

PETITION FOR INQUIRY

To: Texas Commission on Environmental Quality

From: Fred Russell of Milam County, Texas in the Post Oak Savannah GCD

Date: 14 February 2018

BASIC INFORMATION:

Affected person status:

According to Texas Water Code Section 36.3011, I qualify for “affected person” status for filing this petition because I own land in Groundwater Management Area 12 (GMA 12).

I own 20.610 acres on 22 Hills Road in Milam County.

Reasons for filing this petition requesting an inquiry:

I am filing this *Petition for Inquiry* for the following two reasons listed in Texas Water Code Section 36.3011 and modified to fit my situation:

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.

I believe that the failure of the District, Post Oak Savannah Groundwater Conservation District, to protect our groundwater is due to a combination of the two reasons cited above.

Fred C. Russell
2141 22 Hills Road
Gause, Texas 77857
(979) 446-0100
fredandma@exede.net

INTRODUCTION:

Since November of 2015, I have written editorials, made oral presentations to the District's board, and sent emails to the District's directors concerning the District's extreme position regarding, in part, the District's Mission Statement "to protect groundwater users" in the Post Oak Savannah GCD.

In most cases, I was completely ignored.

The biggest problem that exists is with the conservation of the Carrizo and Simsboro Aquifers. This is due to the over permitting of these aquifers by our District. I have repeatedly asked our District how they will conserve these aquifers when the Vista Ridge Project starts production and they have no response. When you make a "public comment", they don't respond. When one emails them as I have, they usually don't respond. (See Appendix 2. MAG's exceeded with Vista Ridge production)

On January 9, 2018 the Groundwater Well Assistance Program (GWAP) to protect groundwater users was adopted by a unanimous vote of the Post Oak Savannah Board of Directors.

To be eligible for assistance in the GWAP, a well must meet the following qualifications:

1. Well must be located in Milam or Burleson counties
2. Well must be functional and registered with the District
3. Well must be in the monitoring well network (see POSGCD website for instructions to join)
4. Well must be either a low-capacity non-exempt permitted well that produces less than 50 gallons per minute OR an exempt well used for domestic and/or livestock use as defined in the District's Rules
5. Well must be completed in any aquifer in the District other than river alluvial or terraced formations.

The issues remaining with the GWAP are as follows:

1. Exclusion of farmer's irrigation wells and small business wells from any assistance.
 - Farmers and small business are excluded for no reason and contrary to the POSGCD Mission Statement that says, in part, "to protect groundwater users." This Mission Statement along with District Rule 1.2 means that POSGCD can not pick and choose which groundwater users they will protect by merely saying, as Vice President of the Board Steven Wise told me, "the GWAP is for domestic wells only."
 - Greg Sengelmann, the General Manager for the Gonzales County UWCD, stated to me in an email that what surprised him regarding mitigation was the high cost of irrigation wells. The wells are deeper with bigger pumps than domestic wells. Occasionally, electric power has to be run to new well locations.
2. The GWAP is inadequately funded for a program that could easily exceed \$1 million in any given year.
 - The Gonzales County UWCD has had a well mitigation program since 2011. According to Greg Sengelmann in their second year of mitigation the District spent \$264,000 on mitigation and the total commercial water production was only 11,471 acre-feet. The Vista Ridge Project will be pumping 4 times that much.
 - After numerous complaints regarding funding, the District now has what's called the GANA (GWAP Annual Needs Assessment) funding plan. The POSGCD Hydrologist, Steve Young, makes an assessment at the beginning of each year as to what the costs will be. This cost is doubled and put into a fund for the GWAP. Steve Young's funding decision would not be independent and, therefore, he can not be objective in establishing the annual needs for the GWAP.
3. Difficult eligibility requirements for landowners to receive assistance.
 - In order to qualify for assistance, the landowner's well must be included in the well monitoring program in the District. This is an unnecessary burden for working landowners with registered wells in this District.
4. Nebulous qualifications for an adversely impacted well to receive assistance.
 - The process for determining whether assistance is to be rendered and to what extent is not specified.

I now feel as if there is no other recourse besides submitting this *Petition for Inquiry*.

I believe that the District has made groundwater management decisions that will culminate in a future where people who live within the District's boundaries will be unable to access groundwater.

I hope that the Texas Commission on Environmental Quality will act to require the District to institute and enforce rules that will conserve and protect our groundwater for future generations. With 71,000 acre-feet/year permitted to Blue Water Systems and the fact that they must transport 50,000 acre-feet/year to San Antonio to pay for the Vista Ridge \$3.4 billion project, a comprehensive well mitigation program for all landowners is appropriate.

OVERVIEW:

Water-marketer Blue Water Systems plans to pump unsustainable amounts of groundwater from our aquifers. Blue Water Systems is a major water marketer to which the District has granted permits to produce and export 71,000 acre-feet/year of Simsboro and Carizzo Aquifer groundwater.

