

**REGULAR BOARD MEETING
GONZALES COUNTY UNDERGROUND WATER CONSERVATION DISTRICT
MEETING OF THE BOARD OF DIRECTORS**

The Directors of the Gonzales County Underground Water Conservation District will meet in a public session immediately following the public hearing on January 09, 2024, scheduled at 5:30 p.m. at the Gonzales County Underground Water Conservation District Office located at 522 Saint Matthew Street, Gonzales, Texas.

Note: Members of the public wishing to comment must attend the meeting in-person. However, any person may view or listen to the meeting via audio and video conference call. No participation or public comments will be allowed via video or conference call. The Audio and Video Conference Opens 5 minutes before the 5:30 p.m. beginning of the meeting.

January 09, 2024, GCUWCD Public Hearing Draft Management Plan and Regular Board Meeting

Jan 9, 2024, 5:30 – 7:00 PM (America/Chicago)

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/678068109>

You can also dial in using your phone.

Access Code:

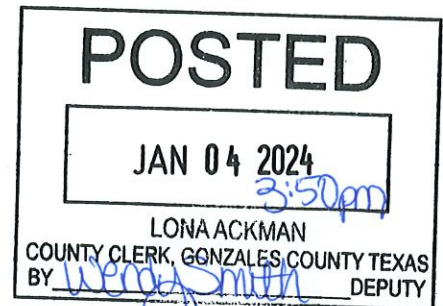
678-068-109

United States (Toll Free): [1 877 309 2073](tel:18773092073)

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The agenda is as follows:

1. Call to Order.
2. Public Comments. Limit to 3 minutes per person.
3. Consent Agenda (Note: These items may be considered and approved by one motion of the Board. Directors may request to have any consent item removed from the consent agenda for consideration and possible action as a separate agenda item):
 - a. Approval of minutes of December 12, 2023 Regular Board Meeting.
 - b. Approval of the Financial Report.
 - c. Approval of District Manager, Administrative Staff, Board Member, Field Technician, and Mitigation Manager Expenses.
 - d. Approval of Manager's Report (monthly report, transporter usage, drought index).
 - e. Approval of Well Mitigation Manager's Report (well mitigation progress).
 - f. Approval of Field Technician's Report (well registrations, water levels, water quality).
4. Discuss and possibly take action on any item removed from Consent Agenda.
5. Discuss and possibly take action on approval of the GCUCWD Management Plan resolution.
6. Discuss and possibly take action on a resolution to add general manager to have bank access to the Randolph Brooks Federal Credit Union accounts.
7. Discuss and possibly take action on scheduling a workshop of GCUWCD Rules amendments and calling of a public hearing.
8. Discuss and possibly take action on Judge Stephen Ables, hearing examiner's proposal for decision regarding party status.
9. Discuss and possibly take action on a permit amendment request for Canyon Regional Water Authority in the Carrizo Aquifer.
10. Presentation of legislative/legal updates from legal counsel.
11. Discussion of other items of interest by the Board and direction to management based on the items set forth above.
12. Adjourn.

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time. These public meetings are available to all persons regardless of disability. If you require special assistance to attend the meeting, please call 830.672.1047 at least 24 hours in advance of the meeting to coordinate any special physical access arrangements.

At any time during the meeting and in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, the Gonzales County Underground Water Conservation District Board may meet in executive session on any of the above agenda items or other lawful items for consultation concerning attorney-client matters (§ 551.071); deliberation regarding real property (§ 551.072); deliberation regarding prospective gift (§ 551.073); personnel matters (§ 551.074); and deliberation regarding security devices (§ 551.076). Any subject discussed in executive session may be subject to action during an open meeting.

POSTED THIS THE 4th DAY OF JANUARY 2024 AT _____ O'CLOCK by _____.

**Gonzales County Underground Water Conservation District
Minutes of the Board of Directors
December 12, 2023
Regular Board Meeting**

The regular meeting of the Board of Directors of the Gonzales County Underground Water Conservation District (the District) was called to order. Present for the meeting were directors: Mr. Bruce Tieken, Mr. Barry Miller, Mr. Kermit Thiele, Mr. Mark Ainsworth, and Mr. Mike St. John. Other Attendees included: (See Attached List)

Call to Order.

The President of the Board of Directors called the meeting to order at 5:30 p.m.

Public Comment.

Public comments were made by Ms. Sally Ploeger, landowner. A recording of the board meeting has been filed at the District office and on the District's website.

Consent Agenda (Note: These items may be considered and approved by one motion of the Board. Directors may request to have any consent item removed from the consent agenda for consideration and possible action as a separate agenda item):

Approval of minutes of November 07, 2023 Draft Management Plan Workshop

Approval of minutes of November 14, 2023 Public Hearing Draft Management Plan

Approval of minutes of November 14, 2023 Regular Board Meeting

Approval of the Financial Report.

Approval of the District's bills to be paid.

Approval of the Mitigation Funds bills to be paid.

Approval of District Manager, Administrative Staff, Board Member, Field Technician, and Mitigation Manager Expenses.

Approval of Manager's Report (monthly report, transporter usage, drought index).

Approval of Well Mitigation Manager's Report (well mitigation progress).

Approval of Field Technician's Report (well registrations, water levels, water quality).

Discuss and possibly take action on any item removed from Consent Agenda.

A motion was made by Mr. Barry Miller to approve the Consent Agenda with the exception to remove, correct, and approve the minutes of November 07, 2023 Management Plan Workshop, November 14, 2023 Draft Management Plan, and November 14, 2023 Regular Board Meeting for correction. Mr. Mark Ainsworth seconded the motion. The motion passed unanimously.

Discuss and possibly take action on contracting with the Gonzales County Elections Official to hold the upcoming election for Precincts #4 and #5.

A motion was made by Mr. Mike St. John to contract with the Gonzales County Elections Official for the upcoming elections for District's #4 and #5. Mr. Kermit Thiele seconded the motion. The motion passed unanimously.

Discussion of other items of interest by the Board and direction to management based on the items set forth above.

No action was taken on this item.

Adjourn:

A motion was made by Mr. Thiele to adjourn the meeting, and Mr. St. John seconded the motion. The motion passed unanimously. The meeting adjourned at 5:48 p.m.

Approved By:

January 09, 2024
HS

**Gonzales County Underground Water Conservation District
Investment Report
January 09, 2024**

CD Information - District Funds							
Account	Place	Purchase Date	Purchase Value	Interest Rate	Maturity Date	As of	Amount
CD #11	Sage Capital Bank	8/4/2023	\$152,818.77	5.15%	2/4/2025	12/31/2023	\$173,090.80
CD #365	Randolph Brooks FCU	3/28/2023	\$271,523.86	4.50%	9/28/2024	12/31/2023	\$271,589.47
CD #49	Sage Capital Bank	8/14/2023	\$250,000.00	5.15%	8/14/2024	12/31/2023	\$274,761.91
Total CD's to Date							\$719,442.18
Market Comparisons							
	Tex Pool			5.36%		1/5/2024	
	6 Mo. Treasury Yield			5.25%		1/5/2024	

Banking Information - District Funds				
Account	Place		As of	Amount
#59 Money Market	Sage Capital Bank		12/31/2023	\$1,440,340.31
#61 Operating	Sage Capital Bank		12/31/2023	\$18,192.31
#356 Savings	Randolph Brooks		12/31/2023	\$1.00
Total Cash to Date				\$1,458,533.62

Banking Information - Western Mitigation Fund				
Account	Place		As of	Amount
#35 Money Market	Sage Capital Bank		12/31/2023	\$185,757.89
#70 Operating	Sage Capital Bank		12/31/2023	\$2,499.59
Total Cash to Date				\$188,257.48

Banking Information - Eastern Mitigation Fund				
Account	Place		As of	Amount
#64 Money Market	Sage Capital Bank		12/31/2023	\$277,509.02
#98 Operating	Sage Capital Bank		12/31/2023	\$42,500.69
Total Cash to Date				\$320,009.71

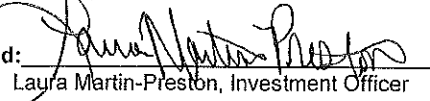
Weighted Average Maturity (WAM) \$2,686,242.99

Using the Current Date and Maturity Date: Weighted Average Maturity (WAM) =

The overall sum of each security's par amount multiplied by its number of days to maturity, divided by the total of all investments.

Security Description	Investment Amount	CD Start Date	Reprting Period Date	Mat. Date	Mat. in Days (DTM)	WAM	CD Term
Sage Capital CD #11	\$173,090.80	8/4/2023	12/31/2023	2/4/2025	401	96.477	18 mo
Randolph Brooks CD #365	\$271,589.47	3/28/2023	12/31/2023	9/28/2024	272	102.680	18 mo
Sage Capital CD #49	\$274,761.91	8/14/2023	12/31/2023	8/14/2024	227	86.693	12 mo
CD Total	\$719,442.18					285.850	
#59 Money Market	\$1,440,340.31				1	0.732	
#61 Operating	\$18,192.31				1	0.009	
#365 Savings	\$1.00				1	0.000	
#35 Money Market	\$185,757.89				1	0.094	
#70 Operating	\$2,499.59				1	0.001	
#64 Money Market	\$277,509.02				1	0.141	
#98 Operating	\$42,500.69				1	0.022	
Fund Total	\$1,966,800.81					1.000	
Grand Totals	\$2,686,242.99					WAM 286.850	

The portfolio of the Gonzales County Underground Water Conservation District is believed to be in compliance with the District's Board approved Investment Policy, State law, and the Investment Strategy.

