear likely to experience adverse effects before the deeper portions. My concern are the depletion area regions beyond the anticipated declines from large groundwater extractions.

The District should therefore develop multiple methods to monitor, report and, when necessary, manage or curtail groundwater extraction within the aquifer's distinct geographic areas. Reliance on a single Districtwide average may describe overall conditions, but it may not adequately protect the areas that are most vulnerable.



ATTACHMENT B

SUMMARY OF C. LAZARUS PUBLIC COMMENTS FOR PROPOSED DFC – MARCH 2015

Before increasing the Desired Future Condition, the District should ensure its monitoring data, modeling methodology, and statutory analysis were scientifically sound, transparent, and independently scrutinized, because groundwater policy should be based on demonstrated aquifer performance—not simply increased demand or revised computer models. Issues/Comments listed below.

1. If the original DFC represented a sustainable level of groundwater production, what had changed in the aquifer itself—not population growth or demand—to justify allowing substantially greater drawdown?
2. Expressed concern about the quality of the underlying data in that possible errors in GPS locations, aquifer assignments, water-level measurements, production records, and restricted access to monitoring wells.
3. Questioned the monitoring methodology since monitored wells were not selected using a statistically representative sampling and that data validation was insufficient.
4. Criticized selective use of monitoring wells. Asked why only 12 wells were used when many more Simsboro monitoring wells existed and questioned the choice of ending dates and averaging methods.
5. Identified questionable or anomalous well data. Highlighted specific wells with missing measurements, repeated identical readings, or locations that made them poor indicators of regional aquifer conditions.
6. Argued that trend analysis would be superior to simple averages. Recommended evaluating long-term water-level trends rather than relying on grouped averages that could mask important changes.
7. Recommended improving the monitoring network. Proposed a larger, statistically representative sample of wells with standardized information and periodic validation of both water levels and production.
8. Called for greater transparency and Board scrutiny. Stated that modeling presentations lacked sufficient explanation and that the Board should critically evaluate staff and consultant recommendations rather than accept them without thorough review.
9. Urged consideration of all statutory DFC factors. Noted the need to evaluate aquifer conditions, recharge, environmental impacts, subsidence, socioeconomic effects, private property rights, feasibility, and other factors required under Texas Water Code §36.108(d).
10. Recommended retaining the existing DFC until better science was available. Warned that increasing the DFC could encourage additional permitting based on uncertain groundwater availability and advocated waiting for improved data and model validation.
11. Advocated learning from real-world performance. Suggested evaluating declining water levels, lowered pumps, replacement wells, and associated costs before committing to a higher allowable drawdown.
12. Raised concerns about environmental impacts. Asked for additional study of groundwater-surface water interactions and recommended a new Brazos River gain-loss study to evaluate the effects of increased Simsboro pumping.

Public Comments Regarding GMA-12 DFC/MAG Preliminary Scenarios

*“Advances are made by answering questions.
Discoveries are made by questioning answers.”*

Bernard Haisch

In 2010, when the TWDB set our Modeled Available Groundwater (MAG) from the District's Desired Future Condition (DFC) numbers, I naively thought the best science had established a pretty good concept of our aquifers. We knew how much groundwater could be stored, how much could actually be removed from its geological formations, how much would percolate through the soils to the river beds and streams, how much could be replaced by rainfall. More importantly, we used the best science to predict how much could safely be pumped out of the aquifers without causing harm.

Imagine my surprise when some of these 2010 numbers increased by as much as 50%. It appears the primary variable that accounts for this increase is the human factor... more people moving in to BCS and more people outside the District needing a source of water. So if the 2010 DFCs were to calculate the safest amount of groundwater withdrawal that would keep our aquifers healthy and preserve them for future generations, what has changed in the aquifers, climate or streams in the last five years that would allow more discharge or pumping now?

The proposed 2016 Simsboro DFC would allow a 385 ft drawdown by 2070. This is an additional 115 ft decline! When asked why, I have been told that the computer modeling programs are better and we have more data to analyze. Also, I have been told the Simsboro has only dropped 39 feet since 2000 and that says the aquifer is performing way better than expected. This is followed by the statement that a 39 foot drop is way below its [Simsboro's] DFC.

Having completed a cursory review of some of the Simsboro well data in Robertson County, I have some misgivings as to the accuracy and value of the data collected. Computer modeling is only as good as the data used to create the end product. Please consider the following observations:

1. Driller's reports and well permits do not always indicate the correct GPS coordinates to properly locate the monitored well,
2. Well aquifer assignments have been confused,
3. Well water levels for some wells are erratic beyond normal use expectations possibly due to faulty measuring devices or techniques,
4. Most metered wells are not validated regarding their production and water levels at least once a year,
5. Determination of which wells to monitor does not follow a statistical sampling, and
6. District staff is prohibited from monitoring select wells due to owners refusing egress/regress despite legislative authority that would allow access. The staff is reluctant to force the issue using legal means.

I also reviewed the 2014 Annual Report. A Report given by the District's hydrologist in May 2014 is quoted below. My comments are interjected in blue/underlined text.

Simsboro Aquifer

In Robertson County the amount of artesian head decline is influenced by the increase in pumping for agriculture in the area west of Hearne. Even with that pumping, the head decline in Well 59-03-437 is a good indicator of aquifer artesian head change as that well is pumped on a limited basis. Well 59-03-437 is actually west of Calvert and is shown in Figure 1 as having an average drawdown of 30.15 feet. Well 59-04-001 is west of Hearne. At this time do not have a good explanation for the amount of artesian head decline in Well 39-61-501. Well 39-61-501 data shows a recorded static level of -231 ft. every month from 3/2013 to 8/2014. This is obviously abnormal but was still included in the "average."

The DFC is an average of 270 feet of artesian head decline occurring by 2060. If we take the average for the 12 wells measured, the artesian head decline is about 39 feet for the period 2000 through about the beginning of 2013. First, why not take all 59 Simsboro monitored wells? Second, why select 1/2013 for the end date when several more months of collected data was available? Third, why take an average of these wells, when plotting trend lines would have been a much better indicator of our actual decline?

