

September 23, 2024

Alan M. Day, General Manager BVGCD, [aday@brazosvalleygcd.org](mailto:aday@brazosvalleygcd.org)  
Monique M. Norman, [norman.law@earthlink.net](mailto:norman.law@earthlink.net)

My name is Elvis Hernandez and I am President of the Lost Pines Groundwater Conservation District (LPGCD). First, I wish to clarify my request of Mr. Day at the GMA12 meeting on September 20th. I was not asking for a BVGCD bookend run. A bookend run was offered up by Mr Day, but that is not what I am looking for. Dr. Hutchison has already performed a bookend run on the BVGCD full granted production permits.

At the July 30th GMA12 meeting, the LPGCD committed to update their pumping file starting in mid-September. The LPGCD is currently updating their pumping file with all granted permits known to date. The LPGCD has only one large permit in the past 3 years to add and recent sensitivity simulations indicate that LPGCD groundwater production does not significantly impact any other GMA12 GCD.

The latest BVGCD GMA12 proposal, the S19G3+UG50k run, does not include about 140,000 AF/yr of known, granted BVGCD production permits. This is in stark contrast to the attached 2021 BVGCD response to the POSGCD where BVGCD advocates to include all permits. In the BVGCD 2021 response to POSGCD it states, "Groundwater planning is not effective unless it includes known and permitted groundwater production, just as planning a financial budget is not effective unless it includes all known and planned spending. Transparency and inclusion of all known and planned production are vital to water planning for GMA12 and Texas." "to use a GAM run that does not include all known permitting and production in all districts is not only troubling for transparency and accuracy issues, but also for the precedence that it sets in the GMA of not acknowledging each district's local permitting." "Although POSGCD this time is voluntarily asking GMA12 to disregard permits that it has issued, it is concerning that the precedent would be set for the permits issued by the constituent districts to be involuntarily disregarded by the GMA in the future."

The S19G3+UG50k model run, proposed by the BVGCD at the GMA12 on September 20, does not include any of the new production permits granted in September 2023 and involved in the Transport permit application before SOAH. In addition, there are other granted production permits that are not included in the S19G3+UG50k run. For example, BadgerJack, HighTimber and Corpora production permits granted in July of 2023, supposedly with a quorum, are not included. BVGCD granted 192,000 AF/yr of new production permits between July, August and September of 2023. Only a fraction of those new production permits are accounted for in the S19G3+UG50k run proposed to the GMA12 on September 20th. Using the logic that the BVGCD is now using, the LPGCD could remove their 3 largest permits out of their pumping file as no ground has been broken on any of those 3 permits and there's no telling when these 3 LPGCD permits will begin. Instead, the LPGCD includes every permit. Just because a granted permit hasn't yet broken ground is no reason to exclude them from the regional 50 year planning process. If a permit is expected to begin production 5, or 10 years from now, then just add those permits to the pumping file and adjust their start date and ramp-ups accordingly.

September 23, 2024

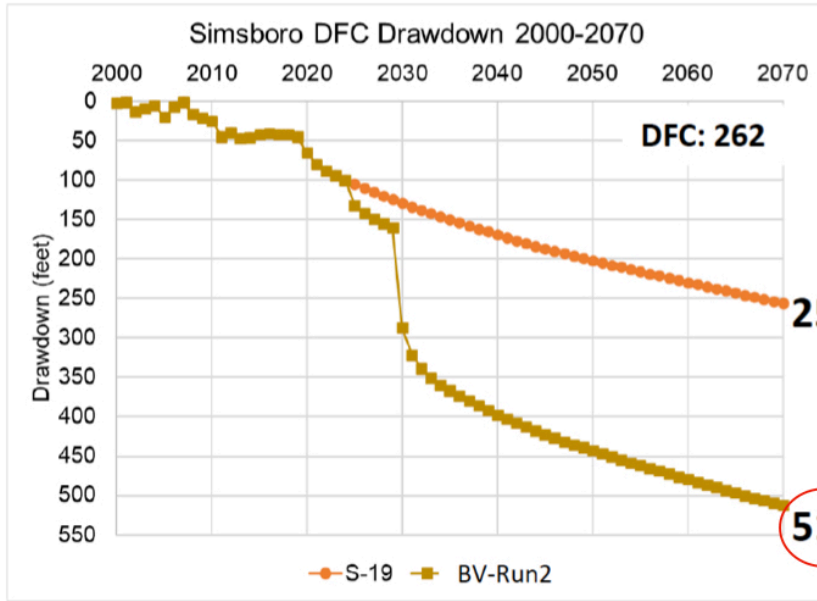
I requested, at the September 20th GMA12 meeting, that all BVGCD granted production permits be included in their proposed model runs (production permits that are not in litigation, and currently there aren't any) - in order to provide all parties a realistic expectation for their investments, as stated in your 2021 response to the POSGCD. The current BVGCD legal position is that all of the 2023 granted 192,000 AF of production permits are valid and legal (as demonstrated by the BVGCD recent rule amendment allowing the GM to act on these new permits, retroactively). Thus, BVGCD should be accounting for all of their production permits in their proposed model runs.

