

APPENDIX 3



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~~Working for a legacy of aquifers that last forever~~

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Landowners' Wells Failing as Groundwater District Considers Granting More Permits to Water Marketers

LEE COUNTY, TEXAS – Landowners in northeastern Lee County are reporting the failure of their domestic and livestock water wells only months after a massive export of the area's groundwater to San Antonio began.

At the same time, the Lost Pines Groundwater Conservation District, which covers Lee and Bastrop counties, is considering granting another permit for extensive pumping and export of groundwater.

“These well failures are most likely the direct result of pumping from the Vista Ridge project, which began full-time pumping last summer,” said Michele Gangnes, a director of the Simsboro Aquifer Water Defense Fund (SAWDF).

A 142-mile pipeline connects San Antonio to 18 Vista Ridge wells in western Burleson County, just across the Lee County line.

The permit request pending before the LPGCD is from the Lower Colorado River Authority, which seeks to pump and export up to eight billion gallons annually from eight wells it plans to drill in northeastern Bastrop County, near Paige.

“It makes no sense for the district to grant any further permits until it can clearly determine what is causing these well failures and what other wells might be facing failure in the near future,” Gangnes said.

Gangnes said an estimated 258 wells in the Carrizo Aquifer could be affected by the Vista Ridge pumping. These include domestic, municipal and commercial wells that are generally located northeast of Lexington, near FM 696E.

She said Lee County landowners are having to pay to have their pumps reset in their wells to find water. In some cases, pumps have burned out from wells going dry or pumps were not powerful enough to draw water from deeper levels.

Nancy McKee is one of at least 16 northeast Lee County landowners who have experienced adverse impacts on their wells, based on calls to SAWDF from affected owners and information on impacted wells provided by a local well driller who has been working to repair the wells.

McKee has urged the LPGCD to form a monitoring committee to determine the impacts of the Vista Ridge pumping on Lee County landowners. The district is expected to announce the appointment of such a committee as soon as this month.

McLee went on to say the district should also consider “reparation to the well owners who will undoubtedly be bearing the cost to lower their pumps or who have to purchase stronger pumps. Or even worse, are faced with having to drill a new well that goes deeper than their current well.”

Complicating the situation is that the Vista Ridge wells are in Burleson County, which is in the Post Oak Savannah Groundwater Conservation District (POSGD).

Both the Post Oak and Lost Pines districts have been targeted since the late 1990s by speculators and investment groups with plans for private groundwater export projects worth billions of dollars.

The vast majority of the permitted pumping by the districts is from the Simsboro formation of the Carrizo-Wilcox aquifer. However, groundwater levels in shallower formations in the aquifer can also be impacted, Gangnes said.

Vista Ridge is permitted by POSGCD to pump almost five billion gallons annually from the shallower Carrizo formation, where the affected wells are believed to be drawing water. Vista Ridge's total annual pumping is expected to be over 16 billion gallons for at least thirty years.

The LPGCD district is expected to set a date soon for a public hearing that is required before its board of directors can vote on whether to grant LCRA its permit.

State administrative law judges recommended last May the district approve LCRA's permit after landowners who live near the proposed wells protested the permit in a contested case hearing in 2019.

"We encourage landowners in Bastrop and Lee counties to let the district's board of directors know they are opposed to the granting of any more permits right now," said Andy Wier, a SAWDF director who lives near the LCRA's proposed well field and has a well that will be impacted. "Granting more permits affects the viability of the groundwater resources that all our communities depend upon."

The district so far has delayed a final public hearing on the LCRA permit because of the coronavirus pandemic. However, the LCRA has threatened to sue the district if it does not act upon its application in January 2021.

LCRA has indicated it expects the district will hold the public hearing "virtually" instead of allowing citizens to attend and participate in person, in keeping with emergency orders issued during the pandemic.

"Citizens need to be able to show up in person and address their concerns to the district's board in person," Wier said. "A public hearing should be delayed until this pandemic eases up and citizens can attend in person safely."

The LCRA permit was protested by Aqua Water Supply, the City of Elgin, Recharge

Water, Elvis and Roxanne Hernandez, and Environmental Stewardship, together with 30 aligned local well owners, who were organized and supported by SAWDF.

The LPGCD also is facing issues concerning holders of two other permits it has granted to water marketers.

Recharge Water (formerly End Op LP) is seeking to extend its current permit's expiration date by 432 days.

Forestar Real Estate Group, recently sold to Gatehouse Water LLC, is also seeking to extend its permit expiration date.

George Rice, a San Antonio hydrologist who has represented area landowners fighting permits, has previously predicted drawdowns of groundwater levels in the Vista Ridge well fields of up to 217 feet in the Carrizo formation and up to 466 feet in the Simsboro.

Those predictions from 2016 may be modified with a newer groundwater availability computer model being used now, Wier said. He noted that the new model shows approximately half of the predicted drawdown will occur between 2020 and 2025 and the remainder by the year 2070.

He noted that, in response to urging by SAWDF, the Lost Pines district plans to publish, late next week, maps that show the predicted drawdown associated with Vista Ridge pumping in the Carrizo and Simsboro formations of the aquifer.

SAWDF was formed in 2016 by veterans of several local groups who have battled to protect Texas aquifers for two decades.