

THE GROUNDWATER DISTRICT SAYS NO

Submitted by Curtis Chubb

Water-marketer Blue Water Systems (BWS) was on the agenda for last week's meeting of the Post Oak Savannah Groundwater District. Forty people attended the meeting – seven of which made public comments concerning BWS and the District's groundwater management policies.

Milam County Resident Don Schuerman wanted to know why the District's general manager, Gary Westbrook, was allowed to make statements to the press which were not in the best interests of Milam County. Later in the meeting, Westbrook stated he had been misquoted.

Lee County Resident Michele Gangnes attended the meeting because Lee, Milam, and Burleson Counties share the same aquifers. She discussed the publicity about the District planning to issue new pumping permits to BWS when the Carrizo-Wilcox Aquifer drops due to overpumping. She challenged the District to publicly declare its policy for issuing new pumping permits when pumping is cutback.

Other Milam County residents urged the District to fulfill their duty as "regulators" and protect "us folks" who have carved out a home here and depend on groundwater for survival. Several speakers requested the board to deny BWS' request to add ten years to their transport permit.

For some background: BWS has permits to pump and export 71,000 acre-feet/year of our groundwater. This amount of pumping will deplete the Carrizo-Wilcox because it greatly exceeds the aquifer's recharge. Milam County will be affected sooner than Burleson County because we are at the Carrizo-Wilcox's shallow end.

At present, BWS is negotiating the biggest turn-key groundwater deal in Texas history with the San Antonio Water System. If the \$3.4 billion deal is completed, 50,000 acre-feet of BWS' permitted groundwater will be exported to San Antonio annually.

Although San Antonio Water System President Robert Puente often criticizes groundwater districts for having rules blocking the export of large amounts of groundwater, Puente lauds our District for their pro-water-marketer policies.

At a videotaped Aug. 12 conference, Puente said: "Post Oak Savannah Groundwater Conservation District is a groundwater district that has a very different philosophy than most groundwater districts... they, for example, are one of the only groundwater districts which give out permits for more than five years. They give out permits for 30 and 40 years."

Puente also said that when the District cuts back pumping permits (which Westbrook now says will happen in 10-15 years), the District will approve additional new pumping permits for BWS so they can continue exporting 50,000 acre-feet/year.

Puente's words echo what BWS has always said about the District – "it is the only one that got it right."

The District's pro-water-marketer culture was shaped by many factors. For example, BWS representatives (including their hydrogeologist) attended over 80% of the board and committee meetings for the first six years of the District's existence. To help the District "get it right," the water marketer representatives were willing to give free advice to the board and general manager neither of whom had prior groundwater experience.

Both of the issues mentioned by Puente (permit length and approving new pumping permits when cutbacks are mandated) were also issues raised by the District's directors at last week's meeting.

Director Sidney Youngblood asked BWS President Ross Cummings for a simple 'true or false' response about if he believed the District would automatically issue his company new pumping permits when existing permits were cutback due to red-flag trigger points being reached. After some muttering – Cumming's attorney finally stated: "We will follow the District's rules." I would classify that as a non-answer.

Director Steven Wise questioned why the board should approve BWS' request to extend their transport permit for ten years – the permit is valid until 2034. Wise said that BWS made the request to help get the deal done with San Antonio and "that is not our responsibility." He said, "Fundamentally, we have a thirty-year permit that was issued ten years ago. I would like to review it in twenty years."

Director Kerry Starnes' motion to approve the extension was defeated with Lee Alford, Tommy Tietjen, Durwood Tucker, Steven Wise, and Sidney Youngblood voting "No." A tie vote is a defeat.

On the morning after the District's meeting, the San Antonio Water System continued contract negotiations with BWS and their partner, Abengoa. I was informed that although nothing official was said about the District's denial of the permit extension, it is expected that the District will approve the ten-year extension after San Antonio signs the contract for the groundwater deal.

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