Blue Water Systems has a defined response plan with a clear goal of producing the amount of groundwater that they need. Blue Water Systems has 25,000 acres of leased groundwater rights contiguous with their Vista Ridge well field held in reserve for any District Management Zone cutback. Blue Water will simply use the reserve acreage to request an additional permit to make up for any cutback.

By leasing 35,500 of the 1,088,000 acres within the District's boundaries, they were granted permits to pump 71,000 acre-feet/year of Simsboro and Carizzo groundwater. That means that about 1,052,500 acres of groundwater rights remain in the District for landowners to use, lease, or sell. This remaining acreage equates to 2,105,000 acre-feet/year of water available for sale.

Blue Water Systems has a contract with San Antonio Water System which requires them to pump 50,000 acre-feet/year of Simsboro and Carizzo groundwater during their first year and every year thereafter from the District to San Antonio for at least 30 years. This means that the 2020 MAGs for the Simsboro and Carizzo Aquifers will be exceeded on the first year of pumping which is planned for 2020.

District General Manager Gary Westbrook confirmed that the District will "approve all permits" even when pumping is being cutback when he wrote in the September 6, 2012, edition of *The Cameron Herald*:

"The District's Rules provide for the reduction and curtailment of permits, as cited above, to achieve the protection of these water levels, and even after reduction or curtailment

begins, any person applying for a permit will be able to produce the same amount of water per acre as those holding pre-existing permits at that time.”

NOTES:

1. The *Petition for Inquiry* has five appendices:
 - Appendix 1 = The District without Blue Water Systems permit fees.
 - Appendix 2 = MAG's exceeded with Vista Ridge production.
 - Appendix 3 = My comments at 1-9-18 Meeting.
 - Appendix 4 = 2018 POSGCD Expanded Budget.
 - Appendix 5 = Sidney Youngblood (Board President) responds to exclusion of wells.

2. The District can be accessed at the District's website: <http://www.posgcd.org>.

BASIS FOR THE PETITION:

Post Oak Savannah GCD - Rule 1.2: PURPOSE OF RULES

These rules are adopted to aid in compliance with the provisions of the District Act, to provide regulations necessary and useful to accomplish the purposes set forth in the District Act, and to provide standards and requirements that may be enforced to accomplish such purposes, that include, but are not limited to, protecting and conserving the aquifers, and providing for sustainable groundwater management, recognition of property rights, economic and environmental benefits consistent with the Act, to protect private property rights, balance the conservation and development of groundwater to meet the needs of this state, use the best available science in the conservation and development of groundwater and to achieve the following objectives: to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater. The District's Orders, Rules, regulation, requirements, resolutions, policies, guidelines, or similar measures have been implemented to fulfill these objectives.

District Mission

The Post Oak Savannah Groundwater Conservation District (POSGCD) mission is to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and to protect groundwater users, by adopting and enforcing Rules consistent with state law. The District will accomplish this mission by imposing spacing requirements, regulating production, requiring permits for non-exempt wells and production, establishing limits on water drawdown levels and monitoring groundwater levels and production, making appropriate adjustments to allowable and permitted production, and encouraging conservation.

Rule 1.2: Purpose of Rules and District Mission describes the intent of the Post Oak Savannah GCD.

The first question - how will our District protect the Simsboro and Carrizo Aquifers when the Vista Ridge Regional Supply Project will exceed the Modeled Available Groundwater (MAG) in pumping the very first year of production? In fact the Carrizo Management Zone MAGs will be exceeded for the next 5 decades and the Middle Wilcox (Simsboro) Management Zone MAGs will be exceeded for the next 3 decades. (See Appendix 2. MAG's exceeded with Vista Ridge production)

The second question - why wouldn't a comprehensive well mitigation plan be established protecting all landowners, both big and small, from large commercial water producers?