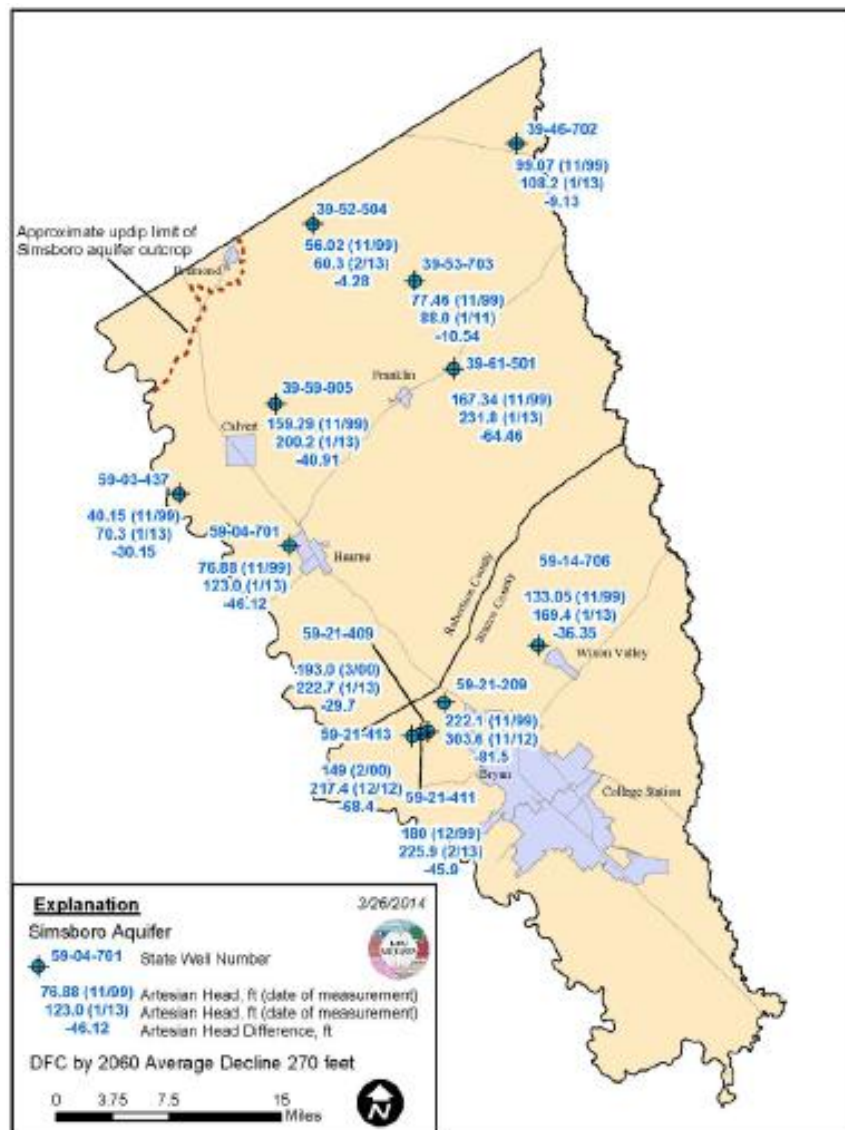


Figure 1

Of the twelve selected wells, please consider the following seven in Robertson County as identified above (also Attachment A).

1. Well 39-52-504 is located in northern Robertson County a good distance from the primary producer of Simsboro groundwater and is over the Simsboro outcrop.
2. Well 39-46-702 is located in the NE corner of Robertson County a good distance from the primary producer of Simsboro groundwater, near the Navasota River and Lake Limestone and over the Carrizo-Wilcox outcrop zone.
3. Well 39-53-703 is a domestic/livestock well with no reading dated 1/11 on water level report and the last reading was taken in 7/2011. There have been no recorded readings since 7/2011. This well is over the Carrizo-Wilcox outcrop zone.
4. Well 39-61-501 is the well mentioned above with the identical water levels for 14 consecutive months.
5. Well 59-03-437 is very close to the Brazos River and “pumped on a limited basis.”
6. Well 39-59-905 is a domestic/livestock well NE of Calvert with no reading dated 1/11 on the water level report and is over the Carrizo-Wilcox outcrop zone.

7. Well 59-04-701 is a municipal well located within 5 miles of several large producing agricultural wells. This well is not a primary well used by the City of Hearne residents. Please note the dramatic decline of water levels beginning in 2010 in Figure 2. This coincides with the arbitrated settlement of contested permits and the beginning of an annual 20,000 ac.ft. withdrawal of the Simsboro groundwater for agricultural irrigation west of Hearne.

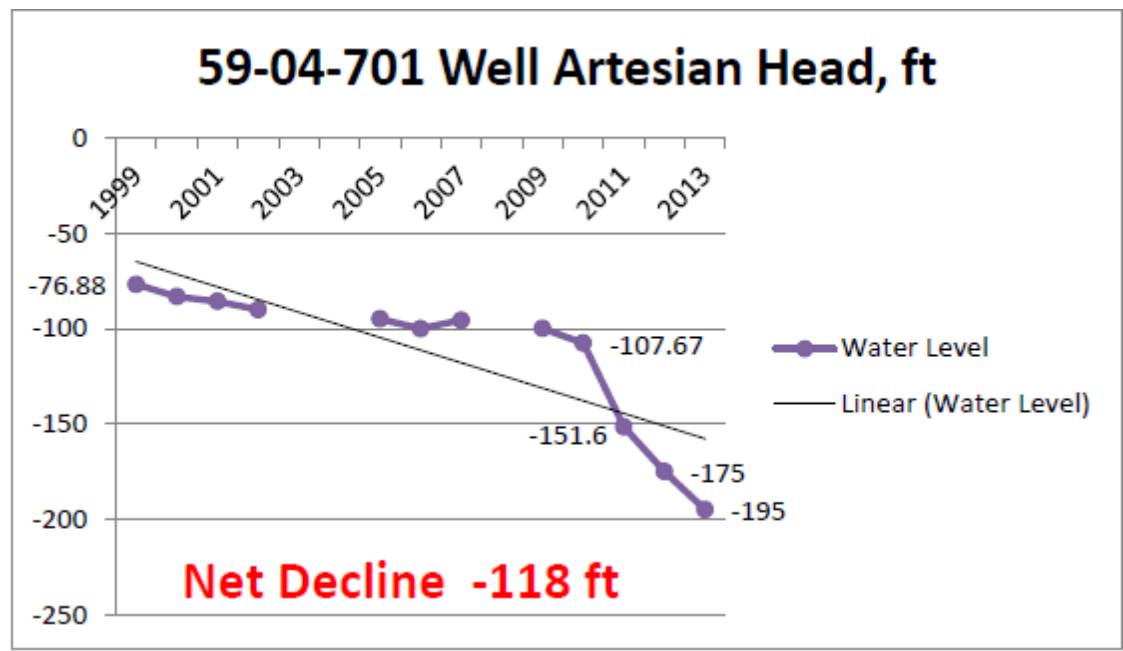


Figure 2

My last comment regarding this letter is somewhat explained by reviewing Attachment B. It is obvious that selective data may express true facts to derive a completely erroneous or misleading “prediction.” The datasets are available to evaluate our wells by plotting water levels by year and extending the slope of the line for predictive results (Attachment C) rather than accepting a poorly grouped average.

Would it not be more accurate, from a study design perspective, to have a random sampling of monitored wells for each aquifer that would represent its geometric position within the District's boundaries? These wells should be defined by as many attributes as possible including its location, well head elevation, aquifer, outcrop zone, beneficial use, well depth, pump size, rate capacity, etc. Whatever information is necessary to understand the movement of groundwater. The monitoring should include artesian water levels or water levels and, if metered, the meter readings to validate reported production. I would be comfortable monitoring a larger sample less often to insure a representative selection of wells per aquifer. In addition, this methodology should help to identify outliers and anomalies which could otherwise skew study conclusions.

Obviously, I feel the data and modeling efforts need improvement. What concerns me is the materials and information compiled by the District staff and experts are accepted as presented without critical review and challenge by the Board of Directors. This Preliminary Groundwater Modeling Results presentation is simply a series of slides without explanation. There is no narrative to provide an opportunity for the reviewer to assess the following (Texas Water Code §36.108 (d)):

- 1. aquifer uses or conditions within the management area, including conditions that differ substantially from one geographic area to another;*
 - a. for each aquifer, subdivision of an aquifer, or geologic strata and*
 - b. for each geographic area overlying an aquifer*
- 2. the water supply needs and water management strategies included in the state water plan;*

3. *hydrological conditions, including for each aquifer in the management area the total estimated recoverable storage as provided by the executive administrator, and the average annual recharge, inflows, and discharge;*
4. *other environmental impacts, including impacts on spring flow and other interactions between groundwater and surface water;*
5. *the impact on subsidence;*
6. *socioeconomic impacts reasonably expected to occur;*
7. *the impact on the interests and rights in private property, including ownership and the rights of management area landowners and their lessees and assigns in groundwater as recognized under Section 36.002;*
8. *the feasibility of achieving the desired future condition; and,*
9. *any other information relevant to the specific desired future conditions.*

I realize there has been a long standing relationship with many of the Board of Directors and the professionals providing critical information to the Board. This should not lessen anyone's responsibility to be thorough in presenting information and/or recommendations nor negate the Board's responsibility to critically review and totally understand the information provided.

