



BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

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

Dear Mr. Hernandez,

Thank you for your comments. In Groundwater Management Area 12, iron sharpens iron. We are constantly learning and getting more accurate information and modeling to aid local groundwater management planning, leading to the adoption of the Desired Future Conditions for the area's aquifers. We appreciate that Post Oak Savannah Groundwater Conservation District (POSGCD) was the first in the area to undergo the permitting of and production from a major water export project and we continue to learn from POSGCD's experiences.

On May 23, 2024, the Brazos Valley Groundwater Conservation District (BVGCD) presented to GMA 12 the GAM Run BV-Run2, which contained all BVGCD permitted production, as you acknowledged. At that time, the BVGCD had issued permits for about 336,000 acre-feet/year in the Simsboro Aquifer and these permits were included in BV-Run2. As you know, the validity of 57,782 acre-feet/year of those permits have come into question and is currently in litigation. A total of about 55,000 acre-feet of Simsboro water was produced in 2023.

The BVGCD adopted a rule change that doubled the spacing requirement tied to the production acreage groundwater rights that are required to be legally controlled by permittees. In the buildup to the adoption of the rule requiring increased production acreage, BVGCD had a surge of permit applications. Since that rule change, submitted permit applications in BVGCD has drastically slowed.

The BVGCD is currently in litigation regarding a planned export project that accounts for up to 100,000 acre-feet/year. The production permit applications associated with the transport permit applications were included in BV-Run2.

Groundwater conservation districts are required to regulate to achieve the adopted Desired Future Conditions (DFCs), not the Modeled Available Groundwater (MAG), and can permit above the MAG. The MAG is only a consideration in groundwater permitting. The BVGCD has adopted a curtailment rule that requires cutbacks of actual (not permitted) production when 90% of the adopted DFCs are triggered. The BVGCD, as required by State law, is regulating groundwater production to the adopted DFC water levels, not the MAG planning numbers. BVGCD is also monitoring water levels to assess DFC compliance and reviews this data annually.

On September 20, 2024, the BVGCD presented to GMA 12 Run S-19G3 and S-19G3 + UG50K, as compared to the current adopted DFCs of S-19. Based on our local knowledge and current understanding of permits and the plans of permittees, the BVGCD staff currently believes that the S-19G3 + UG50K GAM model run presents a reasonable estimate of the potential groundwater

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production projects within BVGCD. One purpose of providing the results of S-19G3 + UG50K to GMA 12 was to provide insight and transparency regarding our local understanding of the BVGCD permits and to clearly illustrate the differences between the impacts of the total permitted pumping (BV-Run2) and our “best estimate” of pumping as we understand it today. The BVGCD Board has not yet voted during this planning period on an adopted run for GMA 12 DFC purposes.

In regards to the letter to POSGCD in the last round of planning, BVGCD’s main concern was that POSGCD proposed to adopt a DFC run that not only did not acknowledge permitted production, but did not acknowledge the actual production that they were on notice from the permittee was going to be used that year. In contrast, BVGCD has shown GMA 12 the impacts of all permitted pumping and our “best estimate.” Please note that our “best estimate” does include all known pumping that is currently occurring, plus our best estimate of expected pumping. Thus, the BVGCD-proposed S-19G3 + UG50K “best estimate” run does allow for considerably more groundwater production than is currently occurring. All of these runs are part of the process of finding the balance between highest practicable production and conservation, and are intended to provide insight for other districts into BVGCD issues and are not intended to be final at this time.

In closing, I appreciate the dialogue and the opportunity to clarify our approach, assumptions, and process as we work with the districts in GMA 12 to determine our next DFC. I look forward to seeing LPGCD assessment of your permits, pumping, and impacts so we can continue to discuss the important task of determining appropriate DFCs in GMA 12.

With Best Regards,

Alan M. Day
General Manager
Brazos Valley Groundwater Conservation District