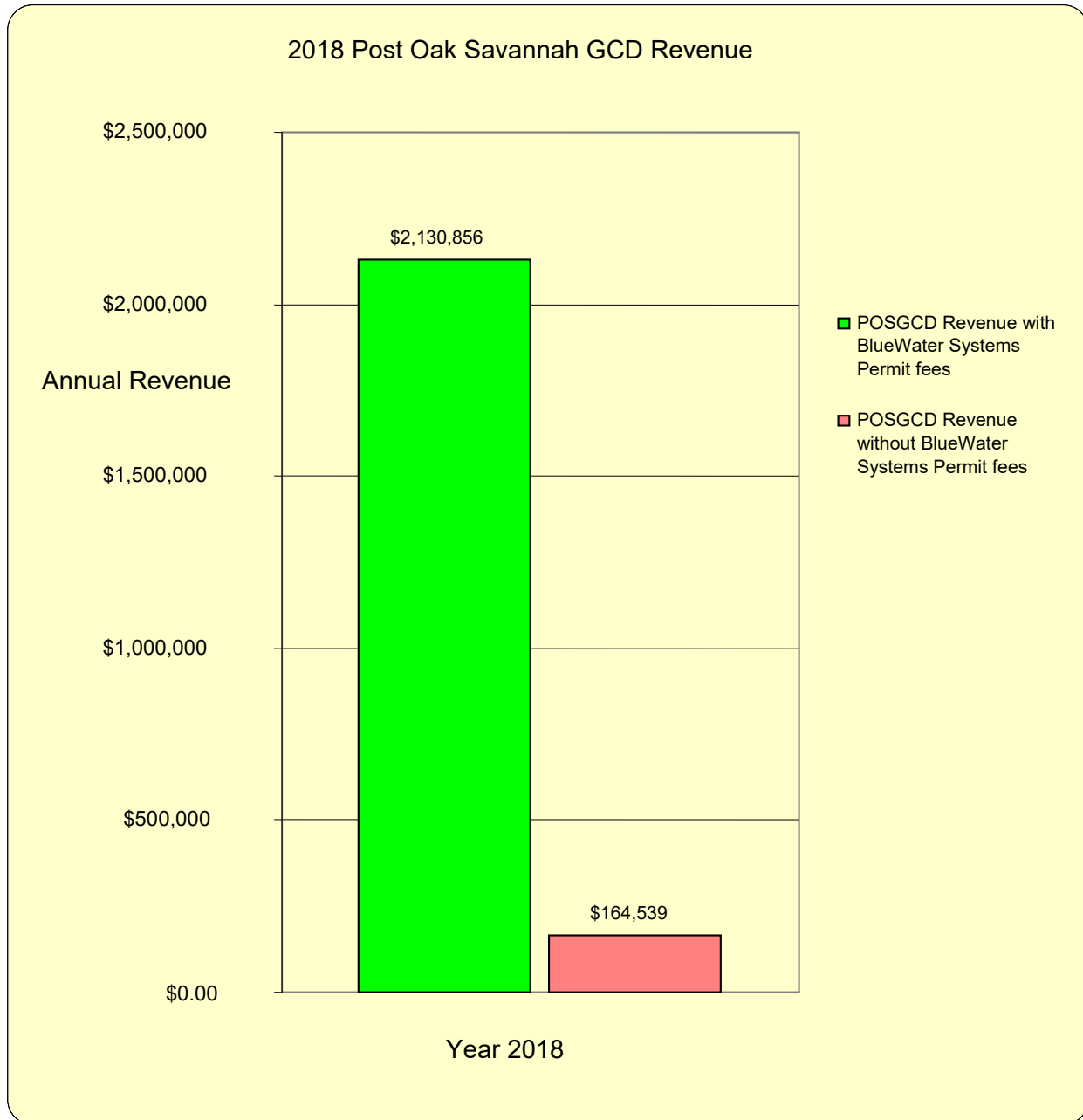


Figure 1. Blue Water Systems pays nearly all of the expenses at Post Oak Savannah GCD.

The intent of our District toward protecting groundwater users could not be clearer. The GWAP is a minimal, token program that will be used as an excuse when landowner wells are adversely impacted by large commercial water producers.

Post Oak Savannah GCD Operating Revenues from BlueWater Systems			
Fees	Vista Ridge Project	Blue Water 130 Project	Cumulative Total
Production fees	\$166,161.20	\$65,170.20	\$231,331.40
Transport fees	\$1,246,209.00	\$488,776.50	\$1,734,985.50
Revenues	\$1,412,370.20	\$553,946.70	\$1,966,316.90
Revenue from BlueWater Systems (annually)			\$1,966,316.90
Revenue from BlueWater Systems (since Sep. 14, 2004 is about)			\$25,562,119.75
<u>Vista Ridge Regional Supply Project Permit</u>			
Vista Ridge Permit			50,993 AFY
Amended Permit issued 14-Sep-04			
Annual permitted production			16,616,120,043 gal
1,000 gal. units			16,616,120 units
<u>Blue Water 130 Permit</u>			
Blue Water 130 Permit			20,000 AFY
Amended Permit issued 14-Sep-04			
Annual permitted production			6,517,020,000 gal
1,000 gal. units			6,517,020 units
<u>POSGCD Production & Transport Fees</u>			
Production Fee	\$0.010	/1,000 gal. assessed on permitted amount	
Transport Fee	\$0.075	/1,000 gal. assessed on permitted amount	

Figure 2. Annual POSGCD Revenue from Blue Water Systems

Currently, the landowner’s GWAP in this District is in direct competition with the District for funds. The landowners would like protection of the aquifers and a comprehensive well mitigation program. The District has its own spending priorities.

The District has recently hired 3 new employees: a Water Resources Management Specialist with a salary of \$72,000/year; an Education Coordinator with a salary of \$43,000/year; and a part time Field Technician with a salary of \$24,000/year. The new POSGCD headquarters

building in Milano, Texas was just completed at a cost estimated at \$400,000. POSGCD Conservation Programs and Grants are budgeted to be around \$2.2 million for 2018.