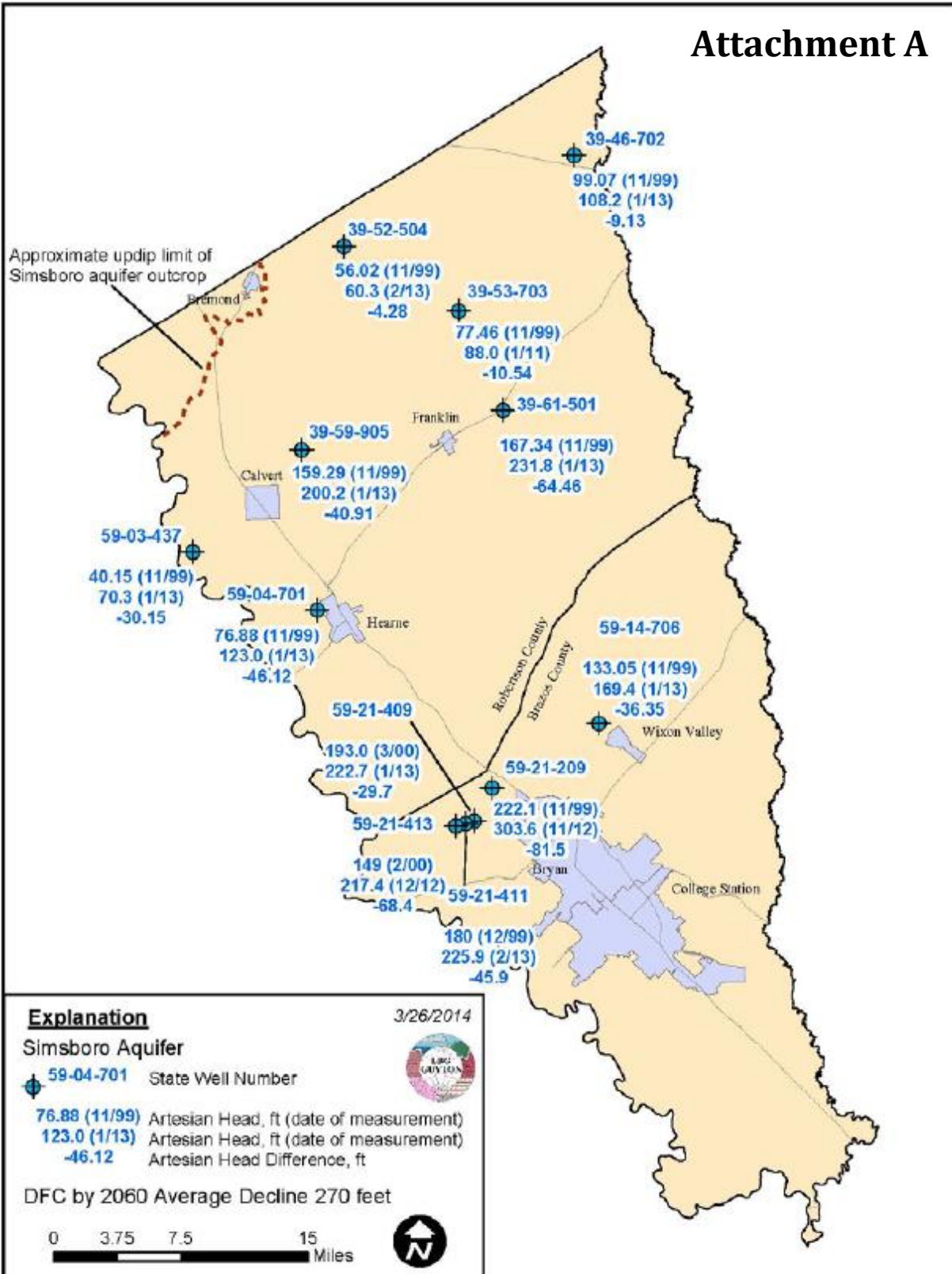
Therefore, until better data and computer models are available, I would ask the District to continue the current DFCs until the next review period. Increasing the DFCs will only encourage letting more permits on the potentially false promises of available groundwater. If this means the 2070 population projections require City and RWS providers to look elsewhere to meet the needs of their users, they have time to plan and prepare. It will give us time to critically review the datasets available and truly compare the subsequent models to historic use to validate its methodology.

Keeping our DFCs the same will also allow time to assess the consequences of declining water levels in real time. I am aware of well pumps being lowered to remedy previously performing wells. The analysis of all reworked or new

replacement wells might reveal a pattern or discovery that could be essential to our predictive criteria. Also, these events have a significant price tag for most users and a cost benefit analysis should be considered.

Lastly, I am concerned about the relationship between our rivers and streams and our aquifers. This interconnectivity between surface water and groundwater is critical for many fragile biological habitats. Without the explanatory report, I cannot determine if this environmental impact was considered. Regardless, it may be time for a new gain-loss study of the Brazos River to compare the impact of the withdrawal from the Simsboro of 20,000 ac.ft. along the river.

Attachment A



Attachment B

Texas Water Development Board
REPORTED WATER LEVEL DATA ON STATE
WELL NUMBER = 5904701

NET DECLINE

Nov 1979 to Aug 2014

155 feet

over 35 years

No.	STATE WELL NUMBER	PUBLISHABLE/ NON- PUBLISHABLE	DEPTH FROM LAND SURFACE	MONTH	DAY	YEAR
1	5904701	P	-8.05	11	9	1979
2	5904701	P	-8.05	11	19	1979
3	5904701	P	-6	3	21	1980
4	5904701	P	-10.98	3	27	1981
5	5904701	P	-10.98	4	27	1981
6	5904701	N		3	24	1982
7	5904701	P	-21.04	11	12	1982
8	5904701	P	-22.45	11	9	1983
9	5904701	P	-30	11	16	1984
10	5904701	P	-32.65	11	6	1985
11	5904701	P	-31.84	12	16	1986
12	5904701	P	-35.92	11	18	1987
13	5904701	P	-41.95	1	12	1989
14	5904701	P	-44.07	11	8	1989
15	5904701	P	-48.79	11	12	1990
16	5904701	P	-49.66	11	4	1991
17	5904701	P	-51.25	11	13	1992
18	5904701	P	-65.5	3	21	1994
19	5904701	P	-75.8	12	8	1994
20	5904701	P	-57.4	11	15	1995
21	5904701	P	-63.12	11	12	1996
22	5904701	N		11	5	1997
23	5904701	N		11	17	1998
24	5904701	P	-76.88	11	10	1999
25	5904701	P	-83.3	9	13	2000
26	5904701	P	-85.79	11	16	2001
27	5904701	P	-90.06	11	12	2002
28	5904701	N		10	10	2003
29	5904701	P	-83.15	2	23	2005
30	5904701	P	-95	12	15	2005
31	5904701	P	-100.04	12	15	2006
32	5904701	P	-95.7	11	5	2007
33	5904701	P	-99.96	2	25	2009
34	5904701	P	-107.67	1	27	2010
35	5904701	P	-113.72	1	13	2011
36	5904701	P	-118	3	24	2011
37	5904701	P	-109.8	4	13	2011
38	5904701	P	-135.4	6	8	2011
39	5904701	P	-151.3	7	18	2011
40	5904701	P	-151.6	10	6	2011
41	5904701	P	-130.8	1	11	2012
42	5904701	P	-124.6	2	20	2012
43	5904701	P	-120	4	4	2012
44	5904701	P	-125	5	22	2012
45	5904701	P	-145.8	7	5	2012
46	5904701	P	-136.8	9	7	2012
47	5904701	P	-146.3	10	2	2012
48	5904701	P	-175	11	6	2012
49	5904701	P	-182	12	4	2012
50	5904701	P	-123	1	3	2013
51	5904701	P	-122.4	2	20	2013
52	5904701	P	-123.4	3	13	2013
53	5904701	P	-123.8	4	29	2013
54	5904701	P	-124.3	5	20	2013
55	5904701	P	-125.6	6	7	2013
56	5904701	P	-165	7	2	2013
57	5904701	P	-198	9	25	2013
58	5904701	P	-197	10	9	2013
59	5904701	P	-195	11	19	2013
60	5904701	P	-195	12	27	2013
61	5904701	P	-194	1	13	2014
62	5904701	P	-179	2	27	2014
63	5904701	P	-154	3	18	2014
64	5904701	P	-143	4	9	2014
65	5904701	P	-138	5	15	2014
66	5904701	P	-174	6	26	2014
67	5904701	P	-163	7	16	2014
68	5904701	P	-161	8	19	2014

