

**HOUSE OF REPRESENTATIVES  
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Natural Resources  
For HB 3059

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Hearing Date: March 28, 2023 8:00 AM

Judith McGeary

Farm and Ranch Freedom Alliance and self (nonprofit executive director, attorney, and farmer)  
Cameron, TX

The Farm and Ranch Freedom Alliance supports HB 3059. The concept of local groundwater conservation districts is extremely important in our state, given the diverse aquifers, economic and social conditions. However, the effectiveness of GCDs has been severely hampered through lack of funding. The majority have insufficient funding to effectively understand, much less regulate, in their area. Those that obtain funding are often too beholden to a few large water producers. While we are cautious about supporting any new fees or taxes, experience has shown that funding GCDs at a reasonable level is important to the future of our local communities and our state.

william Rhodes

TDL 04717357 IAMI 03849-134  
Lexington, TX

House HNRC  
28 March 2023

I am William Rhodes. I am testifying "for" HB 3059.

I live in the rural area of northern Lee County. I am a retired professional engineer. My family has been in Texas for a long time. My great-great grandad got his name on the wall at San Jacinto for fighting for Texas' independence. I now live on land my grandparents purchased in 1919.

My wife and I built a new home on the property in 2009. We had a water well drilled for domestic and livestock water (\$12,500 in 2009). I attended the board meetings for Lost Pines Groundwater Conservation District and heard the experts say, "don't worry, there is plenty of water" (some are still saying it). In April 2021, our water well started pumping air. Our water well is approximately 3 miles from the Vista Ridge well field in Burleson County. The water level in our well fell from 120 feet to 200 feet below the surface. Our well is one of many domestic or livestock well in the affected area. Fortunately, our water pump could be lowered to 280 feet, the bottom of the well. However, the water level in our well was 247 feet in August and continues to drop. When the water level falls to 289 feet, our well is dry.

How did we get here? No one bought any water rights from us. I just got a failing water well out of the deal! I think it's only fair that organizations that profit from pumping and selling groundwater out of the district should pay an export fee, and the portion of regulatory fees be "to maintain the operability of wells significantly affected by groundwater development."

I urge you to vote "for" HB 3059. Thank you.

Carlos Rubinstein

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

Comments in Support of HB 3059

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 3059 by Chairman King.

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.

We heard and share the concerns from landowners that testified before this Committee relative to impacts caused by groundwater transport projects. We are not opposed to a landowner's desire to market their groundwater, including for uses outside of a district. However, to quote from landowners testifying before this Committee, situations where "someone has monetized my property right to groundwater for a project I never participated in" resonates with us.

We recognize that impacts from significant groundwater development for transport and use outside of a district is already occurring in parts of Texas and likely to be repeated in many others in the very near future. Landowners who decide not to participate in such projects should not have to individually undertake costly corrective actions to mitigate loss of water pressure or elevation in their wells caused by another party's development of groundwater for transport and use outside of the district. Many landowners recognize that Texas is defined by large open spaces that are privately owned. With that ownership comes right to groundward underneath the land in place. Groundwater that in many places represents the only source of water. The changes called for under HB 3059 are protective of such property interest to groundwater.

We welcome HB 3059's authority to charge fees for use by a groundwater conservation district "to maintain the operability of wells significantly affected by groundwater development."

For all the reasons stated, we respectfully submit these comments on behalf of Belding Farms and Cockrell Investment Partners in support of HB 3059.

Carlos Rubinstein  
March 21, 2023  
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Andrew Sansom  
512-557-1258

Michael Orosco  
Self - Retired  
Lexington, TX

My name is Michael Orosco, and I am a landowner in Lee County.

I am in favor of HB 3059.

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 the cost of \$40,000 - \$50,000.

Many friends and neighbors share a similar story. 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 is essential to the growth and prosperity of the state's large and growing communities, it is equally critical to the communities from which it is sourced. 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.

We need sustainable water development. HB 3059 provides essential funding to groundwater conservation districts (GCDs). The proposed fees could help ensure that the GCDs are positioned to enable sustainable water development that is not at the cost and risk of rural landowners. The GCDs could use these fees to achieve the following:

- 1) Address the high administrative, monitoring, modeling, and legal burden caused by the increasing number of permit applications for water production and export projects.
- 2) Provide mitigation assistance when commercial export projects compromise the water supply for private, domestic well owners.
- 3) Prevent the moral hazard created by placing low or no value on water production.

If water production is free or cheap, there is no incentive to conserve and protect our resources from waste. Further, no financial motivation exists to develop innovative solutions that add to the resource base when commercial projects can extract the resources well below a fair market price and are not required to address the consequential damages caused to existing well owners.

Water proprietors will object, but their profits should not be placed above rural property rights and the protection of our natural resources. Our water is precious and finite and should be priced as such. If Vista Ridge is any example, the proposed fees are insignificant compared to the downstream price when the water is sold.

I strongly urge the Natural Resources Committee to support HB 3059.

Thank you for your consideration and the opportunity to comment on the proposed legislation.

Jeri Matthys  
Retired Citizen Lee County TX  
Lexington, TX

I would like to go on record in support of HB 3059! Water is the new oil! Groundwater Conservation Districts should be allowed to raise regulatory fees. This bill would give GCDs the authority mitigate wells significantly damaged by groundwater development. I urge you to move this bill through committee!

Stephanie Holderfield

Myself

Montgomery, TX

I do not support an increase in fees.

Michele G. Gangnes, Esq.

SELF (Attorney)

Lexington, TX

I urge passage of HB 3059.