

Testimony before Senate Committee on Water Agriculture and Rural Affairs 11-16-22

POSGCD Mission Statement: The Post Oak Savannah Groundwater Conservation District mission is to adopt and enforce rules consistent with State law and based on the best available science, which provides for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, while supporting the ownership of groundwater and the owner's right to assign or produce that property.

Good morning, Chairman Perry, and members. My name is Gary Westbrook and I serve as the general manager of the Post Oak Savannah Groundwater Conservation District. We greatly appreciate the opportunity to testify today.

In 2001 the county officials in Milam and Burleson Counties succeeded in having legislators create a groundwater conservation district in response to leasing of more than 35,000 acres of ground water rights which had been ongoing for several years. That year the Post Oak Savannah Groundwater Conservation District was created, and then confirmed in an election in 2002 in both counties. The major concerns at that time were insufficient science, unpredictable future uses and needs within the district, as well as unpredictable future needs and uses outside the district which might affect the water resources our district managed. It was estimated at the time of creation that Milam County water uses were made up by 90% ground water while 100% of the water uses in Burleson County were ground water.

The District's Board of Directors set out immediately to adopt a management plan and rules to manage the groundwater resources in our two counties to achieve the difficult balance required by Chapter 36, Texas Water Code, of protecting the property rights of landowners who wished to produce or lease their water rights to be produced, as well as those who wished to see groundwater conserved for the future.

In March 2004 the district adopted its first management plan and rules. The very next year in early 2005 the district amended its management plan and rules with strategies that would allow the district to permit water to those who own the rights to that water while still establishing protective limits to impacts for neighboring landowners as well the aquifer as a whole. The enforcement of limits to impacts would be based on actual measured changes to water levels and not simply on predictions from a groundwater availability model. The adopted rules used all of the tools in the Chapter 36 GCD toolbox, such as spacing, maximum production limits of 2-acre feet per acre per year, and contiguous acreage requirements. These rules would allow equal treatment of all landowners who wished to produce water on any given day. To protect the aquifers from over production the District would require curtailment of production if an aquifer reached certain limits of allowable impacts. Curtailment of production would be implemented in order to treat every producer equally based on surface acreage. Should a new permit be issued after curtailment had begun, that new permit would allow production only at the same rate as existing permits at that same time. In this way all producers were treated equally on any given day, while protection was given to aquifer water levels and those landowners who wished not to produce, but rather to conserve their water under their property for the future.

The joint planning process in Groundwater Management Areas (GMAs) to develop and adopt Desired Future Conditions (DFCs), as we now know it was implemented that same year in 2005 by the legislature with HB1763. The DFC process became a reality in 2010 at the end of a five-year planning cycle when the DFCs were adopted by GMAs across the State. Post Oak Savannah, participating in both GMA 12 and GMA 8, also accomplished adoption of the first round of the DFCs

that year. Following that five-year process Post Oak Savannah amended its rules and management plan once again to reflect Desired Future Conditions consistent with the limits for drawdown they had previously adopted, except for the Carrizo aquifer. For the Carrizo aquifer a lesser value was adopted to be compatible with neighboring ground water conservation districts who did not show a need for Carrizo water in the near future. During subsequent joint planning rounds that number did not change appreciably. It should be noted here that DFCs are not just values for planning, but are regulatory values intended to guide the District in management decisions.

In constant pursuit of best available data and science to assist with management decisions, Post Oak Savannah was pleased to fund a significant portion of the nearly \$900,000 total cost of an updated State groundwater availability model for GMA 12. This work was completed in late 2018, and using that important tool, the last round of joint planning was completed late in 2021. Due to improvements to the groundwater availability model, the overall productivity of the Carrizo aquifer was realized to be less than the original GAM predicted, while the Simsboro aquifer was realized to be greater in productivity. While these differences were discovered it should be noted the trends shown by the original GAM were consistent with the trends in water level change in these two aquifers actually seen today. Post Oak Savannah continues to dedicate funding to the improvement of the understanding science in order to better evaluate local projects and impacts in the management of resources.