LBG-Guyton
Time Period
selected for
Simsboro
drawdown
average

Nov-99 to Jan-13
(13 years)

Net Decline

46.13 ft.

or

Average

3.5 ft/year

Lazarus Graph
Time Period
selected for
Simsboro drawdown
average

Nov-99 to Dec-13
(14 years)

Net Decline

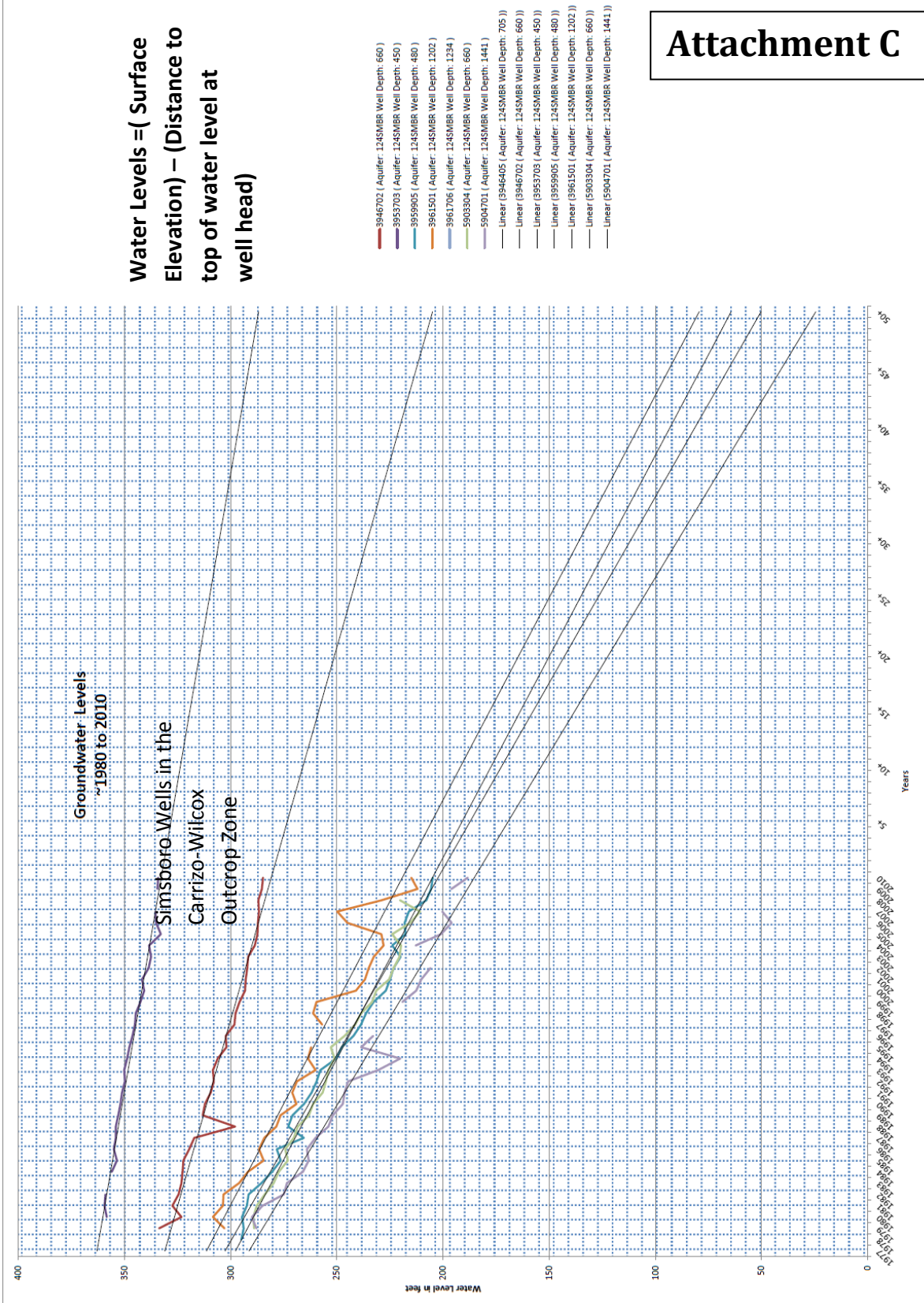
118.12 ft.

or

Average

8.34 ft/year

Attachment C





Modeled Available Groundwater (MAG) Peak Factor

Texas Water Code (TWC) §36.1132 requires management of groundwater production on a long-term basis to achieve applicable desired future conditions. In practice, this may include variations in pumping from year to year, for example, in response to relative wet and dry periods. Modeled available groundwater (MAG) is the amount of water that the Texas Water Development Board (TWDB) Executive Administrator determines may be produced on an average annual basis to achieve a desired future condition. Most of the MAG values were developed using groundwater availability models calibrated for long-term average, not drought of record, conditions.

In response to stakeholder concerns during the fourth cycle of regional water planning, the TWDB revised its planning rules to include a MAG Peak Factor that ensures regional water plans have the ability to fully reflect how, under current statute, groundwater conservation districts anticipate managing *groundwater production* under drought conditions.ⁱ

What is the MAG Peak Factor?

The purpose of the MAG Peak Factor is to

- provide reasonable flexibility and temporary accommodation of increased groundwater pumping above the MAG;
- accommodate anticipated fluctuations in pumping between wet and dry periods, or to account for other shifts in the timing of pumping while remaining consistent with desired future conditions;
- allow regional water planning groups to develop plans that reflect more realistic drought condition groundwater availability and pumping, where appropriate; and
- maintain the integrity of the regional and state water planning process.

The use of proposed MAG Peak Factors requires review and approval by relevant groundwater conservation districts, groundwater management areas, regional water planning groups, and the TWDB Executive Administrator.

Subject to many factors, the MAG Peak Factor might be considered in instances, for example, where

- actual pumping in wetter years is expected to fall below the MAG, thereby allowing intermittent pumping of volumes greater than the MAG during drought; or,

- groundwater pumping in early decades is expected to consistently remain well below the MAG, thereby accommodating pumping volumes somewhat higher than the MAG in later decades—all while achieving the desired future condition.

The MAG is the amount of water that can be produced on an annual average basis, instead of the amount that can be permitted. Groundwater conservation districts must consider MAGs, along with other factors in TWC §36.1132, when issuing permits for groundwater production. Accordingly, the MAG Peak Factor reflects groundwater available for pumping, not permitting, and is utilized for regional water planning purposes only. The MAG Peak Factor is not intended as a limit to permits or as guaranteed approval or pre-approval of any future permit application.

How does the process work?