Signed: 
Laura Martin-Preston, Investment Officer

Dated: 01/05/2024

GCUWCD BILLS TO BE PAID**January 09, 2024**

GVTC (Local & Long Distance & Internet)- Paid	\$279.23
City of Gonzales (Utilites)- Paid	\$138.42
Ricoh (credit balance)	-\$330.56
Ricoh (Copier Rental)- Paid	\$455.97
Daniel B. Stephens & Associates, Inc.	\$5,170.87
FedEx (Daniel B. Stephens & Associates, Inc.)	-\$160.02
Intuit (Quickbooks monthly fee)- Paid	\$58.46
ESRI (refund check)	-\$1,108.25
Gonzales Chamber of Commerce & Agriculture	\$125.00
Caldwell County (election/draft management plan postings)	\$21.00
La Bella Tavola (Employee Appreciation Dinner)- Paid	\$344.18
USPS(postage)	\$74.56
Synergisdic, LLC	\$1,578.00
McElroy Sullivan Miller & Weber LLP	\$4,611.00
Lockhart Post-Register	\$418.52
TOTAL	\$11,676.38

GCUWCD WMF BILLS TO BE PAID

January 09, 2024

TOTAL **\$0.00**

GCUWCD EMF BILLS TO BE PAID
January 09, 2024

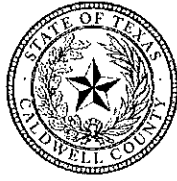
TOTAL

\$0.00

Gonzales County Underground Water Conservation District Expense Report

Laura M. Martin

Nature of Trip/Date	From	To	Beginning Mileage	Ending Mileage	Total Miles
12/19 Caldwell County	Office	Lockhart	85818	85853	35
			85853	85888	35
					0
					0
					0
				Total Miles	70
				Current Rate X	0.655
			Mileage X Rate	Subtotal	\$45.85
Telephone					\$70.00
Caldwell County Notice Posting					\$3.00
Period Covered December 1-31, 2023				Total Due	\$118.85
Approved By:					
Date: January 09, 2024					



RECEIVED DEC 19 2023

Caldwell County
Teresa Rodriguez, County Clerk
1703 S. Colorado St.
Box 1
Lockhart, TX 78644
512-398-1804

Receipt: 23-7673

Product	Name	Extended
POSTING	POSTING	\$3.00
	Pages	1
Recording		\$2.00
Courthouse Security		\$1.00
<hr/>		
Total		\$3.00
Tender (CASH)		\$3.00
Paid By	GONZALES COUNTY DISTRICT	

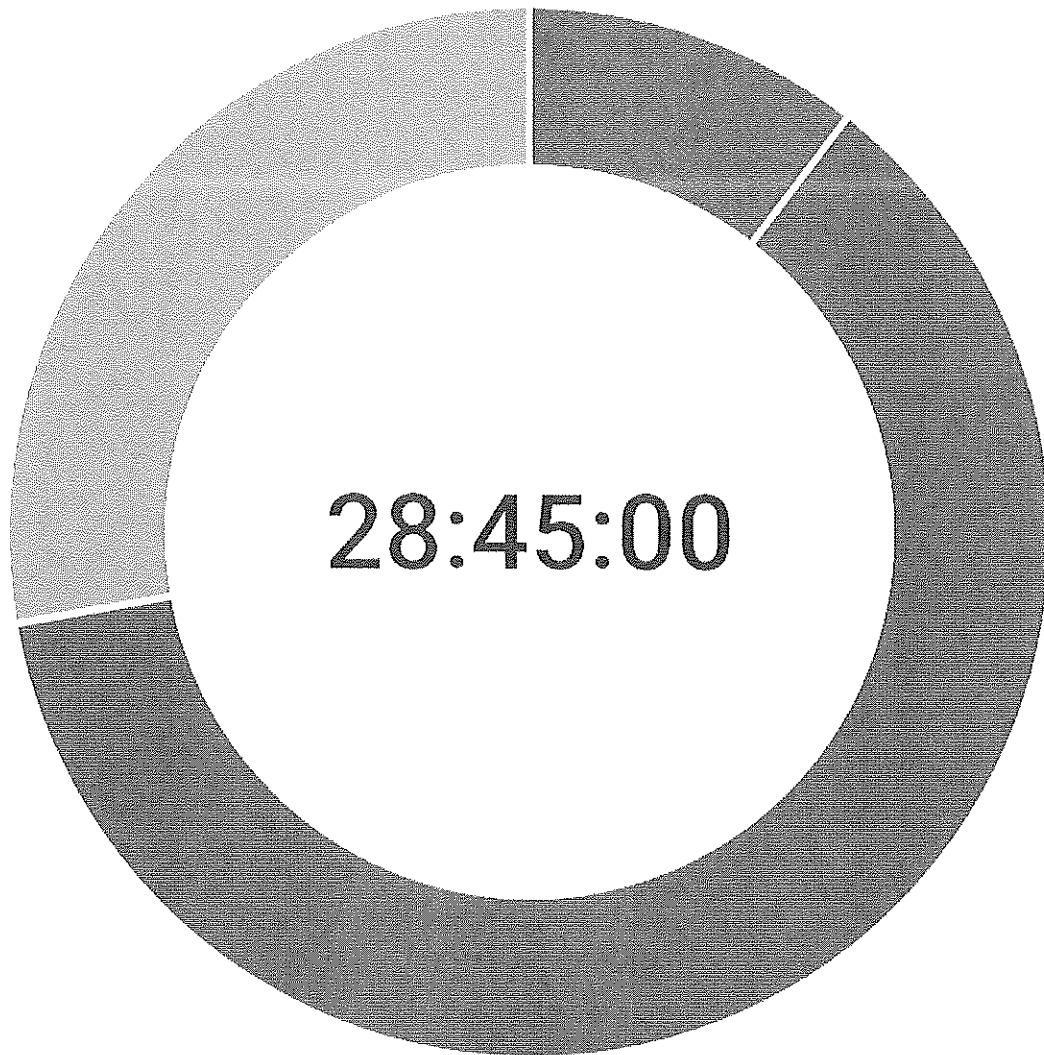
Thank You for Your Business

Last week	13:30:00
Fri, 22 Dec	02:00:00
Office duties: Check Web Logs Without description	02:00:00
Wed, 20 Dec	00:30:00
Office duties: Emails Without description	00:30:00
Tue, 19 Dec	03:00:00
Office duties: Agenda Posting Without description	03:00:00
Mon, 18 Dec	08:00:00
Financial Reports: FINOPS Without description	08:00:00
Dec 10 - Dec 16	03:00:00
Wed, 13 Dec	00:30:00
Office duties: Emails Without description	00:30:00
Tue, 12 Dec	01:30:00
Office duties: Board Packets Without description	01:30:00
Mon, 11 Dec	01:00:00
Office duties: Emails Without description	01:00:00
Dec 3 - Dec 9	08:45:00
Fri, 8 Dec	04:00:00
Office duties: Emails Without description	00:30:00
Office duties: Board Packets Without description	03:30:00
Wed, 6 Dec	04:30:00
Office duties: Emails Without description	01:30:00
Financial Reports Without description	03:00:00
Mon, 4 Dec	00:15:00
Office duties: Emails Without description	00:15:00
Nov 26 - Dec 2	04:00:00
Fri, 1 Dec	01:00:00
Office duties: Emails Without description	01:00:00
Thu, 30 Nov	02:00:00
Office duties: Payroll Without description	02:00:00
Tue, 28 Nov	01:00:00
Office duties Emails	01:00:00

Grouped by project

Total: 28:45:00

Billable: 28:45:00



Financial Reports

Total: 03:00:00

Office duties

Total: 17:45:00

Permit

Total: 08:00:00

**Gonzales County Underground Water Conservation District
Mitigation Fund
Expense Report**

Link Benson

Nature of Trip/Date	From	To	Beginning Mileage	Ending Mileage	Total Miles
12/4 Parker well	Home	Ottine	126,972	126,995	23
12/13/ Parker well	Home	Ottine	127,131	127,154	23
12/18 Loya location	Home	Cactus Corral	127,250	127,278	28
12/21 Wagener's Well Service	Home	Nixon	127,347	127,409	62
				Total Miles	136
				Current Rate X	0.655
				Mileage Subtotal	\$89.08
Phone					\$70.00
Decemer 1-31, 2023				Total Due	\$159.08
Approved By:					
Date: January 09, 2024					



Make a store appointment

Find a store

Advertisement

AutoPay was charged to your MASTERCARD ending in 2564 on Dec 19, 2023.

NOTIFICATION

Bill total

Read bill & payment info, news & offers

JULIE BENSON 830.203.1744

LINK BENSON 830.203.1722

LINK B. ANDREWS 806.939.3677

LINDA A. BENSON 806.773.0903

\$280.14



Gonzales County Underground Water Conservation District
Field Technician
Expense Report

James Benedict

Nature of Trip/Date	From	To	Beginning Mileage	Ending Mileage	Total Miles
12/12 Inspection of Bell Drilling/ Durst well	Home	CR 283	59,451	59,468	17
12/13 Inspection of Moy Drilling/Ballard well	Home	SH 97	59,512	59,553	41
12/13 Inspection of well near Leesville	Home	Hwy 80	59,553	59,625	72
12/19 Inspection of Moy Drilling/Ballard well	Home	SH 97	59,760	59,798	38
12/21 Insepection of Moy Drilling/Ballard well	Home	SH 97	59,798	59,836	38
12/21 Final inspection of Moy Drilling/Ballard well	Home	SH 97	59,836	59,874	38

Period Covered: December 1-31 2023
Approved By:
Date: January 14, 2024

Total Due
\$159.82

**Gonzales County Underground Water Conservation District
Manager's Report
December 2023**

On December 18th I was deposed by Mr. Larry Dunbar representative of Water Protection Association (WPA). Then I was deposed by Mr. Ted Boriack. A transcription and a recording will be available at the district office when complete.