The current 2018 POSGCD Budget shows expenses of over \$3.4 million. If Blue Water Systems was not paying \$1.96 million in fees every year, the remaining funds of \$164,000 would just pay the General Manager's salary of \$100,000 and the Administrative Assistant's salary of \$60,000. I have no objection to a district paying employees an adequate compensation for their work but when conservation and landowner's wells are ignored that crosses the line. There is no excuse for the District ignoring their responsibilities.

Blue Water Systems receives preferential treatment for these production and transport fees. In the year 2014 Blue Water Systems requested that POSGCD Permit fees for the Vista Ridge Regional Supply Project be deferred for 6 months - Ross Cummings, Blue Water president, said the request was because the company does not yet have an anticipated contract signed with San Antonio Water System (SAWS). The production and transport fees were deferred.

The third question – are funds available for a comprehensive GWAP? Currently, the District has production and transport fees set at \$0.085 per thousand gallons of groundwater transported out of the District. The POSGCD Rules allow \$0.17 per thousand gallons. The fees would double if transport fees were raised to \$0.17 so there are ample funds available but no will to increase Blue Water Systems expenses! (See the rule below)

Post Oak Savannah GCD - Rule 9.1(6b)

A combined production and transport fee not to exceed \$0.17 per thousand gallons of groundwater transported outside the boundaries of the District.

The cumulative effect of making the Groundwater Well Assistance Program eligibility difficult, qualifying for well assistance onerous, funding inadequate, and exclusion of certain classes of wells is an attempt to limit the expenses for Blue Water Systems and give them preferential treatment.

There appears to be a vested interest by POSGCD to assure Blue Water Systems of their future profits by locking in the production and transport fees that BWS currently pays. This would assure both Post Oak Savannah GCD of a steady revenue stream and Blue Water Systems of a certain profit.

CONCLUDING NOTES:

If the District had created rules to allow everyone the right to pump a sustainable amount of groundwater, this *Petition for Inquiry* would not have been needed.

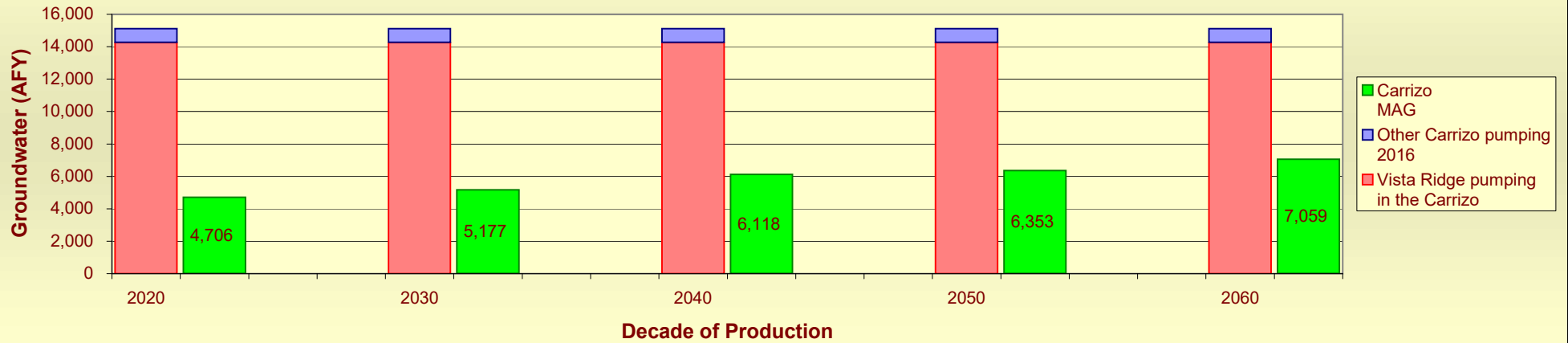
For example, if the District had divided the MAG for the Simsboro by the number of acres above the Simsboro and used the quotient as the amount of acre-feet that one could annually pump per acre, they could have maintained their “approve all permits” policy, preserved landowners’ rights to pump groundwater, AND achieved the DFC while protecting our groundwater. This would equate to a “fair share” for all landowners and would eliminate the 2 acre-feet/acre currently in use which allows a mega-producer to drain our aquifers with minimal groundwater rights acreage. Instead, the District has failed to correct its institutional problems – and has turned a deaf ear to my and others’ repeated requests to change the rules and groundwater management policies. In my mind, I have no other recourse than to submit this *Petition for Inquiry* to ensure that our aquifers are conserved and protected for future generations.

Appendix 1.

