

Brewster County Groundwater Conservation District No. 1

Summary of Verbal Comments and Questions Presented at July 19, 2018 9:00 AM Hearing for Groundwater Production Permit GPP-004

This summary was prepared by the District's General Manager (GM) for the District's Directors. Attached to this summary is a copy of the public notice placed in the *Alpine Avalanche* on June 28, 2018 and on the District's website (<http://westtexasgroundwater.com>). The notice requested that written comments regarding the proposed draft permit be provided to the District prior to the hearing to allow the GM to prepare answers to those questions prior to the hearing. Only two written comments (emails) were received. A copy of the proposed draft permit (GPP-004) was posted on the District's website on June 29, 2018. No one requested a contested hearing (See District Rules, Chapter 9, Subchapter D).

During the hearing, there were approximately 40 participants of which approximately 20 people made oral comments. No one at the hearing provided written comments and the hearing was closed after all oral comments were received. Answers to the majority of the comments can be found in the Application GPP-004 and in the proposed Draft Groundwater Production Permit GPP-004, both of which were available to the public for three weeks prior to the hearing. Additional clarification to some of the comments can be found in Chapters 5, 8, and 9 of the District's rules which have been available to the public since late January of this year and can be downloaded at: <http://westtexasgroundwater.com/rules/>

The two written comments received prior to the hearing are:

From: Stuart Crane scranemd@yahoo.com

Date: July 14, 2018 at 9:48:29 AM CDT

To: Brewster County Groundwater Conservation District bcgwcd@gmail.com

Subject: Re: GPP-004

I do not wish a contested case hearing. My concerns have been addressed by a board member.

Stuart Crane

From: Stuart Crane <scranemd@yahoo.com>

Date: Fri, Jul 13, 2018 at 4:31 PM

Subject: GPP-004

To: <bcgwcd@gmail.com>

I am concerned about the impact on my private well in Brewster County and am voicing opposition to the quantity of water requested for this permit. If you approve this permit and especially if water is to be shipped out of the district I am concerned my home water supply will be reduced or lost. Please deny or delay this permit for more thorough analysis.

Stuart Crane

404 Texas Oak

Alpine TX 79730

Reply: Chapter 5, Subchapter D (Groundwater Export Permit) of the District's Rules prohibits exportation of groundwater from the District without an export permit. The proposed Permit GPP-004 is a Groundwater Production Permit and specifically limits the use of the groundwater to the property owned by the applicant that is identified in the permit and is within the District.

WRITTEN COMMENT #2

From: "Ray J" <rpjaniczek@bigbend.net>

Date: July 13, 2018 at 7:23:03 PM CDT

To: "Brewster County Groundwater Conservation District" <bcgwcd@gmail.com>

Subject: RE: BCGCD Agenda 7.19.18

Summer,

As always we appreciate your invitation for inclusion in the Brewster County Groundwater Conservation District Meetings.

In consideration of the importance of water prudence especially out here in West Texas and then just for my own curiosity, I have a question with respect to an applicant for a Groundwater Production Permit such as Johnny Stubbs in your upcoming meeting who is listed as item GPP-004 requesting permission for extraction of a specific large amount of acre-feet of water per year presumably for his Mining Business.

If his request becomes granted "is there any provision or stipulation included in writing within his permit which would limit his rights in order to prevent his "actual sale of the removed water itself for profit", i.e. Stopping him from conveying the water removed over to a third party for his own personal or business gain?

If I'm not mistaken, there is a railroad track network that passes directly through or very near his stated property heading out and northeast.

Thanks in advance,

Ray Janiczek, Performance Engineering, Alpine, TX

Reply: Chapter 5, Subchapter D (Groundwater Export Permit) of the District's Rules prohibits exportation of groundwater from the District without an export permit. The proposed Permit GPP-004 is a Groundwater Production Permit and specifically limits the use of the groundwater to the property owned by the applicant that is identified in the permit and is within the District.

ORAL COMMENTS MADE AT HEARING

Many of the comments and questions made during the hearing can be grouped into several general questions. Some of the comments were in regard to issues or concerns for which the District has no jurisdiction or statutory authority over (such as dust, noise, or railway traffic). No reply was given to such comments because the Board of Directors is aware of the statutory limitations on its powers and the limited subject area of the District's Rules. When the questions were brief or unclear, a sincere effort was made to try and capture the intent of the question.

1. ***Has there been enough study to actually approve any permits?***

Reply: The applicant submitted a detailed analysis of the groundwater in the area of the proposed permitting and that, in the opinion of the applicant's geologist, supporting that there is no impact of the proposed pumping on existing permits or wells. A copy of completed Application GPP-004 can be downloaded from the District's website at <http://westtexasgroundwater.com>. The District's engineer prepared a technical review of the application and a copy was provided to each board member prior to the permit hearing.

2. ***What constitutes Beneficial Use of Groundwater?***

Chapter 36 of the Texas Water Code defines "Use for a beneficial purpose" as use for: (A) agricultural, gardening, domestic, stock raising, municipal, mining, manufacturing, industrial, commercial, recreational, or pleasure purposes; (B) exploring for, producing, handling, or treating oil, gas, sulphur, or other minerals; or (C) any other purpose that is useful and beneficial to the user.