On December 19th I went to Lockhart to the Caldwell County Appraisal District to post notice of public hearing for the management plan.

Throughout the month of December, I checked emails, provided support to administrative staff, and completed necessary board meeting documentations. Some of this work was completed in the office, the majority was from home.

SSLGC's December production was about ___ ac-ft which is about ___% of the monthly allowable production.

CRWA's December production was about 556 ac-ft which is about 90% of the monthly allowable production.

SAWS December production was about 883 ac-ft which is about 91% of the monthly allowable production.

AQUA's November production was about 44 ac-ft which is about 11% of the monthly allowable production.

GBRA's December production was about 8 ac-ft which is 1% of the monthly allowable production.

The Palmer Drought Index, as of December 26, 2023, indicates that the District is currently under D1 & D2, moderate to severe drought conditions.

San Antonio Water System
Meter Reading - Usage
2023

Date	P036 Well WG-2		P039 Well WG-5		P040 Well WG-6		P041 Well WG-7		P042 Well WG-8		P043 Well WG-9		P044 Well WG-10		P047 Well WG-14		P048 Well WG-15			
	Meter	Usage	Meter	Usage	Meter	Usage	Meter	Usage	Meter	Usage	Meter	Usage	Meter	Usage	Meter	Usage	Meter	Usage		
Jan	2,529,400	2,606	2,671,288	0	4,074,058	26,247	173,589	18,727	4,233,418	25,102	3,966,583	30,939	2,940,011	4,158,410	30,306	3,091,462	28,158	3604.4	\$3,961.98	
Feb	2,554,795	25,395	2,671,280	0	4,102,292	28,234	194,350	20,760	4,235,131	1,714	4,001,522	34,938	2,940,011	4,191,778	33,366	3,115,531	24,069	3,916	\$4,114.01	
Mar	2,602,164	47,370	2,671,290	2	4,150,349	48,057	229,079	34,729	4,235,134	3	4,061,580	60,089	2,940,011	4,249,219	57,443	3,175,777	60,245	6,369	\$7,538.44	
Apr	2,663,968	61,803	2,671,290	0	4,181,622	34,228	261,681	32,602	4,235,134	0	4,118,509	56,929	2,940,011	4,298,772	49,553	3,232,757	56,980	5,686	\$7,160.25	
May	2,716,280	52,313	2,671,290	0	198,306	16,684	291,476	29,795	4,235,134	0	4,169,150	50,641	2,940,011	4,331,120	32,349	3,283,568	50,811	6,486	\$5,652.64	
June	2,770,067	53,786	2,701,686	30,406	4,198,307	1	322,464	30,988	4,235,134	0	4,224,368	55,218	2,940,011	4,383,624	52,503	3,335,368	51,800	8,013	\$6,667.23	
July	2,812,605	42,538	2,750,611	48,915	4,198,475	168	350,018	27,554	4,325,134	0	3,140,839	51,089	2,940,011	4,419,156	35,533	3,380,443	45,074	10,453	\$6,010.48	
Aug	2,852,467	39,862	2,808,290	57,680	4,223,453	24,978	382,631	32,612	4,235,134	0	3,201,083	60,244	2,940,011	4,435,157	16,001	3,440,306	59,863	11,519	\$6,993.03	
Sept	2,913,412	60,945	2,863,312	55,021	4,241,645	18,191	412,292	29,662	4,235,134	0	3,665,600	58,538	2,940,011	4,479,797	44,640	3,451,022	10,716	11,059	\$6,666.33	
Oct	2,922,221	8,809	2,920,849	57,537	4,286,002	44,357	442,981	30,689	4,235,134	0	97,583	60,926	2,940,011	4,537,140	57,343	3,456,237	5,216	10,277	\$6,385.01	
Nov	2,930,151	7,930	2,976,973	56,125	4,311,356	25,355	473,278	30,297	4,235,134	0	156,989	59,407	2,940,011	4,592,942	55,802	3,462,735	6,498	6,750	\$5,868.56	
Dec	2,941,591	11,240	3,026,376	49,403	4,328,423	17,067	488,703	25,436	4,235,134	0	217,284	60,295	2,990,696	4,645,912	52,970	4,645,912	15,872	6,591	\$7,031.98	
Total Gallons*	414,597	355,088	283,567	343,851	26,818	639,223	55,589	517,808	3,051,842	415,302	3,051,842	9,365,76	170,60	1274,52	9,365,76	1274,52	9,365,76	170,60	1274,52	9,365,76
Total acft	1272.35	1069.72	870.23	1055.24	82.30	1961.70	170.60	1588.09	9365.76	1274.52	9365.76	28357.6	517.808	1274.52	28357.6	1274.52	28357.6	517.808	1274.52	28357.6
Current Month Production in acft	883.44	883.44	883.44	883.44	883.44	883.44	883.44	883.44	883.44	883.44	883.44	883.44	883.44	883.44	883.44	883.44	883.44	883.44	883.44	883.44
% of monthly allowable for current month	90.70	90.70	90.70	90.70	90.70	90.70	90.70	90.70	90.70	90.70	90.70	90.70	90.70	90.70	90.70	90.70	90.70	90.70	90.70	90.70
Total acft for year	9365.76	9365.76	9365.76	9365.76	9365.76	9365.76	9365.76	9365.76	9365.76	9365.76	9365.76	9365.76	9365.76	9365.76	9365.76	9365.76	9365.76	9365.76	9365.76	9365.76
% of prod. for year	80.13	80.13	80.13	80.13	80.13	80.13	80.13	80.13	80.13	80.13	80.13	80.13	80.13	80.13	80.13	80.13	80.13	80.13	80.13	80.13
Total Dollars	\$74,027.95	\$74,027.95	\$74,027.95	\$74,027.95	\$74,027.95	\$74,027.95	\$74,027.95	\$74,027.95	\$74,027.95	\$74,027.95	\$74,027.95	\$74,027.95	\$74,027.95	\$74,027.95	\$74,027.95	\$74,027.95	\$74,027.95	\$74,027.95	\$74,027.95	\$74,027.95

gallons in thousands

**Canyon Regional Water Authority
Wells Ranch Water Meter Reading - Usage**

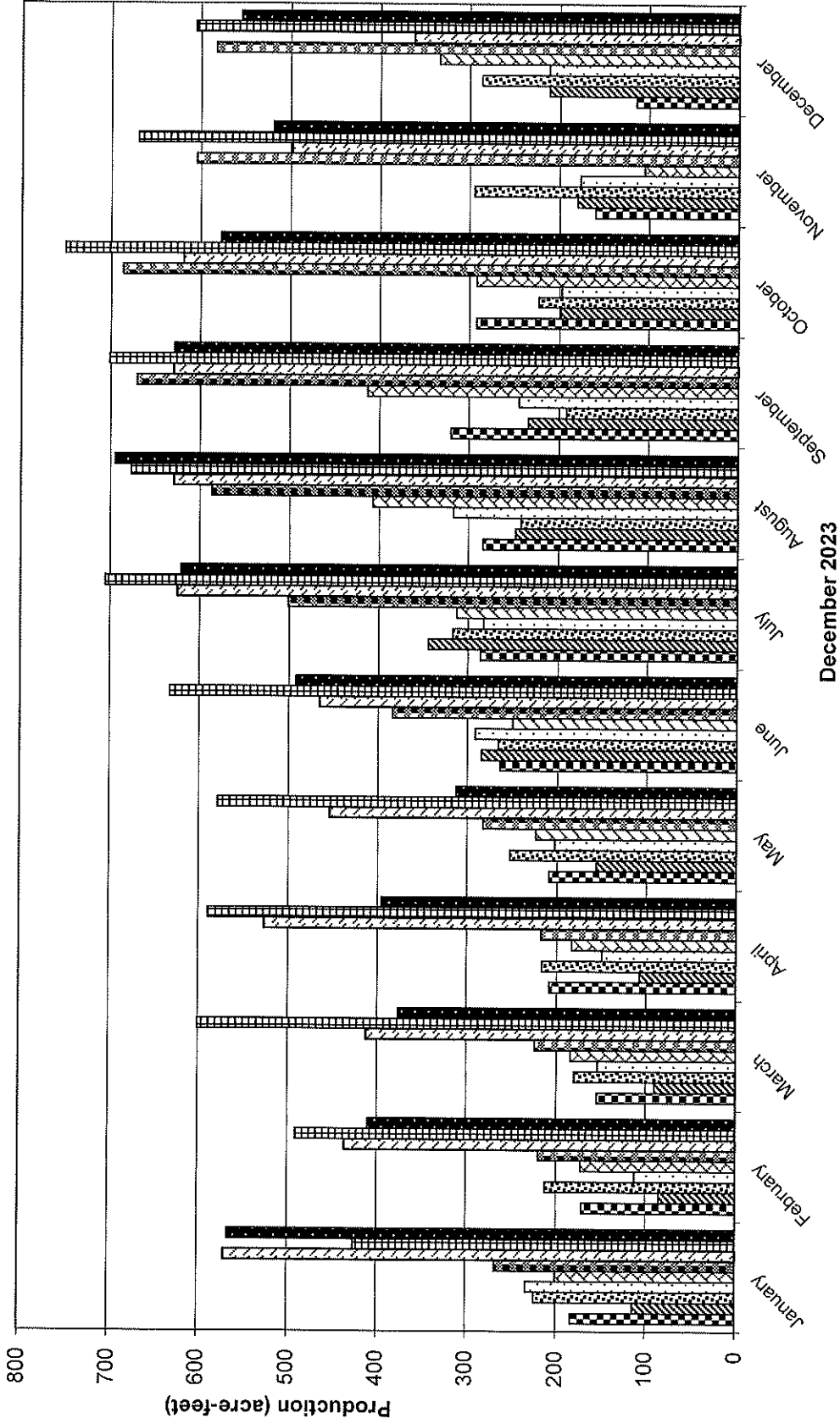
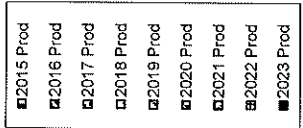
2023