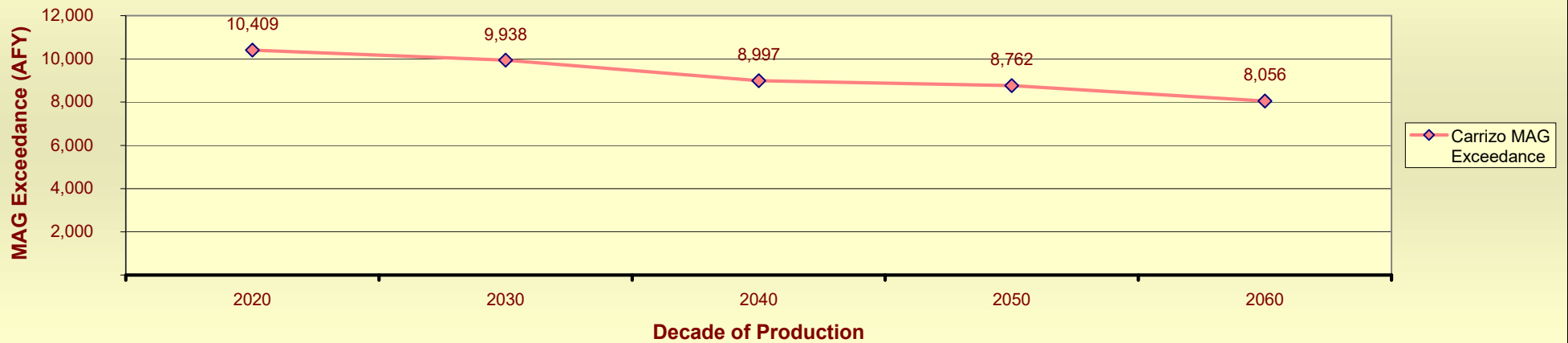
Post Oak Savannah GCD Operating Revenues without BlueWater Systems			
Fees	Total Revenue	BlueWater Revenue	Revenue w/o BlueWater
Production fees	\$395,870.00	\$231,331.40	\$164,538.60
Transport fees	\$1,734,985.50	\$1,734,985.50	\$0.00
Revenues	\$2,130,855.50	\$1,966,316.90	\$164,538.60
Annual Revenues without BlueWater Systems			\$164,538.60
<u>Vista Ridge Regional Supply Project Permit</u>			
Vista Ridge Permit		50,993 ac-ft/yr	
Amended Permit issued		14-Sep-04	
Annual permitted production		16,616,120,043 gal	
1,000 gal. units		16,616,120 units	
<u>Blue Water 130 Permit</u>			
Blue Water 130 Permit		20,000 ac-ft/yr	
Amended Permit issued		14-Sep-04	
Annual permitted production		6,517,020,000 gal	
1,000 gal. units		6,517,020 units	
<u>POSGCD Production & Transport Fees</u>			
Production Fee	\$0.010	/1,000 gal. assessed on permitted amount	
Transport Fee	\$0.075	/1,000 gal. assessed on permitted amount	
The District revenue is based upon the \$0.01 /1,000 gallons production fee since no other producers currently transport water out of the district.			

Appendix 2.

