

**Comments to  
Brazos Valley GCD Board  
Regarding Proposed DFCs  
July 8, 2021**

**Steve Box, Executive Director  
Environmental Stewardship**

Last month I addressed the technical reasons why -- based on predicted damage to surface waters -- we are requesting that the Proposed DFCs be rejected and sent back for revision.

But let's face it, management policies and practices are in a state of flux in Groundwater Management Area 12.

Joint planning among districts is supposed to help all of the districts manage the development of the aquifers in a way that balances pumping against the conservation and protection of aquifers, while retaining their ability to curtail (slow down pumping) when damage is imminent

However, the standards for developing desired future conditions in GMA-12 are changing, yet there is no agreement between the District Representatives on these changes. As a result, the representatives from four of the districts have imposed their will on the fifth district rather than reaching a workable and agreeable resolution that works for all of the districts.

As the representatives took up a discussion of the controversial GAM Run S-12 --- whether to use it as the base run for the proposed DFCs --- much of the controversy over the appropriate pumping file to be used seemed to be sparked by a threatening letter from Paul Terrill, lawyer for Blue Water Vista Ridge, to Gary Westbrook regarding what Blue Water wanted as Desired Future Conditions.

After discussion they voted to use the S-12 model that was favored by 4 of the 5 District Representative. Post Oak GCD, the District that received the threatening letter, voted against the S-12 pumping file.

In his plea to maintain Post Oak's manage policy, Mr. Westbrook, told the other District Representatives, and I quote **"This is management we have had in place for over a decade that we believe tracks our mission statement considering conservation is important while recognizing that property rights are important."**

**"We respectfully request that you allow us to manage the Carrizo as we have always desired. Once we set the precedent, and I believe [adopting DFCs based on the S-12 run] would be a precedent, it will be hard to undo. If our DFC is raised so much higher [as is being demanded of Post Oak], then really, we won't be able to do any management. You can't curtail until you approach those desired future conditions because these [new S-12] DFCs would have to be allowed.**

In the vote that followed, the four districts that were concerned about being drawn into a lawsuit if Blue Water sued Post Oak, forced their will on Post Oak Savannah GCD. **In doing so, they essentially eliminated Post Oak's ability to curtail the Vista Ridge project even though, after only about six months of pumping, dozens of landowner's domestic wells in Burleson and Lee Counties are being damaged, costing thousands of dollars to repair.**

**Worse, the damage to the aquifers in these counties will continue for many decades unless the Proposed DFCs are rejected and revised.**

Our over-arching concern is the unresolved management policies that have rapidly evolved within the jurisdiction of the five groundwater conservation districts, over the last 9 months. These policies, imbedded in the Proposed DFCs, will have serious immediate and future consequences on management policies within the joint-planning process. Most urgently, the impact of changes in management policies that have a direct negative impact on the ability of Districts to manage curtailment of pumping when the DFCs are exceeded need to be resolved and agreed policies adopted before future DFCs are adopted. As such it is imperative that the Proposed S-12 DFCs are rejected and sent back to the GMA for revisions.

**We respectfully request that this Board reject the proposed desired future conditions and remand them back to the GMA-12 representatives for revision.**