Please reference the BV-Run2 model run, presented to the GMA12 in May, that includes all of the new BVGCD granted permits. This BV-Run2 predicts a 513' 2070 drawdown in the Simsboro. The new proposed S19G3+UG50k model run from September predicts 329'. Where's the difference come from? The difference is that about 140,000 AF of granted BVGCD production permits are excluded in the new S19G3+UG50k model run, contrary to BVGCD own policy, as stated in the attached 2021 response letter to POSGCD.

The BVGCD board has every right to select 329' of drawdown as their new proposed 2070 DFC. The DFC is a policy decision made by the board. If 329' of drawdown in the year 2070 is BVGCD's new proposed DFC, then run the model with all granted production permits and assumptions until that DFC is met, but please include all of the granted production permits - just as BVGCD advocated in 2021. I trust this letter will be reviewed by the entire BVGCD board since the decision whether to include all permits in proposed GMA12 model runs, I believe, is a board policy decision. BVGCD is not being consistent and changing the criteria for permit inclusion in proposed model runs. I am not asking for anything that BVGCD didn't already advocate in the past and in the attached 2021 letter to POSGCD.

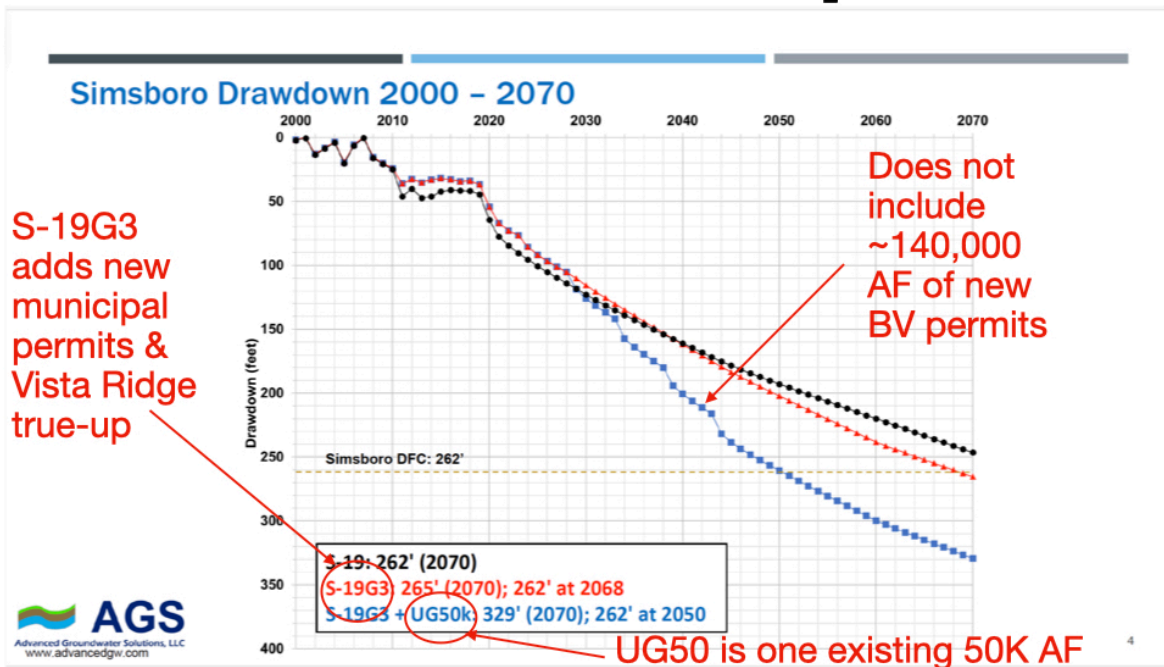
Thank you.

# BV model run Jan - May



January - May, 2024 BV-Run2 = 513'

# BV model run - Sept.



September, 2024 S-19G3 + 50k = 329' = GAM output = new DFC increases