

**HOUSE OF REPRESENTATIVES  
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Natural Resources  
For HB 3990  
Compiled on: Tuesday, March 28, 2023 2:35 PM

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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 3990. While Texas law treats groundwater and surface water as distinct, the physical reality is that they are interconnected in many ways. HB 3990 prioritizes developing data for the areas where these interconnections have the greatest impact, supporting sound policy making.

William Rhodes

TDL 04717357 IAMI 03849-134  
Lexington, TX

House HNRC  
28 March 2023

I am William Rhodes. I am testifying “for” HB 3990.

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. I attended the board meetings for Lost Pines Groundwater Conservation District.

As a groundwater user, I am committed to protecting my groundwater rights. As a retired engineer, I can attest to the value of the scientific study to better understand our natural world. HB 3990 is an essential step in the development of groundwater and surface water science and in protecting water resources and the property rights of Texans.

I urge you to vote “for” HB 3990. Thank you.

Edward Flato  
Self  
San Antonio, TX

My family has deep roots in Central Texas, having been on our 18,000-acre ranch on the headwaters of the West Nueces in Edwards County since the 1930's, and we have a vivid memory of the dry years and the meager spring flows that came from a water starved aquifer. In the past three years, we have experienced one-half of our annual rainfall, and the aquifer supplying our river springs is way down, and the river, which is historically robust, is lean. This is a natural condition, the ebb and flow of rainfall in the hill country. I can only imagine, as our state's population grows and the need for water increases, that if we do not manage our ground water with proper data, and thoughtful regulation, that our branch of the Nueces will cease to exist.

As a landowner who is devoted to ensuring that springs continue to flow, I am very concerned about declining groundwater levels and declining flows in rivers across Texas, particularly in the Hill Country. This is why I, along with other like-minded landowners across the Hill Country and Edwards Plateau, have formed the Headwaters Alliance – a coalition of landowners advocating for spring flow protection.

Texas' current framework for managing groundwater does not protect my interest in conserving the groundwater beneath my land – groundwater that is essential to keeping springs and rivers flowing, benefitting downstream surface water users and communities. With the exception of a few sophisticated groundwater conservation districts that manage to protect spring flow (for example, Edwards Aquifer Authority, Barton Springs Edwards Aquifer Conservation District, Clearwater Underground Water Conservation District), most groundwater districts have adopted desired future conditions that allow groundwater levels and artesian pressure to decline, reducing spring flow and base flows to streams and rivers.

Science is obviously very important to understanding connections between groundwater and surface water. However, smaller groundwater conservation districts do not always have the highly local data and modeling that is needed to truly understand the connections between groundwater and surface water. This is particularly important to me, as a landowner, because I own my groundwater and want to ensure that it continues to sustain the springs and creeks on my land. Without adequate data and science, I am left in the dark and so is my local groundwater conservation district.

Groundwater and surface water interaction science will not only help local groundwater districts do a better job making decisions that impact my land and water, it will also allow us to come together with other stakeholders to address solutions – many of which can be beneficial to landowners. For example, if we have good data to understand where the recharge area for a spring is located, then conservation organizations can work with landowners on voluntary solutions to protect flow.

I urge you to support HB 3990.

Gerald Nobles  
Ranch Owner  
Brady, TX

Please please approve this bill

Amy Pfluger, Owner

Self

Austin, TX

My family has owned the 700 Springs Ranch, the headsprings of the South Llano river, since 1980, and over that time, we have seen a marked decrease in flow of the 700 Springs. Without good data, we don't know whether this decrease is due to the impact of drought, the explosion of nearby water wells due to subdividing in the hill country, or some other factor. Regardless, collecting good information can only help policy makers make decisions to support continued spring flow to our rivers from the aquifers.

Support for House Bill 3390

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Science is obviously very important to understanding connections between groundwater and surface water. However, smaller groundwater conservation districts do not always have the highly local data and modeling that is needed to truly understand the connections between groundwater and surface water. This is particularly important to me, as a landowner, because I own my groundwater and want to ensure that it continues to sustain the 700 Springs on my land. Without adequate data and science, I am left in the dark and so is my local groundwater conservation district.

Groundwater and surface water interaction science will not only help local groundwater districts do a better job making decisions that impact my land and water, it will also allow us to come together with other stakeholders to address solutions – many of which can be beneficial to landowners. For example, if we have good data to understand where the recharge area for a spring is located, then conservation organizations can work with landowners on voluntary solutions to protect flow.

I support House Bill 3990 and urge you to do the same.

Roger Wallace

self/retired

Blanco, TX

My wife and I have owned a small farm on the Little Blanco River since 1979. Over the past forty-four years we have seen this little river flood, run dry, and flow with spring fed crystal clear water. The river is lined with cypress trees, some of them several hundred years old.

What we have observed in the past fifteen years is that the river does not recover from drought as rapidly as it did in the past. We know that the aquifer levels have dropped significantly as the Hill Country has become a magnet for growth and development. We cherish this little river and the cypress trees that line it. We hope to preserve it for our children and grandchildren. Please support House Bills 3990 and 4532 so that the groundwater districts that will decide on the fate of the Hill Country streams and rivers will have the necessary scientific knowledge to make informed decisions.

Sincerely,

Roger and Mary Wallace

Carlos Rubinstein

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

Comments in Support of HB 3990

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 3990 by Representative Kacal.

