

Item 4a – Petition for Inquiry filed on Post Oak Savannah GCD

Mr. Fred Russell, resident landowner in Milam County filed a Petition for Inquiry on the Post Oak Savannah Groundwater Conservation District (POSGCD) on February 14, 2018 alleging the inability of the District to properly manage the groundwater resources. There are two prongs associated with the inquiry.

1. The groundwater in the management area is not adequately protected by the rules adopted by the District.
2. The groundwater in the management area is not adequately protected due to the failure of the District to enforce substantial compliance with its rules and abide by their District Mission.

Mr. Russell's two arguments are:

- POSGCD has over permitted the Carrizo-Wilcox Aquifer and cannot adequately protect the groundwater resources (privately owned property) by means of their curtailment plan. This argument is similar in nature to the Petition for Inquiry filed by Mr. Curtis Chubb two years ago. That petition was dismissed.
- POSGCD has recently adopted and implemented the "Groundwater Well Assistance Program" (GWAP) as a mitigation plan for affected wells and landowners. Mr. Russell believes the requirements to be involved in the program and the amount of money allotted to the mitigation fund is inadequate.

The Texas Commission on Environmental Quality is required to inform all groundwater conservation districts within GMA 12 and those adjoining GMA 12 of the filed petition. They are also required to solicit briefs from those districts. Briefs are due within 35 days of the date the petition was filed (March 21st).

BVGCD chose to file a brief (statement) during the Chubb petition supporting the management and curtailment plan adopted by POSGCD. Monique and I both feel it is appropriate for the Board to discuss and possibly file a brief addressing the first of the two arguments in Mr. Russell's petition. We have a reasonable belief that the second argument does not affect the management of the groundwater resources and is therefore mute.

File Folder 4b contains the entire Petition for Inquiry submitted by Mr. Russell. In File Folder 4c you will find the letter sent by TCEQ explaining the process and timeline for submitting a brief.