It is not a mandatory requirement that regional water planning groups utilize MAG Peak Factors in the development of their regional water plans. Rather, it is the decision of each planning group, in concurrence with the relevant groundwater conservation district and groundwater management area, to determine what, if any, MAG Peak Factor is appropriate for planning efforts. A groundwater conservation district may also initiate the use of the MAG Peak Factor. The definition specifies that a MAG Peak Factor would be expressed as a percentage of modeled available groundwater (e.g., greater than 100 percent) and would represent the quantified annual groundwater availability for planning purposes.

Regional water planning groups must request the TWDB Executive Administrator's approval of each MAG Peak Factor. Each planning group request for MAG Peak Factors must

- include written approval from both the relevant groundwater conservation district, if one exists within the particular aquifer-region-county-basin split, and representatives of the groundwater management area;
- include the technical basis for the request in sufficient detail to support groundwater conservation district, groundwater management area, and the Executive Administrator evaluation; and
- document how the MAG Peak Factor will not prevent the associated groundwater conservation district(s) from managing groundwater resources to achieve the desired future condition(s).

If approved by the Executive Administrator, each MAG Peak Factor would be applied by the TWDB to the associated modeled available groundwater volume to calculate the modified groundwater availability volume that would be used by regional water planning groups.

More Information

To learn more about regional water planning requirements, please visit: www.twdb.texas.gov/waterplanning/rwp/planningdocu/2021/current_docs.asp.

Or please contact:

RegionalWaterPlanning@twdb.texas.gov

ⁱ 31 TAC §357.10(20); process §357.32(d)(3). This rule change eliminated the effect of modeled available groundwater values acting as immovable, “hard caps” on groundwater pumping that could be reflected in the regional water plans.

Comments on the DFC's:

- Average water level drawdown for the Simsboro (330 ft) and Hooper (146 ft) seems very significant.
- How many wells and creeks will be impacted in Robertson County, particularly near Bremond?
- What will be the economic and social impact of this drawdown?
- What is the current total permitted water use annually and how much increase in permitted water use for the future conditions?
- How much of the water pumped will be used outside of the GMA 12?
- How will the current and historical users be protected?
- Recommend to make a computer simulated run of the historical 80-month drought of the 1950's after there has been significant drawdown.
- Finally, please don't over commit permitted water use like Corpus Christi.

James Hailey,

4th generation Robertson County Rancher

From: [Sarah Lyn Chappell](#)
To: [Alan Day](#)
Subject: How deep we drill
Date: Sunday, August 16, 2026 9:40:49 AM

To whom it concerns,

I am writing as a resident of Grimes county who works in Brazos county to express my strong opposition to the propoal of allowing our local aquifer levels to drop.

Lowering the drawdown limits of our shared groundwater supply poses severe, irreversible risks to our community's water security, economic stability, and environment. Allowing the aquifer to drop threatens our region by impacting private and municipal wells. Dropping water tables will force homeowners and local utilities to drill deeper, costing taxpayers and families thousands of dollars in emergency well lowering. Lowering water levels increases the risk of contamination and saltwater intrusion that can permanently ruin the aquifer. Our local springs, creeks, and ecosystems depend on aquifer discharge. Reducing these levels will devastate local wildlife and natural habitats.

Groundwater is a finite resource that requires strict stewardship, not relaxed protections for short-term gain. I urge you resist this proposal and instead champion policies that protect our water supply through conservation and sustainable management.

Thank you,

Sarah Chappell
713-858-0849

From: [Gladys Wallace](#)
To: [Alan Day](#)
Date: Saturday, August 15, 2026 2:20:21 PM

Hello!

My personal water well is at my home 13319 Old Hearne Rd, Bryan, TX 77807. It was drilled to 300 feet. Two years ago I replaced just about everything in/ on it. My home is not connected to the community water, Wellborn Water, because the lines do not run on my side of the road. Therefore, My only source of water is my well.

Please do not allow any of the aquifers to dip lower. There are others like me who live out in the country, plus there are larger wells for the big farms and ranches, plus Water suppliers, such as Welborn Water Supply, who depend on these Texas Aquifers.

Thanks for considering the little guys in the water conservation districts.

Always, Mrs Gladys Wallace

13319 Old Hearne Rd, Bryan, TX 77807. 979-777-9210

TERRILL & WALDROP

ATTORNEYS and COUNSELORS

810 West 10th Street
Austin, Texas 78701
Tel (512) 474-9100
Fax (512) 474-9888

July 15, 2026

VIA EMAIL

Mr. Alan M. Day – Brazos Valley GCD
Mr. David Van Dressar – Fayette County GCD
Mr. Elvis Hernandez – Lost Pines GCD
Mr. David Bailey – Mid-East Texas GCD
Mr. Gary Westbrook – Post Oak Savannah GCD

Re: Groundwater Management Area 12 Desired Future Conditions

Groundwater Management Area No. 12 Representatives:

Recharge Water, LP (“Recharge”) is one of the largest groundwater rights owners and permit holders in Groundwater Management Area 12 (“GMA 12”). As such, Recharge has a significant interest in the development of GMA 12’s Desired Future Conditions (“DFCs”). Recharge hereby submits these comments for inclusion in the administrative record for this GMA 12 DFC planning cycle and hereby provides notice of the same to each of the groundwater conservation districts within GMA 12.

In its previously submitted comments, Recharge expressed its concern that the Legislature’s critical statutory mandates governing DFC development have been ignored to the detriment of Recharge, the retail public utilities that rely on Recharge for their wholesale water supply—and ultimately the homes and businesses those utilities serve. The current state of GMA 12’s DFC planning cycle has substantially deepened these concerns.

Specifically, in the eleventh hour, when little time remains to incorporate public comment and adopt lawful DFCs, the various GMA representatives have each selected their individually preferred (board-directed) average drawdown values for the Simsboro Aquifer. Those values were selected from different model runs rather than an agreed-upon modeling scenario. In other words, as the process moves into public hearings, stakeholders are being asked to comment on proposed DFCs *before* there is consensus on the technical basis supporting them. As discussed below, this raises significant concerns regarding GMA 12’s compliance with the statutory DFC planning requirements, the transparency and integrity of the process, and whether it is possible at this point, for stakeholders to be provided with a meaningful opportunity to be heard before the adoption of the DFCs.

I. Public statements confirm that the proposed DFCs are not based on the nine statutory factors or consideration of the highest practicable level of groundwater production.

In its previously submitted comments, Recharge expressed concern that “rather than the DFC being derived from modeling the highest practicable level of groundwater production,

GMA 12 has manipulated its modeling to produce a predetermined DFC.”¹ Those concerns have been confirmed by public statements during the May 20, 2026 meeting of the Lost Pines GCD Board of Directors.

In that meeting, Lost Pines GCD General Manager Elvis Hernandez updated the Board on the status of the current DFC planning cycle. In so doing, Mr. Hernandez stated that the goal of model run PS4-2 was, from the outset, to maintain DFCs that were the same as, or substantially similar to, those adopted during the prior planning cycle. Additionally, Mr. Hernandez expressed concerns regarding the integrity of the planning process itself, declaring that the DFC “process is broken,” that “the process is being gamed,” and that representatives were “excluding permits to make the numbers look better.” Mr. Hernandez also stated that if GMA 12 failed to reach agreement on a model run and DFCs, the existing DFCs would remain in place, and suggested that preserving the existing DFCs through failure to reach consensus may be a strategy being pursued by certain districts.

