

**HOUSE OF REPRESENTATIVES  
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Natural Resources  
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COMMENTS FOR HB 5052 by Gerdes

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Michael Orosco  
Self  
Lexington, TX

My name is Michael Orosco, and I am a landowner in Lee County.  
I am submitting this testimony in favor of HB 5052.

My access to groundwater has been directly impacted by the pumping from the Vista Ridge water export project from Burleson County to San Antonio.

In December 2020, the water level in my domestic well was pulled below the pump as a direct result of the Vista Ridge water export project commencing operation earlier that year. Although I lowered my pump 100 feet to its maximum depth, I continue to lose more than 2 feet of water column per month in my well. It is only a short time before I will be compelled to drill a new well to maintain my domestic water supply at a cost of \$40,000 - \$50,000.

My situation is not unique. Many friends and neighbors share a similar story along County Road 411 in Lexington and the wider Lee County community. On November 16, 2022, I was invited to testify to the Texas Senate Committee on Water, Agriculture & Rural Affairs on the impacts we have endured due to the Vista Ridge water export project.

The experience in northeast Lee County is the tip of the iceberg. The numerous large water export projects under development will exacerbate this problem, and this story will play out for others if we fail to act.

While I recognize that access to water supply is essential to the growth and prosperity of the state's large and growing communities, it's unjust for rural property owners and communities to bear the burden of water loss, remedial capital investment to restore water access, lost income, property value erosion and mental stress for the benefit of the water proprietors, in my case, Vista Ridge and the San Antonio Water System.

Private exempt wells are the predominant water infrastructure in many rural areas. Our infrastructure deserves full consideration when assessing whether a proposed water use will have unreasonable effects before issuing a permit. HB 5052 will help by giving the groundwater conservation districts (GCDs) a necessary tool to ensure that the impacts on private owners of exempt wells are fully considered before issuing a permit to a project like Vista Ridge.

This oversight in the Texas Water Code has gone unaddressed for too long. By excluding exempt wells from the assessment of "unreasonable affects", the Texas Water Code subverts the rights of private landowners who have a claim to the water under their property for the benefit of commercial, non-exempt well owners. Further, the current water code prioritizes large urban and suburban communities over rural landowners. It places commercial profits over private property rights and incentivizes the unmitigated taking of water resources over the sustainable development of water supply projects. It transfers the cost and risk of larger water export projects like Vista Ridge to rural communities. This is unjust and should not be our burden to bear.

I strongly urge the Natural Resources Committee to support HB 5052.

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Judith McGeary

Farm and Ranch Freedom Alliance and self (nonprofit executive director, lawyer, and farmer)

Cameron, TX

The Farm and Ranch Freedom Alliance supports HB 5052, to provide for consideration of new permits on exempt wells. Exempt wells are a vital resource for numerous families across Texas, providing their households with water. By doing so, exempt wells not only benefit those families, but the broader community; in practical terms, exempt wells allow people to live in areas that would otherwise require very expensive water infrastructure to be constructed. The impact of new groundwater production on these wells should be one of the factors considered by groundwater conservation districts.

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Carlos Rubinstein

Self and on behalf on Andrew Sansom, Belding Farms and Cockrell Investment Partners

Austin, TX

Comments in Support of HB 5052

By

Carlos Rubinstein and Andrew Sansom, on behalf of Belding Farms and Cockrell Investment Partners

March 28, 2023

Mr. Chairman and Members of the Committee:

My name is Carlos Rubinstein. I previously served as TCEQ Commissioner and Chairman of the TWDB. These comments are submitted on behalf of myself and Mr. Andrew Sansom, former Executive Director of the Texas Parks and Wildlife Department. Together we assist Belding Farms and Cockrell Investment Partners on sustainable groundwater management concerns. I am submitting our comments FOR HB 5052 by Representative Gerdes.

Belding Farms, owned by Cockrell Investment Partners, participated in various hearings during the interim session where groundwater concerns, including water availability model and desired future conditions (DFC) deficiencies were discussed.

DFCs inform planning and permitting decisions. DFCs by themselves do not cause localized impacts. Permitting decisions and groundwater production does. Permitting decisions that do not consider impacts to all current users of water are inherently flawed.

Permit exempt uses in surface water are superior to issued water rights. When considering first in time first in right – these superior right uses are first of the first.

In choosing to manage surface water and groundwater differently in Texas, we have failed to require that GCDs recognize and protect permit exempt uses during the district's permitting deliberations. While unfortunate and representative of an act that is not protective of a landowner's property right to groundwater, this situation remains wanting for correction by the Legislature.

HB 5052 corrects that noted oversight. A simple yet very much needed action.

For all the reasons stated, we respectfully submit these comments on behalf of Belding Farms and Cockrell Investment Partners in support of HB 5052.

Carlos Rubinstein  
March 21, 2023  
512-797-0292  
carlos@rsah2o.com

Andrew Sansom  
512-557-1258

Jeri Matthys  
Retired Citizen Lee County TX  
Lexington, TX

I would like to go on record as a citizen of Lee County, as being in favor of HB 5052, introduced by my Representative Stan Gerdes. Groundwater Conservation Districts should be required to consider unreasonable effects on domestic and livestock wells when deciding on new permits. Other groundwater users, household and domestic wells, should be taken into account when GCD's are deciding on new permits. I urge you to move HB 5052 through Committee!

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Michele G. Gangnes  
Neighbors for Neighbors/ Self (Attorney)  
Lexington, TX

I am a retired attorney and have been a landowner in Lee County for almost 25 years. I submit these comments "FOR" HB 5052, both on my own behalf and on behalf of Neighbors for Neighbors, a grassroots nonprofit based in Lee County. I have been involved in the somewhat unique groundwater issues that have faced Lee County since 1999 when NFN was formed, in part to address those issues, with a focus on the permitting of massive groundwater projects in the central Carrizo-Wilcox Aquifer from the perspective of landowners, especially those with household and domestic wells that are impacted by these projects. These household and livestock wells must and should be considered when groundwater districts consider unreasonable effects or impacts of projects they are asked to permit. Unreasonable impacts on them are as important and as deserving of consideration as any of the other factors GCD's consider now under Sec. 36.122 for operating permits. In fact, several sessions ago, the Legislature found impacts on them as "other groundwater users" worthy of consideration when EXPORT permits to support operating permits are considered. To my knowledge, this provision has not been challenged. This is an entirely appropriate provision when water that has already been produced leaves the district permanently --- and therefore, it is an entirely appropriate inquiry when water is permanently removed from the AQUIFER which is the source of supply for other groundwater users, clearly including domestic and livestock wells in which landowners are heavily invested economically and personally, often without other alternative supply sources. Thank you for your consideration of these important owners of critical water infrastructure in this state.

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