**Production in the Carrizo Management Zone
Carrizo Aquifer**

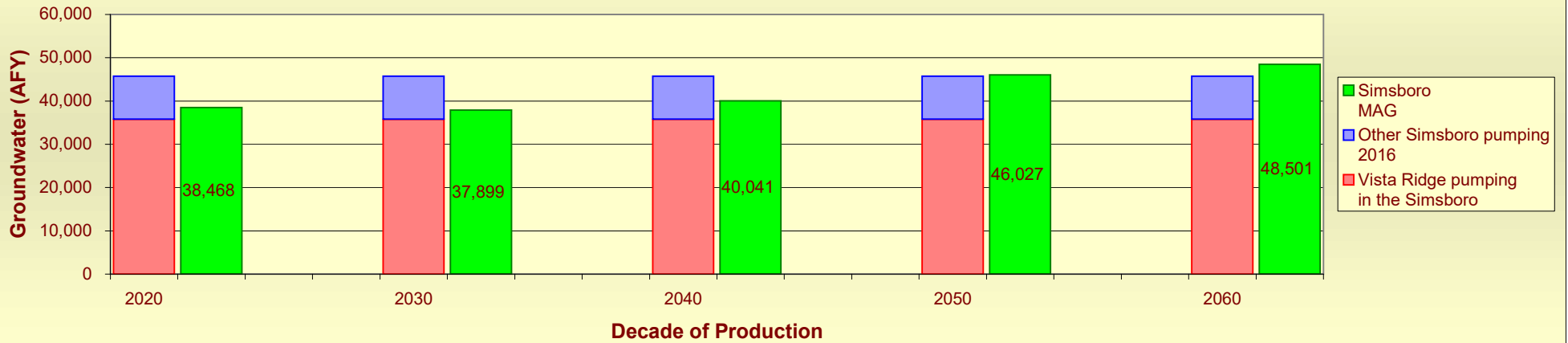


**MAG Exceedance in the Carrizo Management Zone
Carrizo Aquifer**

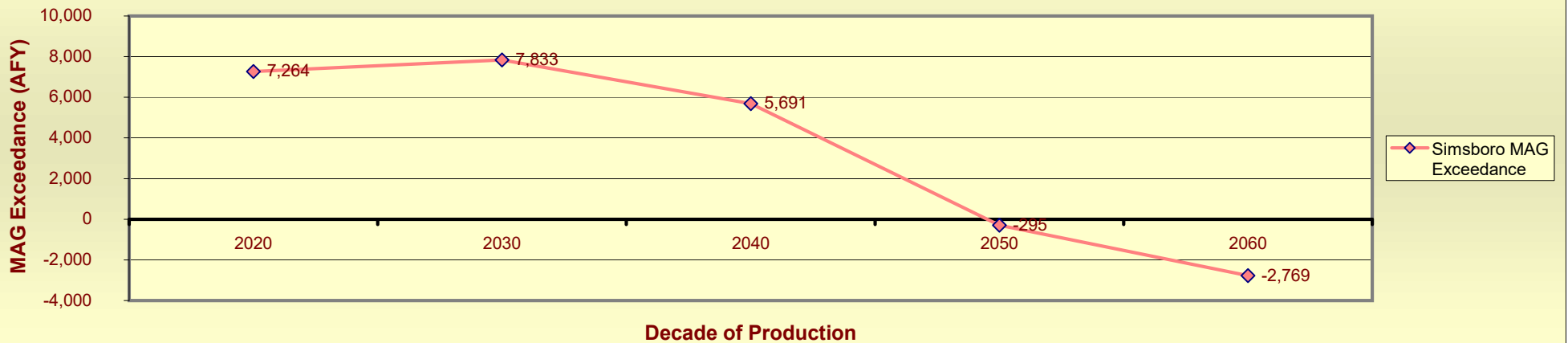


Appendix 2.

**Production in the Middle Wilcox Management Zone
Simsboro Aquifer**



**MAG Exceedance in the Middle Wilcox Management Zone
Simsboro Aquifer**



Appendix 2.

Vista Ridge Project impact on MAGs in the Post Oak Savannah GCD										
Decade	Carrizo Groundwater Production (AFY)					Simsboro Groundwater Production (AFY)				
	Carrizo MAG	Vista Ridge pumping in the Carrizo	Other pumping in the Carrizo in 2016	Total pumping in the Carrizo	Carrizo MAG Exceedance	Simsboro MAG	Vista Ridge pumping in the Simsboro	Other pumping in the Simsboro in 2016	Total pumping in the Simsboro	Simsboro MAG Exceedance
2010	4,025	0	853	853	-	36,507	0	9,994	9,994	-
2020	4,706	14,262	853	15,115	10,409	38,468	35,738	9,994	45,732	7,264
2030	5,177	14,262	853	15,115	9,938	37,899	35,738	9,994	45,732	7,833
2040	6,118	14,262	853	15,115	8,997	40,041	35,738	9,994	45,732	5,691
2050	6,353	14,262	853	15,115	8,762	46,027	35,738	9,994	45,732	-295
2060	7,059	14,262	853	15,115	8,056	48,501	35,738	9,994	45,732	-2,769

Appendix 3.

Groundwater Well Assistance Program

Funding for the GWAP and the exclusion of Farmers and Small Business Wells

- I. I spoke with Greg Sengemann, the General Manager of Gonzales County UWCD several times in 2016
 - a. In their 2nd year of well mitigation which was 2012, they experienced their highest cost which was just over \$264 thousand while producing only 11,471 ac-ft of water.
 - b. Irrigation wells surprised Greg as being very expensive – deeper wells, bigger pumps, and the need to run electric lines to new pump locations.
 - c. Vista Ridge with a 50,000 AF permit in Gonzales County would be required to agree to well mitigation and put \$30/AF assessed on their permit size which would equal \$1.5 million into the Gonzales County mitigation fund.
- II. GANA or the GWAP ANNUAL NEEDS ASSESSMENT – could easily exceed \$1 million (4 X GCUWCD).
 - a. This assessment will be done by Steve Young with Intera and then that amount doubled.
 - b. Steve Young is a Geoscientist, not a well mitigation estimator.
 - c. Steve Young wrote the drafts of the GWAP in which the intention has been clear – difficult eligibility, onerous qualifications, no realistic funding, and exclusion of Irrigation and Small Business wells.
 - d. Why should we trust him to make an honest assessment with his history and background?
- III. The current GWAP draft excludes Farmers and Small Business. Why?
 - a. The Mission statement, in part, says “to protect groundwater users.” That means ALL groundwater users!
 - b. Insuring that water marketers make money is not the District’s job, regulating the aquifers is!
 - c. This District is the problem because all permits are approved.
 - d. Approving every permit is preposterous and no other District does that.
 - e. The District needs to represent the landowners, not the mega-producers.
- IV. BlueWater Systems’ revenue to POSGCD annually is almost \$2 million for Vista Ridge and the Blue Water 130 Projects.
 - a. Texas Water Code allows the District to charge up to 17¢ per 1,000 gals permitted in fees.
 - b. POSGCD has another 8.5¢ more that could fund the GWAP for Landowners, Farmers and SB.
 - c. This 8.5¢ additional fee amounts to about \$1.4 million for a 50,000 ac-ft permit.
 - d. Why are these exclusions tolerated when funding is available?
- V. At POSGCD, money tells the story. Without BWS the annual revenue would be just under \$400 thousand
 - a. This would pay for the salaries and benefits of the Post Oak employees.
 - b. It's the money from BWS’ permitting that supports the company cars, the expense reports, additional employees, the new POSGCD Headquarters building, and the General Managers’s 6-figure income.
 - c. In the 2018 Budget for POSGCD - expenses are set at \$3.4 million. How is that paid without BWS? What about expenses for this building? They were not in the 2017 or 2018 Budget.
 - d. BlueWater Systems pays all of the bills. Without BWS, the District would be without adequate funds.
 - e. This is why the District approves ALL Permits and BWS gets preferential treatment.
 - f. Farmers and Small Business are excluded from the GWAP to help BWS with their expenses.
 - g. Who is responsible for this spending that’s out of control? Spending that requires POSGCD to give preferential treatment to BWS. Our General Manager, Gary Westbrook, deserves the major portion of that credit along with Board Members that have stood by and not provided the necessary guidance.