Date	P030		P029		P028		P027		P086		L188		L189		L190		L191		L192	
	Meter	Usage	Well #12	Well #11	Camp House Well	Tommy's Well	Chicken House	Littlefield	Bond West	Well #14	Bond East	Well #15	Christian East	Well #16	Meter	Usage	Meter	Usage	Meter	Usage
Jan	1,197,368	14,757	1,386,451	17,444	1,923,007	21,051	553,068	23,113	865,453	27,534	695,629	2,966	772,506	22,718	1,342,880	42,776	341,413	10,155		
Feb	1,205,681	8,313	1,398,338	11,887	1,938,191	15,184	569,152	16,084	887,449	21,996	713,127	17,498	788,506	16,000	1,401,650	16,770	351,245	9,832		
March	1,212,778	7,097	1,410,923	12,585	1,954,878	16,687	577,659	8,507	912,036	24,587	733,115	19,988	807,567	19,061	1,403,532	1,882	363,440	12,195		
April	1,223,080	10,302	1,423,239	12,316	1,972,332	17,454	595,760	18,101	934,191	22,155	750,825	17,710	827,186	19,619	1,403,549	17	374,705	11,265		
May	1,230,891	7,811	1,432,742	9,503	1,985,602	13,270	610,510	14,750	947,591	13,400	766,033	15,208	845,518	18,332	1,403,549	0	384,191	9,486		
June	1,242,053	11,162	1,446,373	13,631	2,003,685	18,083	632,420	21,910	960,544	12,953	787,395	21,362	870,380	24,862	1,426,405	22,856	397,625	13,434		
July	1,254,803	12,750	1,461,543	15,170	2,024,798	21,113	657,783	25,363	982,770	22,226	811,159	23,764	895,939	25,559	1,466,264	39,859	413,981	16,356		
Aug	1,272,500	17,697	1,481,676	20,133	2,047,463	22,665	683,354	25,571	1,010,032	27,262	837,513	26,354	922,016	26,077	1,510,072	43,808	430,778	16,797		
Sept	1,289,086	16,586	1,499,733	18,057	2,067,717	20,254	702,447	19,093	1,036,477	26,445	863,450	25,937	946,782	24,766	1,549,288	39,216	445,149	14,371		
Oct	1,303,570	14,484	1,516,886	17,153	2,087,290	19,573	721,275	18,828	1,058,410	21,933	885,751	22,301	968,672	21,890	1,587,090	37,802	459,320	14,171		
Nov	1,316,453	12,883	1,532,367	15,481	2,104,939	17,649	738,510	17,235	1,077,843	19,433	905,548	19,797	987,830	19,158	1,620,980	33,890	472,973	13,653		
Dec	1,330,193	13,740	1,548,628	16,261	2,123,585	18,646	756,844	18,334	1,098,777	20,934	926,457	20,909	1,007,130	19,300	1,656,880	35,900	487,382	14,409		
Total Gallons*		147,582	179,621	179,621	221,629	4729	226,889	226,889	260,858	233,794	257,342	314,776	314,776	314,776	314,776	314,776	314,776	314,776	314,776	314,776
Total AC/FT		452.91	551.24	551.24	680.15	14.51	696.30	696.30	800.54	717.49	789.75	986.01	986.01	986.01	986.01	986.01	986.01	986.01	986.01	986.01

Current Month Production in AC/FT 90.04
 Percentage of monthly allowable for current mo. 83.08
 Total AC/FT for yr 6148.04
 Percentage of yearly production 83.08

* gallons in thousands

CRWA Monthly Production

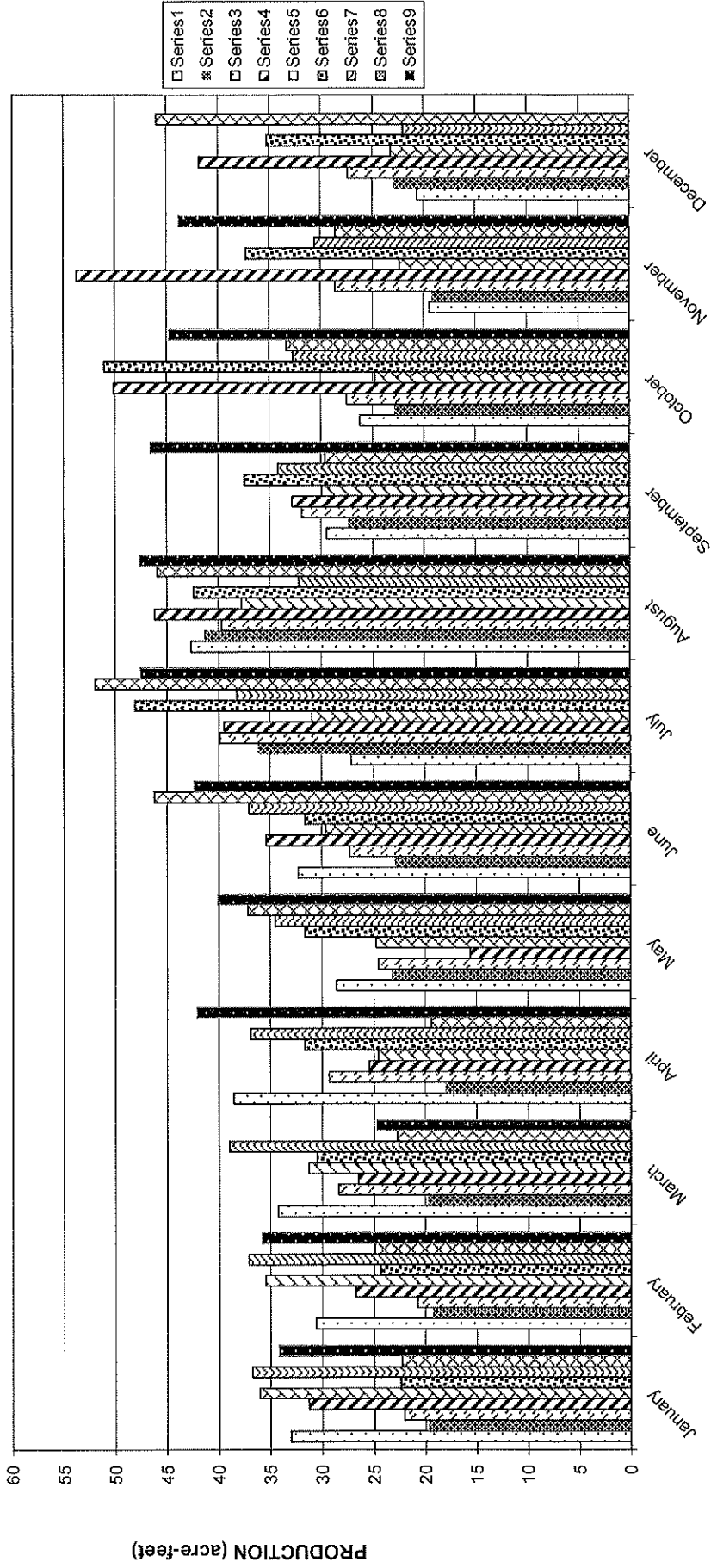


AQUA Water Supply Corporation
Meter Reading - Usage
2023

Date	F255		F256		Meter	Transported	Meter	Usage	Delhi #2	Usage	Transported	Meter	Usage	Hinton Well	Transported	Fees
	Meter	Usage	Meter	Usage												
January	692,110,400	3,136.60	2,714.54	860,502,000	8,002.00	6,925.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ 241.00
February	692,130,600	20.20	18.11	872,152,000	11,650.00	10,444.24	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
March	692,133,500	2.90	2.33	880,228,000	8,076.00	6,500.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ 162.57
April	696,960,700	4,827.20	4,372.52	889,128,000	8,900.00	8,061.69	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ 310.86
May	703,618,900	6,658.20	5,788.19	895,540,000	6,412.00	5,574.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ 284.06
June	710,672,200	7,053.30	5,729.09	902,909,000	6,769.00	5,498.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ 280.68
July	718,579,500	7,907.30	6,484.59	909,900,000	7,591.00	6,225.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ 317.74
August	726,294,600	7,715.10	6,223.49	917,702,000	7,802.00	6,293.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ 312.93
September	733,444,700	7,715.01	6,061.28	925,176,000	7,474.00	6,335.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ 309.93
October	740,501,300	7,056.60	6,298.50	932,725,000	7,549.00	6,738.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ 325.91
November	747,222,500	6,721.20	5,989.85	939,494,000	6,769.00	6,032.45										\$ 300.56
December																\$ -
Total Gallons*		58,814		86,994		0										
Total AC/FT		180.49		266.97		0.00										
Current Month Production in AC/FT		43.79														
Percentage of monthly allowable for current month		24.25%		10.50%												
Total AC/FT for year		447.47		8.95												
Total Dollars																\$3,107.79

