

PUBLIC COMMENTS

HB 4636

HOUSE COMMITTEE ON NATURAL RESOURCES

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Hearing Date: April 27, 2021 8:00 AM

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Annalisa Peace

Greater Edwards Aquifer Alliance

San Antonio, TX

Greater Edwards Aquifer Alliance FOR HB 4636

I submit this letter supporting a vote FOR HB 4636 on behalf of the 54 member organizations and thousands of individual members of the Greater Edwards Aquifer Alliance (GEAA).

A groundwater district is needed to manage withdrawals from the Edwards -Trinity Aquifer in Val Verde County. Since 2005, mayors of Del Rio have reached out to GEAA on numerous instances to ask for help in defeating various proposals to export water from Val Verde County. GEAA is concerned that over allocation of groundwater would threaten the flows from San Felipe Springs, the fourth largest springs in Texas. These spring flows are the source water of the San Felipe Creek which feeds into the Rio Grande. San Felipe Springs supply the city of Del Rio and Laughlin Air Force Base, with about 3,000 acre-feet per year delivered via the irrigation canals and used for agriculture. Val Verde County has many agricultural operations that rely on Edwards water, as well. All will be represented on the Board of Trustees under this enabling legislation.

We are very pleased to see that Representative Morales and Senator Gutierrez have both submitted legislation to create a Ground Water Conservation District (GCD) for Val Verde County and note that the main discrepancy between the two bills is in the appointment of members to serve as trustees for the new district. We trust this could be worked out in committee if need be. It is my sincere hope that a GCD for Val Verde County will be created during this legislative session.

Thank you for the opportunity to submit these comments. Should you have any questions or wish to discuss this further, please contact me at your convenience.

Merily Keller

Self

West Lake Hills, TX

April 26, 2021

Chair and Members of the Texas House

Natural Resources Committee:

I am writing as a long term landowner in Val Verde county in opposition to HB 4636 by Rep. Morales which would create a groundwater conservation district in the County. This bill is not science or best practice based since it has been filed before any determination by the TWDB or any other agency as to reliable aquifer properties or measurements. The bill grants, without limitation, 18,400 AF of groundwater rights to the City of Del Rio and all projected needs of any retail public utility in the County. The bill does not consider the unknown impact that such legislative action may have on groundwater availability for others, much less aquifer levels or critical habitat spring flows.

My family has owned and operated ranches in Val Verde for more than 100 years, and like most private ranchers, we are concerned about the overall ecology of the area since good land conservation practices translate into productive ranches and help sustain spring flows. This bill would hurt not help the ecological and land conservation of the whole county.

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For this reason, I urge you to not pass this bill out of this committee. It is premature and ill-advised legislation.

Respectfully,  
Merily Keller  
Hodgekeller@yahoo.com  
512-327-8689

Nisha Dittman, Val verde County Property owner  
Venture 2000 ltd. EZDRanch  
Sonora/ comstock, TX

Table this bill as Mr. morales has not complied to his agreement to wait for proper analysis by authorities on reliability of aquifer properties and measurements. He is considering only Ground water for City of Del Rio and how they want to use ,sell and tax so I question his integrity to access the rest of the sprawling Val Verde county. There are other representatives at your meeting Tuesday, I urge you to hear. This is my own understanding of matter. Thank you for objectivity .N Dittman

David Bezanson, Interim Director, Govt Relations  
The Nature Conservancy  
Austin, TX

The Nature Conservancy (TNC) supports HB 4636 providing for creation of a Val Verde County Groundwater Conservation District (GCD). Val Verde County is anomalous in lacking a GCD, as it possesses critical groundwater resources which influence the flows of rivers and streams important for wildlife and endangered species as well as agricultural and municipal water supplies. There is substantial local support for regulation of groundwater, particularly as regards potential transfers of groundwater outside the county. However, lack of local consensus that a GCD is the appropriate mechanism for limiting transfers, coupled with lack of agreement that reduction of groundwater production is warranted given current flow conditions, has frustrated past attempts to create a GCD in Val Verde County. HB 4636 would give the GCD discretion to decide whether spring and stream flow conditions warrant general (and nondiscriminatory) reduction of groundwater pumping. HB 4636 would also direct the GCD to regulate the terms of any transfer out of the district, hopefully providing a vehicle for restricting transports of substantial groundwater resources which would deplete local supplies. TNC supports these provisions.

TNC has concerns about Section 8872.0303, which exempts wells drilled exclusively for “agricultural” use from permitting and metering. As an alternative, we suggest exempting wells drilled for livestock/traditional ranching uses but not irrigation wells for crop agriculture, which generally produce larger amounts of groundwater and would appropriately be regulated by a GCD.

TNC is a permanent stakeholder in Val Verde County. In 1991, TNC purchased Dolan Falls Preserve located on the Devils River, which we manage for its scenic and cultural features. TNC holds conservation easements on almost 130,000 acres of private land in the Devils watershed. We have undertaken this investment to protect what is often considered the state’s most pristine river. The Devils River and other surface water resources in Val Verde County, such as San Felipe Creek, rely largely on natural hydrologic function of aquifers which would be regulated by the GCD.

TNC commends Rep. Morales for renewing the effort to establish a GCD in Val Verde County, and we appreciate the Members of the House Natural Resources Committee for your consideration of our comments.

For more information contact:  
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Janice Bezanson, Senior Policy Advisor  
Texas Conservation Alliance  
Dallas, TX

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Texas Conservation Alliance supports HB 4636 by Rep. Morales and encourages the Committee on Natural Resources of the Texas House of Representatives to pass it out of committee.

Protecting West Texas' last remaining wild river, the Devils River, requires ensuring that the groundwater of Val Verde County remains plentiful and of high quality. Creating a Groundwater Conservation District in Val Verde County is a crucial step to accomplish a balanced use of the region's groundwater and avoid overtaxing the aquifer on which the natural habitats of the region depend. Other provisions of HB 4636, to study and define minimum flows needs for area streams and provide guidelines for protecting them, are important steps to accomplish the goal of protecting the natural resources of the region - and of the state.

Thank you for the opportunity to comment!

John Shepperd

Self / Executive Director

Austin, TX

What's worked in the past to protect the Devils will not work in the future.

Virginia Farris

Land owner on Devil's River

FORT WORTH, TX

Mr. Morales has betrayed his constituency and filed a creation bill of 4636 without regard to his constituents requests for a determination by the TWDB or any other agency as to reliable aquifer properties or measurements. The bill grants, without limitation, 18,400 AF of groundwater rights to the City of Del Rio and all projected needs of any retail public utility in the County without regard for the unknown impact that such legislative grant may have on groundwater availability for anyone else, much less aquifer levels or critical habitat spring flows. We need scientific data before this GWD is created.