**The POSGCD Mission Statement is just a bunch of nice sounding words! Landowners will pay with their water!
In short, Blue Water has the Post Oak Savannah GCD right where they want them.**

Appendix 4.

2018 Draft Budget

Revenue **Recommended**
2018 Revenue

Fee Type	
Production (@ \$.01/1000 gallons)	\$395,870
Transport (@ \$.075/1000 gallons)	\$1,747,400
O & G Income	\$2,000
Summit Sponsorships	\$3,000
Interest Income	\$15,000
Total Revenue	\$2,163,270

Expense **Recommended**
2018 Expenses

Item	
Advertising	\$7,000.00
Public Hearings	\$5,000.00
Misc.	\$2,000.00
Education	\$60,000.00
Water Wise Education-4th Grade)	\$26,500.00
2018 Groundwater Summit	\$8,500.00
Workshops for Water Utilities, Groups	\$10,000.00
Supplies	\$5,000.00
Audio/Visual/Social Media	\$8,000.00
Advertising/Misc.	\$2,000.00
Fld & Lab Equip	\$10,000.00
Water Quality Testing	\$2,200.00
Water Level Equipment	\$7,000.00
Misc.	\$800.00
General Hydrologist	\$50,000.00
Technical Evaluations of Applications	\$30,000.00
Technical Evaluations of Rules/Management Plan	\$15,000.00
Other Technical Support to Staff	\$5,000.00
GMA 12 Hydrologist	\$50,000.00
Improvements to Groundwater Model	\$30,000.00
Evaluation & Development of DFCs, etc.	\$20,000.00
GMA 8 Hydrologist	\$5,000.00
Evaluation & Development of DFCs, etc.	\$4,500.00
Misc.	\$500.00
Auto	\$10,000.00

Projected 2018 Balance Sheet

Total Funds Available 12-31-17	\$2,945,139.00
Less Reserve Target	\$1,702,647.50
Net Funds Available	\$1,242,491.50
Projected 2018 Income	\$2,163,270.00
Total	\$3,405,761.50
2018 Budget (includes encumbered amounts)	\$3,405,295.00
Proj. Surplus/Deficit 12-31-18	\$466.50

Notes:

The 2018 Budget has been expanded to account for as many larger ticket items as possible. The actual Expenses Budget as adopted by the Board includes only the 23 items with amounts listed under the "Recommended 2018 Expenses" column (Column B). Expense amounts listed under Column C are estimated only, and not actual adopted amounts. This is done at the request of citizens in the District for an expanded Budget, and to improve transparency of District finances. Please contact the District office with any questions.

Appendix 4.

Fuel		\$7,500.00
Repair, Tires, Maintainance		\$2,500.00
Dues	\$2,500.00	
Texas Alliance of GCDs		\$1,500.00
Texas Water Conservaiton Associaton		\$350.00
Texas Groundwater Association		\$100.00
Conference Fees		\$550.00
Insurance	\$35,000.00	
Health		\$32,000.00
Property		\$1,800.00
Errors & Omissions		\$450.00
Other		\$750.00
Misc	\$500.00	
Postage	\$3,000.00	
Professional Fees	\$93,500.00	
Legal		\$66,000.00
Website		\$2,000.00
Lobbyist		\$16,000.00
Auditor		\$5,500.00
Database		\$2,500.00
Other (Security and Cleaning)		\$1,500.00
Repairs (Building and Property)	\$10,000.00	
Telephone	\$8,500.00	
Office		\$3,000.00
Cell Phones		\$1,300.00
Internet/Misc.		\$4,200.00
Travel	\$18,000.00	
Lodging		\$6,000.00
Meals		\$3,500.00
Director/Staff Travel Reimbursement		\$6,000.00
Meeting Meals		\$2,500.00
Utilities	\$8,000.00	
Electric		\$7,000.00
Water		\$500.00
Trash		\$500.00
Office supplies	\$16,000.00	
Payroll & Benefits	\$333,295.00	
General Manager Salary		\$95,000.00
General Manager Benefits		\$2,900.00
Administrative Assistant/Office Manager Salary		\$57,500.00
Administrative Assistant/Office Manager Benefits		\$1,600.00
Water Resource Management Specialist Salary		\$70,000.00
Water Resource Management Specialist Benefits		\$1,950.00

Appendix 4.