Mr. Hernandez’s comments confirm two things. First, GMA 12 did not apply the legislative framework established by Chapter 36 to arrive at the proposed DFCs. Rather, the desired DFCs were identified first, and the modeling efforts were manipulated to support that predetermined outcome. Second, that departure from the statutory process coupled with Mr. Hernandez’s proclamation that the system is broken and being gamed, raises significant concerns not only regarding compliance with Chapter 36, but also the transparency of the planning process and whether stakeholders have been, or even can at this stage, be afforded a meaningful opportunity to be heard before the end of the planning cycle.

II. GMA 12’s joint planning does not provide a meaningful opportunity for public participation.

The Legislature established a lengthy five-year planning cycle for development of DFCs to ensure groundwater management areas have adequate time to collect data, evaluate groundwater availability models, assess the statutory factors, solicit stakeholder input, and develop DFCs through a transparent and deliberative process. *See* TEX. WATER CODE § 36.108(d), (d-2), and (d-3). Despite the ample time afforded by statute, GMA 12 has reached the final stages of the current planning cycle without agreement on the most fundamental issue: the modeling assumptions and pumping scenarios against which the proposed DFCs are to be evaluated.

To date, GMA 12 representatives have been unable to agree on a single model run or pumping file to serve as the technical basis for the proposed DFCs. Instead, stakeholders have been presented with a succession of evolving pumping files and modeling assumptions, even after repeated assurances that no further changes would be made.

Most concerning, after previously representing to the public that PS4-2 would serve as the final model run for evaluating the proposed DFCs, GMA 12 abandoned that approach. Rather than reaching agreement on a single modeling scenario, GMA 12 was able to reach agreement only by allowing each district to select its own board-directed average drawdown value for the Simsboro

¹ *See* Recharge Comments (April 15, 2026).

Aquifer, with each value derived from that district's preferred model run. In short, the only thing agreed among the GMA 12 districts was an agreement to disagree. As a result, the proposed DFCs are not supported by a single, agreed-upon technical analysis, but instead by a compilation of drawdown values taken from different model runs.

The Texas Constitution's due course of law guarantee ensures that "[n]o citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land." TEX. CONST. art I, § 19. At a minimum this "requires notice and an opportunity to be heard at a *meaningful* time and in a *meaningful* manner." *Mosley v. Tex. HHS Comm'n*, 593 S.W.3d 250, 265 (Tex. 2019) (emphasis added).

GMA 12's conduct to date has deprived stakeholders, including Recharge of a meaningful time and manner for stakeholders to be heard. Although the Texas Water Code requires public hearings before the adoption of the DFCs, these hearings are currently so late in the planning cycle that there is no *meaningful* opportunity for stakeholder comments to be considered, incorporated into revised modeling, or reflected in the proposed DFCs before their adoption. Worse still, stakeholders are being asked to comment on proposed DFCs without access to the final analytical framework on which those DFCs will ultimately rest, reducing the public hearing process to a procedural formality rather than the meaningful opportunity to be heard as required by law.

Conclusion

Recharge owns nearly ten thousand acres of groundwater rights in Lee and Bastrop Counties overlying the Carrizo-Wilcox Aquifer. Under settled Texas law dating back over a century, Recharge owns these groundwater rights as real property, and those vested property rights are both explicitly recognized in Texas Water Code Chapter 36 and protected by the United States and Texas Constitutions.² Restrictions placed on an owner's vested rights to produce groundwater can and have, resulted in a taking of private property requiring the payment of just compensation. *See Edwards Aquifer Auth. v. Bragg*, 421 S.W.3d 118, 139-44 (Tex. App.—San Antonio 2013, pet. denied) (finding a groundwater district's restriction of groundwater production resulted in a taking, requiring payment of just compensation).

The DFC planning process, and its outcome, has a direct impact on Recharge's vested property interests. GMA 12 representatives have themselves declared the process "broken." Thus, Recharge once again urges GMA 12 to identify and rely upon a single, definitive pumping file and to transparently evaluate the nine statutory factors based on that file, as required by law, in order to adopt a DFC that reflects a balanced and lawful determination of the *highest practicable level of groundwater production*, which adequately accounts for the vested property right of Recharge and other permittees within GMA 12.

² TEX. WATER CODE § 36.002(a); *see also Edwards Aquifer Auth. v. Day*, 369 S.W.3d 814, 833 (Tex. 2012) ("[g]roundwater rights are property rights subject to constitutional protection."); *see also* U.S. CONST. amends. V & XIV; TEX. CONST. art. 1, § 17.

Sincerely,



Casey M. Cooper
TERRILL & WALDROP

cc: Liz Ferry, P.G., R. W. Harden & Associates, Inc.
Natasha Martin, LPGCD General Counsel
Greg Ellis, LPGCD Special Counsel and Mid East Texas GCD General Counsel
Kristen Fancher, Post Oak Savannah GCD General Counsel
Monique Norman, Brazos Valley GCD and Fayette County GCD General Counsel

Comments on the DFC's:

I am concerned about the groundwater supply for Robertson and Brazos counties (cities, rural communities and surrounding land owners). The proposed 68 feet additional average drawdown in the Simsboro is significant, 25% increase from the 2021 water plan.

I encourage the BVGCD to consider recommendations from the Simsboro Aquifer Water Defense Fund for the Simsboro Aquifer:

- Set DFCs of 284 feet for the average drawdown in this round of GMA-12 joint planning. This can be revisited for the next round in 2031.
- Use PS4-2 modified model to support adoption of the current DFCs.
- Protect domestic/livestock well owners.

James Hailey,

4th generation Robertson County Rancher

From: [Jeri Matthys](#)
To: [info](#)
Subject: Desired Future Conditions
Date: Thursday, August 6, 2026 3:09:10 PM

Dear Sir,

I live in the Lost Pines District. I support keeping the current DFCs for our GCD and the use of GAM run PS4-2 by GMA-12 to support that decision.

Keep the current DFCs in this round of GMA-12 joint planning.

Use PS4-2 model run to support adoption of the current DFCs.

Protect domestic/livestock well owners; we comprise more than 90% of water wells in the District.

Brazos Valley GCD's legal problems are not a reason for GMA-12 to adopt new DFCs.

Texas Water Code requires a GMA to review water needs identified in the State Water Plan, but the GMA is NOT required to fulfill those needs at the cost of harming local wells.

Sincerely

Jeri Matthys

Lee County TX citizen

ROBERTSON COUNTY



Joe David Scarpinato
County Judge

Shelley Smith
Administrative Assistant

102 E. Decherd, Rm 103
P. O. Box 427
Franklin, Texas 77856

(979) 828-3542
Fax: (979) 828-2944

September 4, 2026

Brazos Valley Groundwater Conservation District

Attn: Alan Day

I am concerned about the long-term availability of groundwater for residents, landowners, cities, and rural communities in Robertson County. The proposed additional average drawdown of 68 feet in the Simsboro Aquifer is significant and represents approximately a 25% increase from the 2021 water plan.

I am pleased to see that the projections indicate no material drawdown in the other aquifers. This is encouraging and reinforces the importance of carefully evaluating the proposed changes to the Simsboro Aquifer to ensure that its long-term sustainability is also protected.

I encourage the Brazos Valley Groundwater Conservation District (BVGCD) to carefully consider the recommendations of concerned Robertson County citizens as well as those of the Simsboro Aquifer Water Defense Fund regarding management of the Simsboro Aquifer:

- Set the Desired Future Conditions (DFCs) at 284 feet of average drawdown for this round of GMA-12 joint planning, with the conditions available for reconsideration during the next planning cycle in 2031.
- If a DFC of 284 feet is not adopted, I strongly encourage the BVGCD to establish a DFC that limits projected drawdown to less than 5%.
- Ensure that domestic and livestock well owners are adequately protected from the impacts of increased groundwater drawdown.

