



September 25, 2020

Committee: House Natural Resources

Chair: Rep. Lyle Larson

From: Schertz/Seguin Local Government Corporation

Re: Interim Charge #3: Monitor the joint planning process for groundwater and the achievement of the desired conditions for aquifers by groundwater conservation districts.

Dear Chair Larson and Members of the House Natural Resources Committee –

The Schertz/Seguin Local Government Corporation (the “SSLGC”) is a corporation owned equally by the cities of Schertz and Seguin. It was created as a wholesale water supply system in December 1998 and began actual production in September 2002. The SSLGC has continued to grow to serve the Cities of Schertz and Seguin as their primary water source. The Carrizo Aquifer is utilized for this purpose to benefit the Cities of Schertz and Seguin.

The SSLGC is governed by a board which consists of five directors and two ex-officio appointed by the city councils of Schertz and Seguin. Further, the SSLGC maintains a strong wholesale water customer base including contracts with the Cities of Selma, Universal City, as well as Springs Hill Water Supply Corporation and the San Antonio Water System.

The issue here arises from House Bill 200 in the 84<sup>th</sup> session. HB 200 (84R) addressed the appeals process of a property owner to challenge the “desired future conditions” of groundwater districts. According to the bill, groundwater districts consider a list of factors before determining what the desired future conditions must be. After the decision, any appeal from the property owner must only challenge the “reasonableness” of the desired future condition. While the bill was well intentioned, the process to determine the desired future conditions and the new standard of review has not worked as envisioned.

Future conditions are too arbitrary, and the district can use this vague definition to unilaterally tell those who own water rights how the water must be used in the future. Instead, the process should provide for efficient production and preservation of the groundwater. Additionally, the bill did not set up a true appeals process. Instead of a thorough review of the approval of the future condition – as was the requirement before the bill – the new law only requires a review of reasonableness. This significantly lower and more subjective standard could adversely impact SSLGC’s production and ability to meet our constituent’s water needs.

In order for the law to be effective, the future conditions and appeals process should be altered to provide more transparency and clarity. Although the water district must consider and document

certain factors, the process remains too subjective and unpredictable. Future conditions should be well-defined, and the appeals process should provide clarity and a more thorough review. The Texas Water Development Board needs to ensure that supporting science is present for the desired future conditions that are set. The appeals process needs to include the Texas Water Development Board and they should have the final decision.

Respectfully Submitted,

Schertz/Seguin Local Government Corporation