*gallons in thousands

AQUA Monthly Production



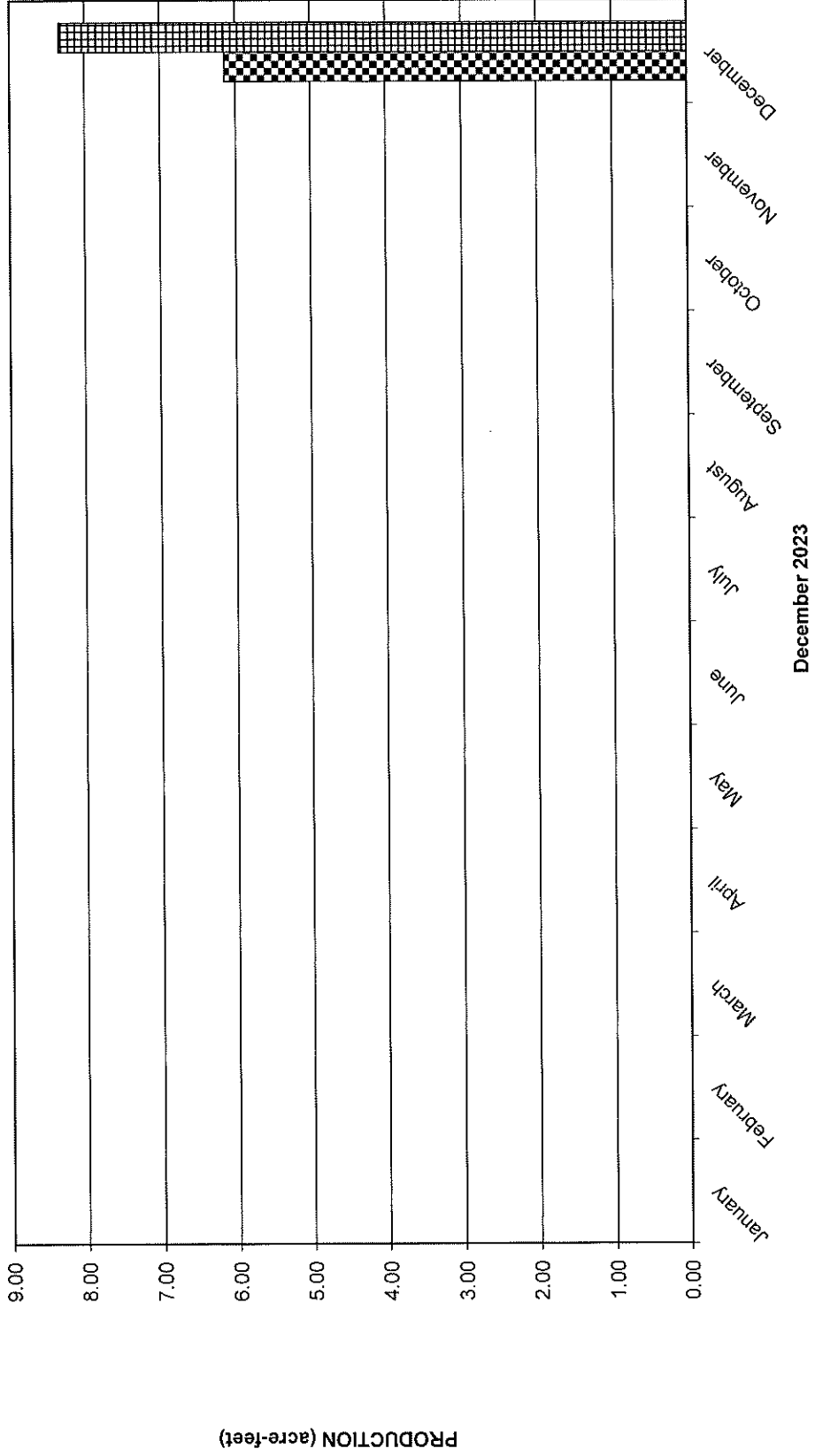
November 2023

Gudalupe-Blanco River Authority
Meter Reading - Usage
2023

Date	P059 Well #1		P060 Well #2		P061 Well #3		P062 Well #4		P063 Well #5		P064 Well #6		P065 Well #7		BW
	Meter	Usage	Meter	Usage	Meter	Usage	Meter	Usage	Meter	Usage	Meter	Usage	Meter	Usage	
Jan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Feb	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mar	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Apr	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
May	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
June	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
July	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aug	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sept	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Oct	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Nov	0	0	0	0	586,005	0	0	0	0	0	0	0	0	3,500	0
Dec					1,008,750	1,009							1,710,000	1,710	4
Total Gallons*	0	0	0	0		1,595									1,714
Total ac/ft	0.00	0.00	0.00	0.00		4.89									5.26
Current Mo. Production in ac/ft				8.34											
% of monthly allowable for current mo.															
Total ac/ft for yr		10.15													
% of prod. for year															

gallons in thousands

GBRA Monthly Production

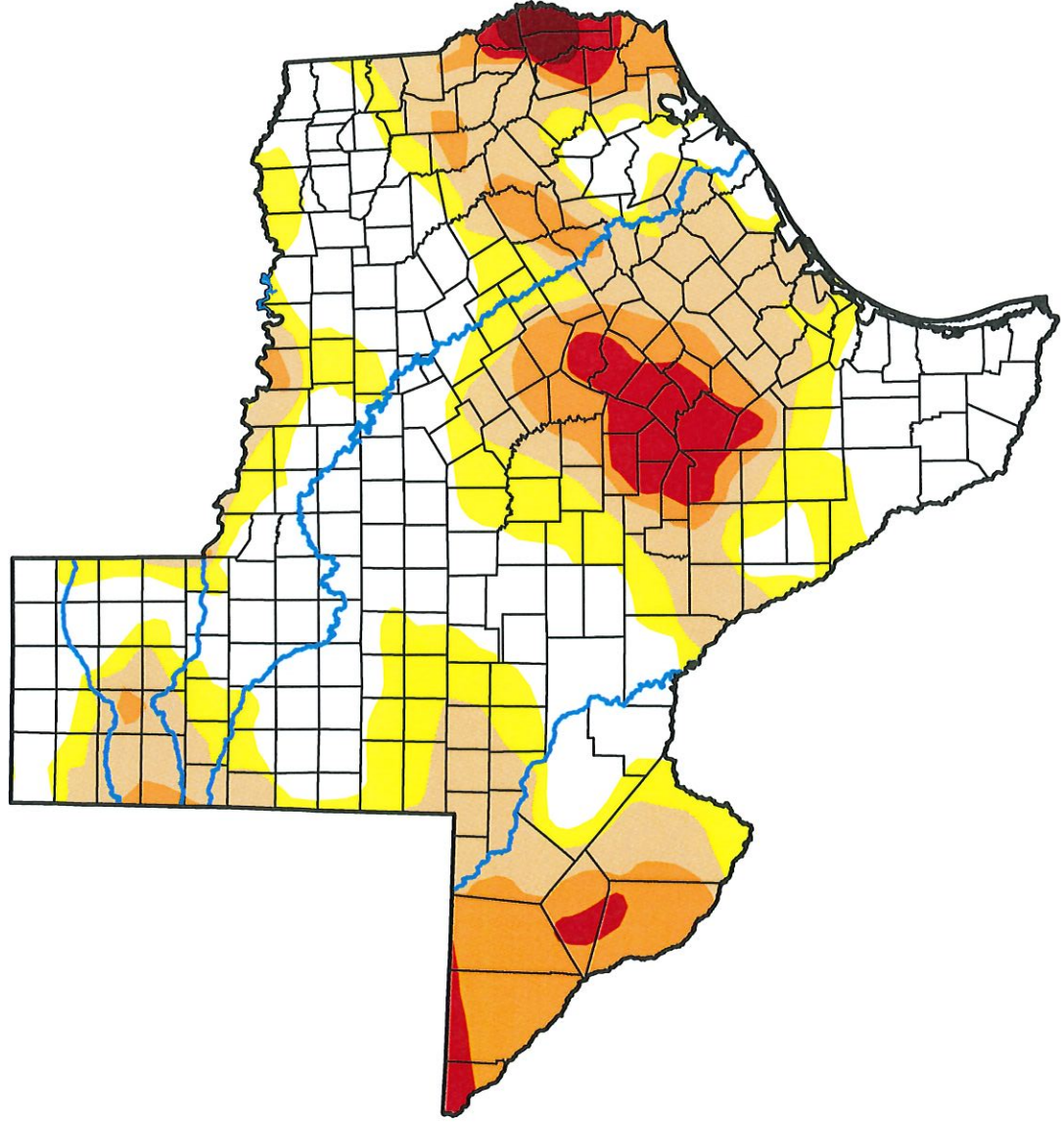


U.S. Drought Monitor Texas

December 26, 2023
 (Released Thursday, Dec. 28, 2023)
 Valid 7 a.m. EST

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	40.22	59.78	39.21	17.38	5.68	0.68
Last Week 12-19-2023	35.24	64.76	42.68	18.20	6.47	0.86
3 Months Ago 09-26-2023	3.03	96.97	80.64	59.66	38.06	12.68
Start of Calendar Year 01-03-2023	28.84	71.16	49.90	26.60	7.41	1.60
Start of Water Year 09-26-2023	3.03	96.97	80.64	59.66	38.06	12.68
One Year Ago 12-27-2022	27.57	72.43	48.59	25.88	7.13	1.24



Intensity:

- None
- D0 Abnormally Dry
- D1 Moderate Drought
- D2 Severe Drought
- D3 Extreme Drought
- D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:
 Rocky Bilotta
 NCEI/NOAA



**Gonzales County Underground Water Conservation District
Mitigation Fund Manager's Report
December 2023**

On December 4th, I went to Ottine to meet Wagener's Well Service at the Parker well to discuss options on well.

On December 13th, I went to Ottine to the Parker well for review.

On December 18th, I went to Cactus Corral and went to the Loya location to see about plugging a well and discussed options.

On December 21st, I went to Nixon to meet Wagener's Well Service to discuss possible mitigation work to be done.