Education Coordinator Salary		\$42,500.00
Education Coordinator Benefits		\$1,200.00
Field Tech (Part Time)		\$24,000.00
Monitoring Program	\$110,000.00	
Drilling Wells		\$50,000.00
Transducers		\$35,000.00
Telemetry		\$16,000.00
Water Quality Lab Expenses		\$4,000.00
Supplies		\$5,000.00
Well Assistance Program	\$150,000.00	
Rainwater Harvesting Program	\$75,000.00	
Reimbursements		\$70,000.00
Classes		\$3,000.00
Supplies		\$2,000.00
Advanced Aquifer Improvements	\$150,000.00	
Research & Development		\$100,000.00
Planning and Implementation		\$50,000.00
Conservation Programs	\$2,200,000.00	
Encumbered Awarded Funds for Grants		\$850,000.00
Groundwater Conservation Grant of Local Utilities		\$1,300,000.00
Well Plugging		\$25,000.00
Fire Department Foam		\$25,000.00
Totals		\$3,405,295.00

-



From: [Youngblood Sidney](#)

Hide

To: [Russell Fred & Mary Ann](#) [Tucker Durwood](#) [Wise Steven](#)

Cc: [Westbrook Gary](#)

RE: Why are Farmers and Small Business wells excluded from GWAP?

January 19, 2018 at 4:15 PM

Fred,

Good afternoon. I apologize for the delay in providing a reply.

First of all, I appreciate the below sharing of your thoughts and concerns. Being a landowner myself for the past 55 years, I am certain that the GWAP now in place truly reflects a solid program as a result of serious, constructive thought and continued vetting by the DFC Committee and the Board. As you already know, many of your comments have been included in the current version of the GWAP, and this is a program that has the flexibility built within it to support any potential amendment(s) deemed necessary by the Board to consistently meet the needs of the citizens in our two counties.

Meanwhile, this Board will continue to maintain the respect, obligation and commitment to POSGCD's Mission Statements.

Sincerely,

Sidney

From: Fred Russell [<mailto:frussell@tconline.net>]

Sent: Friday, January 12, 2018 7:17 AM

To: Youngblood Sidney <syoungblood@farm-market.net>; Tucker Durwood <durwood.tucker@yahoo.com>; Wise Steven <swise@cnbanktexas.com>

Subject: Why are Farmers and Small Business wells excluded from GWAP?

There isn't a reason why these wells shouldn't receive assistance when Vista Ridge starts production! State one real reason why they are excluded. If the reason is that these wells are covered by DFCs, then why is there a GWAP for domestic wells? They are also covered by DFCs. The Mission Statement says, "to protect groundwater users." Irrigation and Small Business produce a small fraction of the water Vista Ridge will pump and are groundwater users.

Durwood, you are the Ag representative for Milam County. Is it your opinion that Farmers wells should be excluded?



RE: Why are Farmers and Small Business wells excluded from GWAP?

January 19, 2018 at 4:15 PM

Fred,

Good afternoon. I apologize for the delay in providing a reply.

First of all, I appreciate the below sharing of your thoughts and concerns. Being a landowner myself for the past 55 years, I am certain that the GWAP now in place truly reflects a solid program as a result of serious, constructive thought and continued vetting by the DFC Committee and the Board. As you already know, many of your comments have been included in the current version of the GWAP, and this is a program that has the flexibility built within it to support any potential amendment(s) deemed necessary by the Board to consistently meet the needs of the citizens in our two counties.

Meanwhile, this Board will continue to maintain the respect, obligation and commitment to POSGCD's Mission Statements.

Sincerely,

Sidney

From: Fred Russell [<mailto:frussell@tconline.net>]

Sent: Friday, January 12, 2018 7:17 AM

To: Youngblood Sidney <syoungblood@farm-market.net>; Tucker Durwood <durwood.tucker@yahoo.com>; Wise Steven <swise@cnbanktexas.com>

Subject: Why are Farmers and Small Business wells excluded from GWAP?

There isn't a reason why these wells shouldn't receive assistance when Vista Ridge starts production! State one real reason why they are excluded. If the reason is that these wells are covered by DFCs, then why is there a GWAP for domestic wells? They are also covered by DFCs. The Mission Statement says, "to protect groundwater users." Irrigation and Small Business produce a small fraction of the water Vista Ridge will pump and are groundwater users.

Durwood, you are the Ag representative for Milam County. Is it your opinion that Farmers wells should be excluded?

My opinion is that BlueWater Systems is getting PREFERENTIAL TREATMENT for the fees they pay and to avoid litigation from them. This Board of Directors certainly doesn't represent the landowners of this District. Will you ever take a stand against the mega-producers or are you "bought and paid for" by them?

Fred Russell
Gause, Texas