Protecting groundwater resources is essential to the communities, landowners, and agricultural operations that depend on the Simsboro Aquifer. I respectfully ask the BVGCD to take these concerns and recommendations into consideration when making decisions about the future management of this important groundwater resource.

Thanks for your consideration.

A handwritten signature in blue ink, appearing to read "Joe D. Scarpinato", is written over a horizontal line.

Joe D. Scarpinato

September 11, 2026

Alan Day
BVGCD General Manager
112 West 3rd St
Hearne, TX 77859



RE: GMA12 Proposed 2026 DFCs

Dear Mr. Day:

Please accept these comments from the City of Bryan on the Proposed 2026 GMA12 DFCs. As stated in the Socioeconomic Impact Study for the Simsboro Aquifer Desired Future Condition report prepared by WestWater Research, the City of Bryan supports a DFC of 330-feet as modeled by PS4-3. This model run represents future pumping within the region of Brazos and Robertson Counties and provides for future growth without lowering the artesian head of the Simsboro Aquifer to an unreasonable level for pumping.

Should the DFC for the Simsboro Aquifer of 330-feet for BVGCD within GMA12 not be attainable by the GMA12 Board, the City of Bryan would urge BVGCD to support model run PS4-2 with a proposed DFC of 284-feet but with a variance of +/- 10%. This would result in a proposed DFC for BVGCD of 312-feet for the Simsboro Aquifer.

The DFC planning process, and its outcome, has a direct impact on the City of Bryan's ability to provide water service to its customers. The City of Bryan urges the BVGCD to support a DFC that allows for continual growth within both Brazos and Robertson Counties.

Sincerely,



Andrew Nelson
City Manager

Summary of Key Points

- The letter expresses concern about the long-term availability of groundwater in Robertson County, Texas, especially regarding the Simsboro Aquifer.
- The proposed increase in average drawdown for the Simsboro Aquifer (68 feet, a 25% increase from the 2021 plan) is considered significant.
- The letter is pleased that other aquifers are not projected to experience material drawdown.
- Recommendations include:
 - Setting the Desired Future Conditions (DFC) at 284 feet of average drawdown for the current planning cycle, with reconsideration in 2031.
 - If 284 feet is not adopted, limiting projected drawdown to less than 5%.
 - Ensuring protection for domestic and livestock well owners from increased drawdown impacts.
- The letter emphasizes the importance of protecting groundwater resources for local communities, landowners, and agriculture.

Subject: Comments and Recommendations on Groundwater Management in Robertson County

To: Brazos Valley Groundwater Conservation District (BVGCD)

From: Joe David Scarpinato, County Judge, Robertson County

Date: September 4, 2026

Summary:

This letter expresses concerns regarding the proposed increase in average drawdown for the Simsboro Aquifer, which represents a significant change from previous water plans. While projections for other aquifers are stable, the Simsboro Aquifer's sustainability is at risk. The following recommendations are made:

1. **Set the Desired Future Conditions (DFC) at 284 feet** of average drawdown for this planning cycle, with the option to reconsider in 2031.
2. **If 284 feet is not adopted, limit projected drawdown to less than 5%.**
3. **Ensure protection for domestic and livestock well owners** from the impacts of increased groundwater drawdown.

Protecting groundwater resources is vital for the well-being of Robertson County's residents, landowners, and agricultural operations. The BVGCD is urged to consider these recommendations in future groundwater management decisions.

Summary of James Hailey Simsboro Aquifer Groundwater Management Concerns and Recommendations

This document contains comments and recommendations from James Hailey, a fourth-generation Robertson County rancher, regarding the management of groundwater resources in Robertson and Brazos counties, with a focus on the Simsboro Aquifer. The main points and concerns raised are as follows:

Key Concerns:

- **Significant Proposed Drawdown:** The proposed additional average drawdown of 68 feet in the Simsboro Aquifer represents a 25% increase from the 2021 water plan, which is considered substantial.
- **Impact on Water Levels:** The average water level drawdown for the Simsboro (330 feet) and Hooper (146 feet) aquifers is viewed as very significant, raising concerns about the sustainability of water resources.
- **Potential Impacts:** Questions are raised about how many wells and creeks, especially near Bremond in Robertson County, will be affected, as well as the broader economic and social impacts of such drawdowns.
- **Permitted Water Use:** There is a request for clarity on the current total permitted annual water use, projected increases, and how much of the pumped water will be exported outside of GMA 12.
- **Protection of Existing Users:** Concerns are expressed about how current and historical water users, including domestic and livestock well owners, will be protected from negative impacts.

Recommendations:

- **Adopt a Lower Drawdown Goal:** Set Desired Future Conditions (DFCs) of 284 feet for average drawdown in the current round of GMA-12 joint planning, with the option to revisit this in 2031.
- **Use Updated Modeling:** Employ the PS4-2 modified model to support the adoption of current DFCs.
- **Protect Well Owners:** Ensure protection for domestic and livestock well owners.
- **Drought Simulation:** Conduct a computer-simulated run of the historical 80-month drought of the 1950s after significant drawdown to assess potential impacts.
- **Avoid Overcommitting Water:** Caution against overcommitting permitted water use, referencing issues experienced by Corpus Christi as a warning.

Overall Message:

The document urges the Brazos Valley Groundwater Conservation District (BVGCD) and other decision-makers to take a cautious, data-driven approach to groundwater management, prioritize the protection of local water users, and avoid overexploitation of the Simsboro Aquifer.

Summary of 'SAWDF GMA-12 Comments 06-11-2026'

Context and Purpose: This document, authored by Andy Wier (Executive Director, Simsboro Aquifer Water Defense Fund - SAWDF), provides recommendations to Groundwater Management Area 12 (GMA-12) for preparing public information packets regarding proposed Desired Future Conditions (DFCs) for groundwater management.

Key Recommendations:

1. **Comprehensive Information Packet:** Each district should prepare a packet for public review that includes:
 - The proposed DFCs and supporting materials (as required by law).
2. **Cover Page:** Should feature the statutory requirement that DFCs must balance the highest practicable groundwater production with conservation, protection, recharge, prevention of waste, and subsidence control.
3. **DFC Balance Sheet:** For each DFC, provide a page listing:
 - The acre-feet representing the highest practicable production (including exempt production).
 - The acre-feet representing conservation, preservation, protection, recharge, and prevention of waste/subsidence.
4. **Maps:** For each DFC, include a full-page map for each county in the district showing:
 - Contour lines of the percent of remaining available drawdown.
 - Locations of exempt and non-exempt wells.
 - Available drawdown should be calculated using 2010 water levels and the top of saturated sands in confined formations.

Formal comment from the City of Bryan – 2026 Desired Future Conditions

The City endorses and supports a DFC of 330 feet as modeled by BVGCD in a GAM Run Proposed PS4-3, which is seen as supporting future growth in Brazos and Robertson Counties without excessively lowering the aquifer's artesian head. If the 330-foot DFC is not achievable, the City recommends supporting model run PS4-2 with a DFC of 284 feet plus a 10% variance, resulting in a DFC of 312 feet. The City emphasizes that the DFC decision directly affects its ability to provide water service and urges support for a DFC that accommodates ongoing regional growth.

Summary of Wallace Comments - Desired Future Conditions

This summary focuses on the the sender's concerns, and the intended message. The document is a letter from Gladys Wallace to Alan Day, expressing concerns about water conservation and the importance of protecting local aquifers for private well owners and the broader community.

Summary

Gladys Wallace wrote a letter requesting the protection and conservation of local aquifers. She explains that her home relies solely on a private water well, as she does not have access to community water lines. She emphasizes that her well is her only water source and notes that many others in rural areas, as well as large farms, ranches, and water suppliers, also depend on these aquifers. Gladys urges decision-makers not to allow aquifer levels to drop further and asks them to consider the needs of small, rural well owners when making water conservation decisions.