The permits which led to the Vista Ridge project were issued beginning in 2004, with amendments to the permits through 2014, and again in 2019 leading to permits totaling 55,835 acre feet per year. This permitted production was issued under the rules I outlined earlier, with the understanding that production which threatened to violate management goals of the District, or DFCs, would lead to curtailment of the permitted amounts in order to protect against exceeding those goals. Production from the Vista Ridge project came online with intermittent testing beginning in late 2019, and then consistent production began in April 2020. Each time there was a permit issued or amended, there was a 30-day public notice issued in accordance with Post Oak Savannah rules. Also, it should be noted that the pumping for the Vista Ridge project has been included in considerations for each of the last two rounds of joint planning for GMA 12. At this time the impacts from Vista Ridge production has not led to actions of curtailment in order to prevent exceedance of DFCs or District goals.

Dr. Robert Mace has recently testified that the impacts observed in and near the Vista Ridge project are the results of the reduction of pressure in the Carrizo Aquifer, and that the aquifer itself remains saturated beneath the property of the affected well owners. The challenge faced by many landowners is to lower pumps to account for a reduction in pressure to be able to access the water in their wells.

In preparation for the predicted impacts from all regional pumping, including the Vista Ridge project, the Post Oak Savannah Board adopted and fully funded the Groundwater Well Assistance Program (GWAP) in January 2018. In exchange for signing a binding agreement with the district to enable the continued access to a landowner's well for the purposes of continued water level monitoring work, the district will assist in the lowering of pumps in wells, or in rare instances possible replacement of a well should lowering the pump not be an appropriate option. To date POSGCD has serviced 103 wells and invested \$831,271 in the GWAP which includes scientific evaluations and well assistance. It should be noted this program is designed to address water wells across our District and we have addressed wells impacted by production from outside our District as well. The value of adding these wells goes far beyond just assistance to a landowner as Post Oak Savannah gains much needed science-based data and information each day from the information gleaned from these monitoring

sites and uses that information to improve the predictability of the groundwater availability models we are required to use. The graphic on the last page of this testimony shows drawdowns from all production in the Carrizo as well as the number and location of monitor wells, and wells addressed by the GWAP. A summary update of the GWAP is provided in the Board's packet which is posted each month on the Post Oak Savannah website. A copy of the most recent report is included in your packet today.

A summary of the District's total monitoring well network and ongoing efforts is also provided in the Board's packet which is posted each month on the Post Oak Savannah website. A copy of the most recent report is also included in your packet today.

To assist in future management and preservation of the aquifers of Post Oak Savannah, the District's Board implemented and funded the Aquifer Conservancy Program (ACP) in 2019. This program is an additional tool for management which compensates landowners in the district to commit their water rights into a conservancy in order to make it more challenging for additional large scale water production projects to acquire necessary contiguous acreage. To date the landowners in our district have committed more than 1000 parcels totaling more than 50,000 acres into the ACP. A summary of the District's ACP, which I just provided to you, is also provided in the Board's packet which is posted each month on the Post Oak Savannah website.

Please allow me to close with two humble observations. First, if development of the finite resource of groundwater from the State's aquifers is the answer to the State's water needs, then there are going to be impacts to water levels in water wells. Much of this water will be transported from rural Texas to urban centers, and from aquifers under confined conditions. You have heard Dr. Mace's testimony. Impacts are unavoidable, and sooner or later will lead to consequences which must be dealt with.

Second, in my opinion, currently Texas continues to support strategies which lead to segregation of surface water projects and groundwater projects. This often leads to competition between the two sources with more consideration given to cost of water delivered rather than development of strategies which conjunctively use both sources. Conjunctive use strategies should be incentivized in order for both sources to complement each other. If we miss this opportunity while there is enough of both sources, we will risk assurance of water availability in the future.

Thank you for this opportunity. I will do my best to answer any questions.

Respectfully submitted,
Gary Westbrook
General Manager
Post Oak Savannah GCD

Carrizo Drawdown: 2000 to 2022

