

From: "Milan J. Michalec" <redfish@gvtc.com>
To: <bill.roberts@twdb.state.tx.us>
Date: 10/6/2006 8:45:59 PM
Subject: Water for Texas - 2007

Mr. Roberts,

I realize I may have missed the 5:00 PM deadline.

However, attached are my comments for Water for Texas - 2007.

If you need a signed copy, just let me know and I'll be happy to respond with snail mail or a scanned copy.

Thank you.

Milan J. Michalec
Boerne

05 October 2006

Mr. Roberts,

I appreciate the opportunity to provide input to the 2007 State Water Plan. Please accept these comments on Water for Texas-2007.

I will direct my comments to the Planning Group Policy recommendations, Chapter 13, Groundwater Conservation Districts.

My comments are based on my experiences as a domestic well owner within Region "L".

Additionally, I am President of the Kendall County Well Owners Association and a Director elected to the Cow Creek Groundwater Conservation District.

I echo the groups' recommendations to add new districts, strengthen the district authority, provide them with more training and encourage collaboration with each other.

I would add the following comments and recommendations with supporting rationale.

1. The seven-county area known as the Hill Country Priority Groundwater Management Area (PGMA) was defined in 1990. According to the Texas Water Code, all portions of this area must form local groundwater conservations districts, yet southwest Travis County and northwest Comal County still have not done so.

As an example of what happens in the absence of a Groundwater Conservation District, I submit Comal County's first Water Control & Improvement District. This District would be created specifically for the Johnson Ranch development.

Ordinarily, developers must go to the County Commissioners Court to get a water district approved, but if the county denies the application, the developer can go to a district court or to the Texas Commission on Environmental Quality (TCEQ) to get approval over the county's objection.

Recommendation: Complete the Hill Country PGMA designation process and proceed to establish the Groundwater Conservation Districts as prescribed.

2. According to the Region "L" Plan, the total estimated groundwater available for production in Kendall County is 4,840 acre feet per year (acft/yr). As the District moves to register all wells and total demand is calculated, it is conceivable the total demand of existing wells will exhaust the available groundwater.

This places domestic and livestock wells at significant risk. Unlike Public Water Systems, which can also draw from newly available surface water sources, these wells have no alternate source.

It is important to note groundwater availability is also affected by entities beyond the boundaries of the District.

In this area of the Trinity, the City of Fair Oaks Ranch reports operating 33 wells in the Cow Creek level of the Trinity Aquifer. The estimated demand is 675 acft/yr.

Additionally, the Bexar Metropolitan Water District produces and delivers over one million gallons per day from large and small capacity wells drilled in the Trinity Aquifer. This represents an estimated demand of 1,095 acft/yr.

Furthermore, in 2002, the San Antonio Water System (SAWS) began pumping from the Oliver Ranch/BSR well fields, the first non-Edwards water source for the City of San Antonio.

The total 2003 pumpage was 1,668 acft/yr. For 2004, it was 3,738. According to SAWS, the total estimated sustainable production from this part of the Trinity Aquifer is 5,000 acft/yr.

Should this continue, especially in times of drought, the needs of rural groundwater users will be sacrificed to support the demands of ever growing municipal systems.

Recommendations: A. Develop a coordination and approval process that reflects the hydrologic relationship, rather than political boundaries, of the Trinity and Edwards Aquifers. B. Provide for a process to share groundwater resources that reserves sufficient ground water for existing domestic and livestock wells in both aquifers.

3. Conjunctive water projects recommended in the State Water Plan have already begun to impact Kendall County. High density development is flourishing and strained groundwater resources are more common.

With the inter-basin transfer of water from the Canyon Reservoir of the Guadalupe-Blanco River Basin, to the Cibolo watershed of the San Antonio River Basin, the first evidence of this is already hitting much of the Hill Country area, in particular, the county of Kendall.

Five proposed county developments, MUDs (municipal utility districts) and otherwise, have made headlines in the Boerne area of Kendall County.

Proposed subdivisions based on surface water from the Guadalupe-Blanco River Authority (GBRA) Western Canyon Regional Water Supply Project could potentially add over 7,200 connections in the county.

Ultimately, increased density impacts quality and quantity of groundwater.

Recommendation: Guidance must be developed that compels a Wholesale Water Provider (WWP) such as GBRA to work with local elected officials before water is promised to developers.

4. The use of out of county water, like that provided by GBRA, is also proving problematic. If

groundwater is the source, then State law clearly establishes Groundwater Conservation Districts as the authority for all groundwater matters.

However, a strategy of mixing surface water with groundwater is emerging with increasing frequency. This is causing great conflict between State, County, and Municipal responsibilities.

This is especially problematic for Groundwater Conservation Districts in the Hill Country PGMA.

Furthermore, in the absence of a Groundwater Conservation District, as in the previous example in Comal County, the traditional role of the County to establish density limits to protect groundwater is being circumvented altogether.

Recommendation: Guidance should be developed that recognizes conjunctive use affects Groundwater Conservation Districts. As such, a WWP should be required to coordinate future distribution of surface water with both the affected Groundwater Conservation District and County officials.

5. As with the example given previously for Kendall County, rapidly increasing development in rural areas is made possible by the distribution of out of county surface water.

This allows for development in areas that traditionally were only sustainable by groundwater resources. Increased impervious cover from this additional development degrades both the quality and quantity of groundwater, as well increased stream bank erosion.

As evidenced by efforts of the Edwards Aquifer Authority (EAA) to implement impervious cover limits, resistance has been widespread, including some within the Legislature.

In an area such as Kendall County, these limits would most likely be developed in coordination with county officials. This would provide for the appropriate density for local geology.

Conversely, without this consideration, a WWP such as GBRA, can distribute State water throughout a river basin without regard to local, and differing, geologic realities.

Recommendation: Should they desire, Groundwater Conservation Districts should be empowered to develop and manage impervious cover limits to protect groundwater resources. Regarding the EAA, the same consideration should be applied and supported by the Texas Water Development Board.

6. Traditionally, Groundwater Conservation Districts have limited financial resources. Most notable is the lack of funds to pay for legal services.

As groundwater resources continue to be reduced through strategies outlined in Water for Texas 2007, Groundwater Conservation Districts are facing the very real prospect of restricting or denying permits for groundwater. The result is a legal challenge. Facing such a legal challenge is costly.

Recommendation: The State has determined Groundwater Conservation Districts are the preferred method of groundwater management in Texas. Therefore, adequate legal support funding should be established in contingency for Districts to access when requested.

Thank you again for allowing me to participate in the comment process.

Sincerely,

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The public is encouraged to attend the [public meetings and hearing and provide comments](#). Comments may be submitted to the TWDB in writing or by e-mail and should be directed to Bill Roberts, Texas Water Development Board, P. O. Box 13231, Austin, Texas 78711-3231 or at bill.roberts@twdb.state.tx.us *(If your email program does not allow you to click on Bill Robert's email address, simply open your email program and type in bill.roberts@twdb.state.tx.us in the "To" line of your email message.)*