3. ***How was the Water Allocation Factor determined for the draft permit GPP-004?***

Reply: The draft Order Calculating the Water Allocation Factor (Factor) for the Northeastern Alpine Plain Area (Area) proposed a Factor of 0.02807 acre-feet per acre per year (equal to 230 acre-feet per year divided by 8,193 of deeded land owned by the applicant over the Igneous Aquifer.) This Factor is approximately 1/100th of the allocation factor used for exempt domestic and livestock wells. The TWDB Groundwater Database shows there are only 6 existing wells within this Area (3 of which are affiliated with the applicant). Of the 3 wells not affiliated with the applicant, one is listed as a stock well and the other two as "unused." The applicant applied for a drilling permit and completed a well near Alpine Creek (see application) with a flow rate of 71 gpm (115 acre-feet per year) after 36 hours of pumping. The applicant has applied for and received 2 additional drilling permits and anticipates a total production capacity between the three wells of 142 gpm (230 acre-feet per year). The draft permit proposed to allow the applicant 5 years to prove that 230 acre-feet per year can be produced from the aquifer or subject to board action, the permit production amount and Factor can be reduced to the actual amount of water produced.

4. ***Why did the applicant come down from the 600 acre-feet per year request?***

Reply: The District's GM worked with the applicant to reduce the total need for groundwater by installation of a water capture and recycling facility.

5. ***What about re-injecting the runoff generated from washing the aggregate?***

Reply: The District's engineer determined that it would be more efficient (consume less groundwater) by recycling the water used to clean the crusher dust off the aggregate. Also, aquifer recharge by injection would be difficult in the area of the water use.

6. ***Possible contamination of the groundwater from the aggregate operation?***

Reply: The purpose of the recycling pond is to settle the dust generated by mechanical crushing that is required to form the aggregate from the excavated rock. The crusher dust is not soluble in

water and no potential exists for groundwater contamination. Also, the recycling ponds will be lined to prevent seepage and conserve water.

7. ***Why do they need so much groundwater if they will be recycling?***

Reply: The proposed recycling improves the water efficiency in cleaning the aggregate. If there was no recycling, 2 to 3 times more water would be needed.

8. ***If the business is already operational, how is the water coming now?***

Reply: The aggregate operation has just started and will not be up to full capacity for one or more years, but currently water used by CSA is coming from CSA#1 well (see application) and there is a temporary agreement to use water from an existing permit for up to 25 acre-feet per year.

9. ***How will it affect the City of Alpine's wells?***

Reply: The City of Alpine's closest well (52-35-402) is approximately 6.9 miles west of the applicant's well and the elevation of the bottom in the City Well (3945') is approximately 135 feet higher than the static water elevation in the applicant's well (3810'). It is very unlikely that pumping of the applicant's well will have any effect on the water level in the City's wells.

10. ***How quickly will the board respond if the proposed pumping adversely impacts existing wells?***

Reply: The board meets the third Thursday of every month. Any person owning an existing well that feels that her or his well is being adversely impacted by any pumping in the District should bring this to the attention of board by letter or attending a board meeting or both. If the board determines that the conditions of a permit are in violation of the District's rules, it can instruct its GM to take action in accordance with provisions of Chapter 11 – Investigations and Enforcement of the District's Rules.

11. ***How can the owner of a well prove the well was adversely impacted by the proposed permit?***

Reply: The well owner can present written information regarding her/his well and its proximity and geological connection to the applicant's well. Important information would include records of water levels and how the water levels have changed over time, and estimates of how much groundwater is being pumped by wells near her/his well.

12. ***What is the expected impact of the permit on the wells in Double Diamond?***

Reply: Double Diamond's closest well (52-44-711) is approximately 12.2 miles south of the applicant's well and the elevation of the bottom of the Double Diamond well is (4900') is approximately 1,090 feet higher than the static water elevation in the applicant's well (3810'). The quality of water in wells located in the Double Diamond area is significantly different from the quality of water from the CSA#1 well. Based on this information it is highly unlikely that pumping of the applicant's wells will have any effect on the water levels in any of the wells in the Double Diamond subdivision.

13. ***What is the impact on the Marathon Aquifer?***

Reply: The wells are located in the Igneous Aquifer approximately 21 miles northwest from the

closest boundary of the Marathon Aquifer and there is likely very limited, if any, connection between the groundwater in area near CSA Well #1 and the Marathon Aquifer.

14. ***How much water is used now?***

Reply: The applicant has a temporary agreement with a permit holder to use up to 25 acre-feet per year. Water use for the months of January through June 2018 was 17.51 acre-feet.

15. ***How much unpermitted water is used in the Igneous Aquifer?***

Reply: The District's estimate of non-permitted non-exempt use from the Igneous Aquifer in 2017 was 400 acre-feet per year and 110 acre-feet per year for permitted use. The Texas Water Development Board's estimate of exempt water use from the Igneous Aquifer is 128 acre-feet per year. The City of Alpine does not report their water use to the District, but the annual capacity of the City's wells within the District was reported as 1,428 acre-feet per year in the 2016 Far West Texas Water Plan.

16. ***Need to keep a reserve amount of water for future domestic use.***

Reply: Under Texas law and the District's Rules, domestic use is exempt from permitting but limited to 25 acre-feet per year of groundwater use for parcels of land of 10 acres or greater. The estimated total amount of exempt use of groundwater in the District must be accounted for prior to allocating any groundwater for non-exempt uses.