Summary of 'Matthys Comments - Desired Future Conditions - August 6, 2026'

In summarizing the comments, the focus was on identifying the main points and arguments presented by Jeri Matthys regarding water management policy in the Lost Pines District. The summary highlights the key positions, supporting evidence, and the intended audience (local water management authorities).

Summary:

- Jeri Matthys, a resident of Lee County in the Lost Pines District, wrote to express support for maintaining the current Desired Future Conditions (DFCs) for the local Groundwater Conservation District (GCD).
- Matthys advocates for using the PS4-2 model run by GMA-12 as the technical basis for keeping the current DFCs.
- The letter emphasizes the importance of protecting domestic and livestock well owners, who make up over 90% of the wells in the district.
- Matthys argues that legal issues faced by the Brazos Valley GCD should not influence GMA-12 to change the DFCs.
- The letter references the Texas Water Code, stating that while the Groundwater Management Area (GMA) must review water needs from the State Water Plan, it is not required to meet those needs if doing so would harm local wells.

Summary of the Document: "2026-7-15 Recharge GMA 12"

The summary focuses on identifying the main arguments, concerns, and recommendations presented by Recharge Water, LP regarding the Groundwater Management Area 12 (GMA 12) Desired Future Conditions (DFC) planning process. The key points from each section, including the introduction, specific criticisms, legal context, and the conclusion, were gleaned to provide a concise yet comprehensive overview.

Overview:

- The document is a formal comment letter from Recharge Water, LP, a major groundwater rights owner in GMA 12, addressed to representatives of several groundwater conservation districts. It criticizes the current DFC planning process for GMA 12.

Key Concerns Raised:

1. Lack of Transparency and Statutory Compliance:

- Recharge alleges that GMA 12 has not followed legislative mandates for DFC development, particularly the requirement to base DFCs on the highest practicable level of groundwater production and the nine statutory factors.
- The process is criticized for being manipulated to achieve predetermined outcomes, rather than being driven by objective modeling and statutory requirements.

2. Process Integrity and Public Participation:

- The letter cites public statements from a GMA 12 official (Elvis Hernandez) admitting the process is "broken" and "being gamed," with some districts allegedly excluding permits to make the numbers look better.
- Recharge argues that stakeholders are not given a meaningful opportunity to participate, as public hearings are held too late for comments to influence the outcome, and there is no consensus on the technical basis for the proposed DFCs.
- Each district selected its own preferred drawdown value from different model runs, rather than agreeing on a single technical scenario, undermining the integrity and transparency of the process.

3. Legal and Property Rights Implications:

- Recharge emphasizes that it owns nearly 10,000 acres of groundwater rights, which are protected as real property under Texas law and the U.S. and Texas Constitutions.
- The letter warns that restrictions on these rights could constitute a "taking" requiring just compensation, referencing relevant legal precedents.

Recommendations:

- Recharge urges GMA 12 to adopt a single, definitive pumping file and transparently evaluate the nine statutory factors as required by law.
- The goal should be to adopt a DFC that balances lawful groundwater production with the protection of vested property rights.

Conclusion:

- Recharge reiterates its concerns about the current process and calls for greater transparency, statutory compliance, and meaningful stakeholder participation in the DFC planning cycle.

Summary of 'Lazarus DFC Comments August 2026'

This summary is based on a thorough review of Cathy Lazarus's public comment document regarding the proposed Desired Future Conditions (DFC) for the Simsboro Aquifer managed by the Brazos Valley Groundwater Conservation District. The document advocates for a more conservative groundwater management approach and provides detailed critiques of the current DFC proposal, supporting data, and decision-making processes.

Main Points:

1. Opposition to 330-foot DFC; Support for 284-foot DFC:

- Lazarus opposes the proposed DFC of 330 feet average drawdown for the Simsboro Aquifer and supports a more conservative 284-foot DFC, which was previously approved and includes anticipated groundwater export volumes.
- The 284-foot DFC is seen as sufficient for the next planning cycle, allowing time to gather more data and evaluate actual aquifer response.

2. Concerns Over Increased Demand and Export:

- Since 2015, groundwater demand has increased due to industrial development and large-scale exports, raising concerns about the sustainability of higher drawdown levels.
- The socioeconomic impact study used to justify the 330-foot DFC is criticized for not adequately considering the interests of rural residents and for focusing on the preferences of larger municipalities and stakeholders.

3. Data Quality and Monitoring Issues:

- The reliability of computer models is questioned due to concerns about the selection and consistency of monitoring wells, data validation, and the inclusion of outliers or anomalous readings.
- The set of wells used for DFC evaluation appears to change between reports, and there is a lack of transparency about why wells are added or removed.
- The database used to track monitoring wells is inconsistently maintained, making independent verification difficult.

4. Policy and Legal Concerns:

- There is concern that a legal settlement requiring advocacy for the 330-foot DFC undermines the independence of the Board's scientific and policy evaluation.
- Lazarus urges that DFC decisions be based on open, independent evaluation of science and statutory factors, not on prior commitments.

5. Recommendations:

- Thoroughly evaluate each statutory DFC factor and fully explain the scientific and policy basis for any increase.
- Justify changes in monitoring wells and datasets, review demand assumptions, and assess the geographic distribution of benefits and risks.
- Address the appearance of a predetermined outcome due to legal settlements.

- Adopt the 284-foot DFC unless there is compelling, independently evaluated evidence that a 330-foot drawdown is sustainable.

6. **Technical Attachments:**

- **Attachment A:** Details discrepancies in well data, baseline values, and the inclusion of anomalous or unconfined wells in DFC calculations. Recommends standardizing monitoring well identification and improving data quality.
- **Attachment B:** Summarizes 2015 comments, emphasizing the need for scientific rigor, transparency, and representative sampling in monitoring. Critiques the use of averages over trend analysis and calls for better environmental impact assessment and data validation.

7. **Broader Perspective:**

- Lazarus stresses that groundwater management should be conservative due to the irreversible nature of aquifer depletion and the uncertainty in long-term projections.
- The distinction is made between what is technically possible (per models) and what is desirable or prudent for long-term sustainability.

Example Implementation:

- The Board is urged to maintain the 284-foot DFC, improve monitoring and data transparency, and ensure that all statutory and scientific factors are independently and openly evaluated before making policy decisions.
- Specific steps include standardizing well monitoring databases, providing clear explanations for data changes, and conducting more representative and transparent socioeconomic and environmental impact studies.

Conclusion: Cathy Lazarus's comments advocate for a cautious, data-driven approach to groundwater management in the Simsboro Aquifer, emphasizing transparency, scientific rigor, and the protection of rural and long-term interests over short-term or stakeholder-driven increases in allowable drawdown.

Summary of 'Chappell DFC comment 8-16-26'

Document Type: Formal opposition letter

Author: Sarah Lyn Chappell

Date: August 16, 2026

Recipient: Alan Day

Key Points:

- Sarah Chappell, a resident of Grimes County and worker in Brazos County, strongly opposes the proposal to allow local aquifer levels to drop.
- She argues that lowering the drawdown limits of the groundwater supply poses severe and irreversible risks to:
 - Community water security
 - Economic stability
 - The environment
- Specific concerns include:
 - Impact on private and municipal wells, forcing costly deeper drilling for homeowners and utilities
 - Increased risk of contamination and saltwater intrusion, which could permanently damage the aquifer
 - Harm to local springs, creeks, and ecosystems that depend on aquifer discharge, threatening wildlife and habitats
- Chappell advocates for strict stewardship and sustainable management of groundwater, urging rejection of the proposal in favor of conservation policies.