DRAFT

**Gonzales County Underground Water Conservation District
Field Technician Report
December 2023**

On December 12th, I attempted to inspect a new driller, Bell Drilling, and a new well in the Johnson Farms Subdivision of CR 283. The well was already complete. Mr. Bell indicated he had tried to call the office before drilling, but never reached anyone. After going over the well details with him, it appeared the well was drilled and completed properly, and in compliance with District rules. He is to send us a drillers report.

On December 13th, I made a first attempt to inspect the Moy Drilling/Ballard well on SH 97. The gate was locked, and the drilling had not started as notified. Later that day Josh Moy reported seeing a small drilling rig (maybe water) on Hwy 80, just south of Leesville. I drove there to check it out, and it was an oil rig. It was a small driller out of Luling.

On December 19th, I made a second attempt to inspect the Moy/Ballard well on SH 97. The gate was locked, and there was no activity.

On December 21st, I inspected the Moy/Ballard well on SH 97.

On December 21st, I made a final inspection on the Moy/Ballard well on SH 97.

DRAFT

**Gonzales County Underground
Water Conservation District**

Board Resolution 2024-01-09a

Resolution Adopting the 2024 Management Plan

WHEREAS, §§36.1071 and 36.1073, Water Code, require the Gonzales County Underground Water Conservation District to develop and adopt a Management Plan that addresses the following management goals, as applicable:

- (1) providing the most efficient use of groundwater;
- (2) controlling and preventing waste of groundwater;
- (3) controlling and preventing subsidence;
- (4) addressing conjunctive surface water management issues;
- (5) addressing natural resource issues;
- (6) addressing drought conditions;
- (7) addressing conservation, recharge enhancement, rainwater harvesting, precipitation enhancement, or brush control, where appropriate and cost-effective; and
- (8) addressing the desired future conditions adopted by the district;

WHEREAS, §36.1072(e), Water Code, requires each groundwater conservation district to review and re-adopt the Management Plan at least every five years; and

WHEREAS, after providing notice and holding a public hearing, the Board of Directors of the Gonzales County Underground Water Conservation District has developed a Management Plan in accordance with the statutory requirements and utilizing the best available science, attached hereto, and incorporated herein for purposes.

NOW THEREFORE, BE IT RESOLVED:

1) The Board of Directors of the Gonzales County Underground Water Conservation District do hereby adopt the attached 2024 Management Plan pursuant to §36.1071, Water Code.

2) The General Manager is hereby ordered to file the adopted Management Plan with the Texas Water Development Board for certification as administratively complete.

3) The General Manager is hereby authorized to take any and all reasonable action necessary for the implementation of this resolution.

This Resolution shall become effective on _____.

Adopted this 09th day of January, 2024.

Bruce Tieken, President
Gonzales County Underground Water Conservation District

Barry Miller, Secretary
Gonzales County Underground Water Conservation District

**Gonzales County Underground
Water Conservation District**

Board Resolution 2024-01-09b

Resolution for General Manager access to bank information.

WHEREAS, Gonzales County Underground Water Conservation District has authorized Mrs. Laura Martin as General Manager to;

BE IT RESOLVED that Ms. Martin has authority to access and request bank account information at Randolph Brooks Federal Credit Union for reporting purposes.

This Resolution shall become effective on January 09, 2024.

President, Bruce Ticken
Gonzales County Underground Water Conservation District

Vice-President, Kermit Thiele
Gonzales County Underground Water Conservation District

Secretary, Barry Miller
Gonzales County Underground Water Conservation District

Director, Mark Ainsworth
Gonzales County Underground Water Conservation District

Director, Mike St. John
Gonzales County Underground Water Conservation District

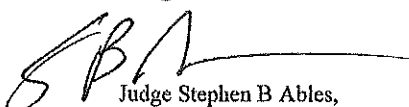
**PROPOSAL FOR
DECISION
PRELIMINARY HEARING
PARTY STATUS
CRWA PERMIT
AMENDMENT**

Board of Directors
Gonzales County Underground Water Conservation District
522 Saint Matthew Street
P.O. Box 1919
Gonzales, TX 78629

RE: APPLICATION OF THE CANYON REGIONAL WATER AUTHORITY TO AMEND
OPERATING PERMIT NO. 11-16-01 AND EXPORT PERMIT NO. 11-09-01 -
HEARING EXAMINER'S PROPOSAL FOR DECISION REGARDING PARTY
STATUS

Dear Mr. Tieken and Members of the Board:

Pursuant to your request, on November 8, 2023, I conducted a preliminary hearing to consider the requests for contested case hearing filed in the above-referenced matter. Pursuant to the District's Rule 25.C.5., I have prepared the attached Proposal for Decision, which includes Findings of Fact, Conclusions of Law, and Ordering Provisions for your consideration. It is my recommendation that the District's Board of Directors adopt the attached Proposal for Decision, including the Findings of Fact, Conclusions of Law, and Ordering Provisions. By copy of this letter, I am providing the attached document to the representatives of the Canyon Regional Water Authority and the persons who requested a contested case hearing in this matter, and to the District's General Manager and General Counsel.

By:  Judge Stephen B. Ables,
Hearing Examiner 700 Main St., Second
Floor
Kerrville TX 78028-5327
Email: sables@co.kerr.tx.us

cc: *(w attachment)*

Trish Erlinger Carls, via email to tcarls@tcarlslaw.com

Ted Boriack, via email to tedboriack@gmail.com

Larry Dunbar, via email to ldunbar@dunbarlawtx.com

Gregory M. Ellis, via email to Greg@GMEllis.law

Laura Martin, General Manager, GCUWCD, via email to generalmanager@gcuwcd.org

APPLICATION OF THE	§	
CANYON REGIONAL WATER	§	BEFORE THE
AUTHORITY TO AMEND	§	GONZALES COUNTY
OPERATING PERMIT NO. 11-16-01	§	UNDERGROUND WATER
AND EXPORT PERMIT NO. 11-09-01	§	CONSERVATION DISTRICT

**PROPOSAL FOR DECISION
REGARDING REQUESTS FOR CONTESTED CASE HEARING**

I. INTRODUCTION AND PROCEDURAL BACKGROUND

On November 8, 2023 Judge Stephen B. Ables (the "Hearing Examiner"), per referral by the Board of Directors of the Gonzales County Underground Water Conservation District (the "District"), held a preliminary hearing via videoconference concerning the requests for a contested case hearing filed by Ted Boriack, Mary Ann Menning, Sally Ploeger, Mark Ploeger, and the Water Protection Association in the matter of the applications filed with the District by Canyon Regional Water Authority ("CRWA" or "Applicant") to amend Operating Permit No. 11-16-01 and Export Permit No. 11-09-01 (collectively, the "Applications") to increase the production rate in CRWA's "Well 14-Christian West" from 495 gallons per minute (gpm) to 1,065 gpm, resulting in a corresponding increase in CRWA's operating and export authorizations of 920.05 acre-feet/year, and a total groundwater production and export authorization of 8,320.05 acre-feet/year from CRWA's Carrizo Aquifer wells in the District.

At the preliminary hearing, attorney Trish Erlinger Carls appeared for CRWA, Ted Boriack appeared on his own behalf (*pro se*), and attorney Larry Dunbar appeared for Mary Ann Menning, Sally Ploeger, Mark Ploeger, and the Water Protection Association. (Ted Boriack, Mary Ann

Menning, Sally Ploeger, Mark Ploeger, and the Water Protection Association are sometimes referred to collectively herein as “the Requestors.”)

The Hearing Examiner evaluated all information provided by the Applicant and the Requestors under the requirements of applicable law and the District Rules. The Hearing Examiner considered the Requestors’ written hearing requests and CRWA’s written response to the hearing requests. No written replies to CRWA’s response were filed by any of the Requestors. The Requestors did not call any witnesses. The Hearing Examiner also considered the oral arguments and information presented at the preliminary hearing by Mr. Boriack, Mr. Dunbar, and Ms. Carls. The determination of whether a hearing request should be granted is not a contested case hearing.

II. SUMMARY

As is summarized in the Findings of Fact and Conclusions of Law below, the record at the preliminary hearing showed that the Applications would result in less than 2 feet of additional drawdown over a 50-year period in the Carrizo Aquifer at the properties of the Requestors, and the likely impact of the granting of these Applications on the interests of the Requestors would be no different than on the general public. Thus, none of the Requestors demonstrated a “personal justiciable interest” in the Applications that is not common to the general public sufficient to confer standing to request a contested case hearing. Therefore, these requests for a contested case hearing and party status should be denied.

III. FINDINGS OF FACT

1. On March 27, 2023, Canyon Regional Water Authority (“CRWA” or “Applicant”) submitted applications to amend Operating Permit No. 11-16-01 and Export Permit No.

11-09-01 (collectively, the “Applications”) to increase the production rate in CRWA’s “Well 14-Christian West” from 495 gallons per minute (gpm) to 1,065 gpm, resulting in a corresponding increase in CRWA’s operating and export authorizations of 920.05 acre-feet/year, for a total groundwater production and export authorization of 8,320.05 acre-feet/year from CRWA’s Carrizo Aquifer wells in the District.

2. The Applications were declared administratively complete on July 27, 2023 by the District’s General Manager¹ in accordance with District Rule 24.C.
3. Following mailed and published notice, the District’s Board of Directors held a public hearing on the Applications on September 12, 2023.
4. Per District Rule 25.B.1, requests for contested case hearing on the Applications were due on September 12, 2023.
5. The following persons timely submitted requests for contested case hearing on the Applications:

Ted Boriack
Mary Ann Menning
Sally Ploeger
Mark Ploeger
Mark Ploeger, as representative of the “Water Protection Association”²

6. At the conclusion of the September 12, 2023 public hearing, pursuant to District Rule 25.C.5, the District’s Board of Directors referred the contested case hearing requests listed above to the Honorable Judge Stephen B. Ables (“Hearing Examiner”) for consideration at a preliminary hearing.
7. In his Order No. 1, the Hearing Examiner set the date of the preliminary hearing on the requests for contested case hearings for November 8, 2023 and, consistent with the

¹ See CRWA Reply Brief, at Exhibit A (Administrative Completeness Letter).