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.

It is well recognized that the vast majority of adopted DFCs call for unsustainable groundwater use evidenced by the adopted DFCs that call for continued depletion. Depletion of a limited and very valuable resource, particularly to rural Texas.

It is also recognized that in many parts of Texas groundwater and surface water interact. Groundwater contributes to stream flow, and surface water helps recharge aquifers. Such interaction is valuable – yet not well studied in Texas. Depletion of groundwater not only impacts local uses, it also endangers surface water flow and associated uses. Same is true where surface flows are reduced due to groundwater recharge.

HB 3990 is a significant positive step forward by requiring the TWDB to identify known groundwater and surface water interaction studies, identify where such interactions are most prevalent in Texas and where additional data is needed. Clearly, HB 3990 is a study bill – and a very much needed one.

Better data leads to better science which leads to better water policy. We must understand what we know and what we do not yet know or effectively model as it relates to groundwater and surface water interactions.

For all the reasons stated, we respectfully submit these comments on behalf of Belding Farms and Cockrell Investment Partners in support of HB 3990.

Carlos Rubinstein  
March 21, 2023  
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carlos@rsah2o.com

Andrew Sansom  
512-557-1258

Larry French  
Texas Public Policy Foundation  
Austin, TX

Comments in support of HB 3990

By  
Larry French, P.G., on behalf of the Texas Public Policy Foundation  
March 28, 2023

Chairman King and Members of the Committee:

My name is Larry French, and I am the Senior Visiting Fellow for Water Policy at the Texas Public Policy Foundation. For nearly 11 years I directed the Groundwater Division at the TWDB. Today I'm submitting comments on behalf of the Texas Public Policy Foundation FOR HB 3990 by Representative Kacal.

The interaction between surface water and groundwater has been the subject of increasing interest and research. In 2015, the 84th Texas Legislature passed HB 1232 that required the TWDB to study the contribution of confined and unconfined aquifers to surface flow of any water in the state. The study estimated that approximately 9.3-million-acre feet of groundwater flows into rivers and streams, representing about 30 percent of average annual flow. That report was completed and delivered to the Legislature in December 2016. Since then, the TWDB has funded a study of the recharge characteristics and groundwater-surface water interactions of aquifers in Central and West Texas. In addition, the updated groundwater availability model for the Northern Carrizo-Wilcox Aquifer in East Texas estimated that between about 200,000-to-300,000-acre feet of groundwater flows to the region's rivers and streams.

To plan for supplying water to the Texans of tomorrow it is imperative that we understand how these two water types interact and intersect. For this reason, I submit these comments on behalf of the Texas Public Policy Foundation in support of HB 3990.

Larry French, P.G.  
March 28, 2023  
512-740-4125  
LFrench@texaspolicy.com

Annalisa Peace  
Greater Edwards Aquifer Alliance  
San Antonio, TX

These comments are submitted on behalf of the 55 member groups of the Greater Edwards Aquifer Alliance (GEAA) in support of HB 4532. GEAA unites 25,000 Texans in 21 counties in advocacy of protections for the Edwards and Trinity aquifers and the streams and rivers within these watersheds.

This bill would require the Texas Water Development Board to calculate the modeled sustained groundwater pumping volumes for aquifers in Texas. This is defined as the maximum amount of groundwater that the executive administrator, using the best available science, determines may be produced annually in perpetuity from an aquifer. The bill amends Section 36.108 of the Texas Water Code to add this volume to the list of things a groundwater conservation district must consider when adopting a desired future condition.

This is especially pertinent to our efforts to ensure that the Trinity Aquifers, which are slow to recharge, do not go into water deficit. As population and reliance on groundwater resources proliferate in Central Texas, the prospect of permanently depleting these aquifers is real and imminent. Hydrologists warn us that much of the water currently being pumped from these systems is water that entered the Trinity in ancient times, indicating that recent recharge is not sufficient to meet current needs.

As large ranches are broken up into smaller parcels, each afforded under state law with exempt wells for household use, the number of our members who have to drill their wells deeper increases. We need to make sure that our groundwater resources are managed so as to be reliably sustainable. This bill will provide our groundwater conservation districts and priority groundwater management areas with much needed data that they can use when setting long-term management goals, or desired future conditions.

We strongly urge you to approve the passage of HB 4532.

Jeri Matthys  
Retired Citizen Lee County TX  
Lexington, TX

I would like to go on record in support of HB3990! Water is the new oil! This bill would allow us to collect data on surface water and groundwater interaction which is desperately needed! I urge you to move this bill through committee!

Michele G. Gangnes, Esq.  
SELF (Attorney)  
Lexington, TX

I submit these comments on behalf of myself "FOR" HB 3990, as a landowner in Lee County and an active participant in the affairs of my local groundwater district, through my volunteer efforts as a board member of the Simsboro Aquifer Water Defense Fund . The study called for by Rep. Kacal's bill is a critically important step in the development of groundwater and surface water science, and in protecting water resources and the property rights of Texans. We have known the importance of data in the development of the best available science for application to sustaining our aquifers and surface water systems, and the ecosystems they support. Engaging state resources in studying the data, NOW, on how these two systems interact, is a highly appropriate expenditure of state funds, in order to inform our efforts to sustain them in perpetuity before they are irretrievably impaired by our failure to invest in this data.