² Ted Boriack, Mary Ann Menning, Sally Ploeger, Mark Ploeger, and the Water Protection Association are sometimes referred to collectively herein as “the Requestors.”

deadlines specified in District Rule 25.C., established Monday, October 30, 2023 as the deadline for the Applicant to file its brief in response to the requests for contested case hearing and November 3, 2023 as the deadline for filing of the requestors' reply briefs.

8. CRWA filed a brief in response to the requests for contested case hearing on October 30, 2023.
9. No written reply briefs were filed by any Requestor.
10. The preliminary hearing was held by the Hearing Examiner via videoconference on November 8, 2023.
11. At the preliminary hearing, attorney Trish Erlinger Carls appeared for CRWA, Ted Boriack appeared on his own behalf (*pro se*), and attorney Larry Dunbar appeared for Mary Ann Menning, Sally Ploeger, Mark Ploeger, and the Water Protection Association.
12. No person or entity contested the Hearing Examiner's jurisdiction to convene the preliminary hearing to receive and consider the pleadings or evidence and make a recommendation on whether any of the requests for contested case hearing should be granted or denied.
13. Mr. Boriack's September 12, 2023 contested case hearing request was not accompanied by an affidavit or a certificate of service.³
14. Mr. Boriack's September 12, 2023 contested case hearing request did not state with specificity where his property is located within the District or relative to CRWA Well 14-Christian West.⁴

³ See CRWA Reply Brief, at Exhibit B (Boriack CCH Request).

⁴ *Id.*

15. Mr. Boriack’s September 12, 2023 contested case hearing request did state that he had a domestic water well, but did not state with specificity where his domestic water well is located within the District or relative to CRWA Well 14-Christian West.⁵
16. Mr. Boriack’s September 12, 2023 contested case hearing request did not state in which aquifer his well was completed or the depth of the water well pump.⁶
17. The September 11, 2023 contested case hearing request submitted on behalf of Mary Ann Menning, Sally Ploeger, Mark Ploeger, and the Water Protection Association was not accompanied by a certificate of service.⁷
18. The September 11, 2023 contested case hearing request submitted on behalf of Mary Ann Menning, Sally Ploeger, Mark Ploeger, and the Water Protection Association did not state with specificity where any of their properties are located in the District.⁸
19. The September 11, 2023 contested case hearing request submitted on behalf of Mary Ann Menning, Sally Ploeger, Mark Ploeger, and the Water Protection Association did state that they had wells in the “western portion of the District,” but did not state with specificity where their wells are located in the District or relative to CRWA Well 14-Christian West.⁹
20. The September 11, 2023 contested case hearing request submitted on behalf of Mary Ann Menning, Sally Ploeger, Mark Ploeger, and the Water Protection Association did not state the number of wells they own in the District.¹⁰

⁵ *Id.*

⁶ *Id.*

⁷ *See* CRWA Reply Brief, at Exhibit E (Dunbar Letter).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

21. The September 11, 2023 contested case hearing request submitted on behalf of Mary Ann Menning, Sally Ploeger, Mark Ploeger, and the Water Protection Association did not state the aquifers in which their wells are completed or the depths of their water well pumps.¹¹
22. The September 11, 2023 contested case hearing request submitted on behalf of Mary Ann Menning, Sally Ploeger, Mark Ploeger, and the Water Protection Association did not state the purpose or quantity of their use of groundwater.¹²
23. No additional sworn testimony was offered by any of the Requestors at the preliminary hearing.
24. The evidence provided at the preliminary hearing by CRWA showed where the Requestors' properties are located, how many wells they own, what aquifer they are located in, and the distance from the CRWA well proposed to have increased pumpage under the Applications. Some of these wells are in the Carrizo Aquifer.
25. The primary issues at the preliminary hearing were whether any of the Requestors stated a sufficient basis upon which they were entitled to a contested case hearing by determining whether any of them had a "personal justiciable interest" in the Applications within the meaning of applicable law and the District Rules, not common to the general public, such that they had standing and were entitled to participate as a party in a contested case hearing on the Applications, and if so, what contested issues should be submitted for determination in a contested case hearing.
26. CRWA presented the following Well Summary at the preliminary hearing, which was not disputed by any Requestor:

¹¹ *Id.*

¹² *Id.*

District ID	Owner	Aquifer	Distance from Well 14-Christian West	
			Feet	Miles
H063	Boriack	Queen City	161,739	30.6
H064	Boriack	Queen City	161,104	30.5
H065	Boriack	Queen City	160,044	30.3
B006	Ploeger	Sparta	96,183	18.2
B007	Ploeger	Sparta	96,582	18.3
B008	Ploeger	Unknown	95,294	18.0
E115	Ploeger	Carrizo	43,403	8.2
E117	Ploeger	Carrizo	46,208	8.8
F165	Ploeger	Unknown	47,626	9.0
F167	Ploeger	Unknown	43,532	8.2
F168	Ploeger	Unknown	45,752	8.7
F169	Ploeger	Unknown	47,292	9.0
I940	Menning	Queen City	42,706	8.1
J233	Ploeger	Carrizo	86,034	16.3
O052	Ploeger	Queen City	45,168	8.6
P018	Ploeger	Carrizo	42,821	8.1
S008	Menning	Unknown	106,919	20.2
S009	Menning	Queen City	44,921	8.5

27. The record at the preliminary hearing showed that all wells owned by the Requestors range from 8 to 30 miles away from CRWA's Well 14-Christian West.¹³

28. The record at the preliminary hearing showed that all wells owned by the Requestors are either not in the Carrizo Aquifer, or are in the Carrizo Aquifer¹⁴ but are located in areas of

¹³ See CRWA Reply Brief, at Exhibit C (October 30, 2023 Affidavit of Michael Keester, R.W. Harden & Associates, Inc., including Attachments 1, 2 and 3)

¹⁴ *Id.*

the District¹⁵ so distant from CRWA Well 14-Christian West that they were determined by the District's expert to experience an average increased drawdown in the Carrizo Aquifer over a 50-year period of less than 2 feet resulting from approval of the Applications.¹⁶ The modeled drawdown simulations for the Carrizo Aquifer due to the Applications performed by CRWA's expert, R.W. Harden & Associates, Inc., showed similar drawdown results.¹⁷

29. The Hearing Examiner reviewed the applicable law, the District Rules, the written hearing requests filed by the Requestors, the Applicant's reply brief, and the information and arguments presented at the preliminary hearing.
30. No Requestor showed that they had, or imminently will have, a concrete and particularized injury resulting from granting the Applications that is any different from that on the general public.

IV. CONCLUSIONS OF LAW

1. The Hearing Examiner was authorized to conduct a preliminary hearing to hear evidence, consider arguments, and make a recommendation to the Board as to whether the requests for contested case hearing on the Applications filed by Ted Boriack, Mary Ann Menning, Sally Ploeger, Mark Ploeger, or the Water Protection Association should be granted.
2. The persons requesting a contested case hearing bear the burden of proof that they have standing.
3. The Texas Supreme Court has stated that, to have standing, "[a requestor must] establish a concrete and particularized injury in fact, not common to the general public, that is (1)

¹⁵ *Id.*

¹⁶ *See* CRWA Reply Brief, at Exhibit D (July 19, 2023 Memo to Laura Martin, General Manager, GCUWCD from Neil Blandford, PG and Todd Umstot, DBS&A. CRWA's consultant came to a similar conclusion, as detailed in the Application.)

¹⁷ *See* Applications.

actual or imminent; (2) fairly traceable to the issuance of the permit as proposed, and (3) likely to be redressed by a favorable decision on its complaint...” *Texas Com’n. on Envtl. Quality v. City of Waco*, 413 S.W.3d 409, at 417 (Tex. 2013).

4. Texas Water Code § 36.415(b)(2) and (3) requires groundwater districts to establish rules that:

(2) limit participation in a hearing on a contested application to persons who have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest that is within a district’s regulatory authority and affected by a permit or permit amendment application, not including persons who have an interest common to members of the public . . . (emphasis added); and

(3) establish the deadline for a person who may participate under Subdivision (2) to file in the manner required by the district a protest and request for a contested case hearing (emphasis added).

5. District Rule 25.B provides, in pertinent part, that requests for contested case hearing must comply with the following requirements:

“B. Requests for Contested Case Hearing

1. . . . [A] request for a contested case hearing or a protest against an application must be in writing and be filed before the end of the public hearing on that application.

2. A contested case hearing request must substantially comply with the following:

a. Give the name, address, daytime telephone number, and fax number, of the person filing the request. If the request is made by a corporation, partnership, or other business entity, the request must identify the entity and one person by name who shall be responsible for receiving all official communications and documents for the entity;

b. State the basis upon which the person is entitled to a contested case hearing;

c. State the issues the requestor or protestant wishes to contest;

d. State whether the person requesting the contested case hearing is the applicant for that permit or an applicant for or holder of another groundwater withdrawal permit.

e. Request a contested case hearing;

f. Provide any other information requested in the notice of proposed action and technical summary; and

g. Be verified by an affidavit.

3. Where a request for a contested case hearing is filed by a person other than the applicant, a copy of the request must be served on the applicant at or before the time the request is filed. The request shall include a certificate indicating the date and manner of service and the name and address of all persons served.”

6. District Rule 25.D.2. provides that requests for a contested case hearing be evaluated to determine whether the requestor:

“a. Does not have a personal justiciable interest related to the application and deny the hearing request; or

b. Has a personal justiciable interest relating to the application and schedule the application to a contested case hearing.”

7. District Rule 25.D.6. provides that:

“In making a determination of whether a person has a personal justiciable interest, the General Manager, presiding officer, or Board shall consider, at a minimum, the following factors:

- a. Likely impact of the regulated activity on the health and safety of the person and on the use of property of the person;
- b. The distance between the regulated activity and the person’s property;
- c. Whether a reasonable relationship exists between the interest claimed and the regulated activity; and
- d. Likely impact of the regulated activity on the use of groundwater or other natural resources of the person.”

8. Ted Boriack did not demonstrate that he has a personal justiciable interest in the Applications that is not common to the general public.

9. Mary Ann Menning did not demonstrate that she has a personal justiciable interest in the Applications that is not common to the general public.

10. Sally Ploeger did not demonstrate that she has a personal justiciable interest in the Applications that is not common to the general public.

11. Mark Ploeger did not demonstrate that he has a personal justiciable interest in the Applications that is not common to the general public.

12. The Water Protection Association did not demonstrate that it (or any of its members) has a personal justiciable interest in the Applications.

13. Because no person who requested a contested case hearing demonstrated standing, then there are no issues to be considered at a contested case hearing, the Applications are uncontested and the District's Board of Directors is authorized by District Rule 24.D.8 to take final action on the Applications.

V. ORDERING PROVISIONS

- 1. The foregoing Findings of Fact and Conclusions of Law are hereby found to be true and correct and are incorporated into this Order by this reference.
- 2. Ted Boriack's request for a contested case hearing is DENIED.
- 3. Mary Ann Menning's request for a contested case hearing is DENIED.
- 4. Sally Ploeger's request for a contested case hearing is DENIED.
- 5. Mark Ploeger's request for a contested case hearing is DENIED.
- 6. The Water Protection Association's request for a contested case hearing is DENIED.

ISSUED: _____, 20__.

**GONZALES COUNTY UNDERGROUND
WATER CONSERVATION DISTRICT**

By: _____
Bruce Tieken, Board President

ATTEST:

By: _____
Barry Miller, Secretary-Treasurer

*("Approvals as to Form" follow on separate pages
and may be signed in multiple counterparts)*

APPROVED AS TO FORM:

By: Patricia Erlinger Carls
Patricia Erlinger Carls
Attorney for Canyon Regional Water Authority

Date: December 13, 2023

APPROVED AS TO FORM:

By: Lawrence Dunbar
Lawrence G. Dunbar
Attorney for Mark Ploeger, Sally Ploeger, Mary Ann Menning, and the Water Protection Association

Date: Dec. 11, 2023

APPROVED AS TO FORM:

By: _____
Ted Boriack
(Pro Se)

Date: _____

APPROVED AS TO FORM:

By: _____
Gregory M. Ellis
Attorney for Gonzales County Underground Water Conservation District

Date: _____

APPROVED AS TO FORM:

By: _____
Patricia Erlinger Carls
Attorney for Canyon Regional Water Authority

Date: _____

APPROVED AS TO FORM:

By: Lawrence Dunbar
Lawrence G. Dunbar
Attorney for Mark Ploeger, Sally Ploeger, Mary Ann Menning, and the Water Protection Association

Date: Dec. 11, 2023

APPROVED AS TO FORM:

By: _____
Ted Boriack
(Pro Se)

Date: _____

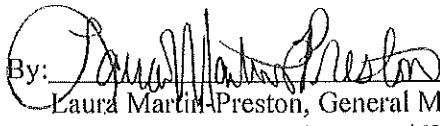
APPROVED AS TO FORM:

By: Gregory M. Ellis
Gregory M. Ellis
Attorney for Gonzales County Underground Water Conservation District

Date: 12/12/23

Version approval date: 12/11/2023

APPROVED AS TO FORM:

By:  _____
Laura Martin-Preston, General Manager

Gonzales County Underground Water Conservation District

Date: 12/15/2023 _____

**CRWA RESPONSE TO
PROTESTANTS' REQUEST FOR
CONTESTED CASE**

APPLICATION OF THE §
CANYON REGIONAL WATER §
AUTHORITY TO AMEND §
OPERATING PERMIT NO. 11-16-01 §
AND EXPORT PERMIT NO. 11-09-01 §

BEFORE THE
GONZALES COUNTY
UNDERGROUND WATER
CONSERVATION DISTRICT

**APPLICANT CANYON REGIONAL WATER AUTHORITY’S RESPONSE TO
PROTESTANTS’ REQUESTS FOR CONTESTED CASE HEARINGS**

TO THE HONORABLE JUDGE ABLES:

The Canyon Regional Water Authority (“Applicant” or “CRWA”), pursuant to the Gonzales County Underground Water Conservation District (“District”) Rule 25.C.3, files this response to hearing requests made to the District for a contested case hearing on its applications to amend Operating Permit No. 11-16-01 and Export Permit No. 11-09-01 (collectively, the “Applications”), and would respectfully show the following:

I. CRWA BACKGROUND

CRWA is a political subdivision of the State of Texas originally created by the Texas Legislature in 1989.¹ It is governed by a board of trustees consisting of representatives of each of its eleven (11) member entities, which are water supply corporations, cities, and special districts. CRWA was created to, among other things, purchase, own, hold, lease, and otherwise acquire sources of potable water supply and to sell potable water to local governments, water supply corporations, and other persons in the State of Texas. Its current municipal member entities are the cities of Cibolo, Converse, La Vernia, and Marion. Its current special utility district (SUD)

¹ An Act relating to the creation, administration, powers, duties, operation, financing, and annexation authority of the Canyon Regional Water Authority; authorizing the issuance of bonds, providing the power of eminent domain,” 71st Tex. Leg. R.S., Chapter 670 (1989) (S.B. No. 1735), as amended by H.B. 1818, 73rd Tex. Leg. R.S. Ch. 236 (1993), and H.B. No. 3818, 76th Tex. Leg. R.S. Ch. 1142 (1999),

members are County Line SUD, Crystal Clear SUD, East Central SUD, Green Valley SUD, and Maxwell SUD. Its current water supply corporation (WSC) member entities are Martindale WSC and Springs Hill WSC. Collectively, the member entities provide retail public water service to an approximately 900-square mile area situated east of IH-35 between the cities of San Antonio² and Kyle.

CRWA owns and operates an interconnected wellfield consisting of fifteen (15) groundwater wells located on the historic “Wells Ranch,” which straddles the Guadalupe and Gonzales county lines. It is also split jurisdictionally between the Guadalupe County Groundwater Conservation District and the Gonzales County Underground Water Conservation District. The wells in Guadalupe County and the wells in Gonzales County are collectively referred to by CRWA the “Wells Ranch Project.”

The CRWA Wells Ranch Project well that is the subject of the Applications is referred to by CRWA as “Well 14-Christian West.” Well 14-Christian West is currently permitted by the District to produce water at a rate of 495 gallons per minute (gpm) from the Carrizo Aquifer, but CRWA’s ten-year operating history data shows that Well 14-Christian West is a productive artesian well capable of producing water at a rate 1,065 gpm while remaining in compliance with the District’s spacing and allocation rules. The increased rate of production can be accomplished by upgrading the current pumping equipment – no other significant modifications are needed. The increased pumping rate equates to a production increase of 920.05 acre-feet/year. If the permit amendments are issued, CRWA will produce and export a total of 8,320.05 acre-feet/year from its ten (10) Carrizo Aquifer wells in the District, all of which will be used for public water supply purposes by CRWA’s member entities and their respective retail customers.

² San Antonio Water System and the City of San Marcos are wholesale customers of CRWA but are not member entities.

II. APPLICATION HISTORY AND PROCEDURAL BACKGROUND

CRWA submitted the Applications to the District on March 27, 2023. The District determined that the Applications were administratively complete on July 27, 2023.³ Of its own volition, at the District's August 8, 2023 Board meeting, CRWA provided an overview of the Applications at a workshop for benefit of the District Board and the public. The formal public hearing was held on September 12, 2023, notice of which was mailed to neighboring property owners on August 2, 2023 and published in the *Gonzales Inquirer* and the *Lockhart-Post Register* on August 10, 2023. Requests for contested case hearings were required to be filed before the end of the September 12, 2023 public hearing on the Applications.⁴ The following persons submitted requests for contested case hearing:

Ted Boriack
Mary Ann Menning
Sally Ploeger
Mark Ploeger
Mark Ploeger, as representative of the "Water Protection Association"

The District referred the hearing requests to Judge Stephen B. Ables (the "Hearing Examiner"). The Hearing Examiner's Order No. 1 set the date of the preliminary hearing at which he will consider the requests for contested case hearing for November 8, 2023, and established Monday, October 30, 2023 as the deadline for filing of the Applicant's brief in response to the requests for contested case hearing. This brief is timely filed.

³ See EXHIBIT A, Administrative Completeness Letter.

⁴ District Rule 25.B.1.

III. APPLICABLE LAWS AND RULES

A. State Law – Individual Standing

A person's right to appear before a court, or agency, or participate in a contested case hearing is grounded in Art. I, §19 of the Texas Constitution which provides that, "No citizen shall be deprived of life, liberty, property, privileges or immunities, or in any manner disenfranchised, except by the due course of the law of the land." In determining whether a procedural due process violation has occurred, Texas courts apply a two-part analysis: (1) whether the claimant has a property interest that is entitled to procedural due-process protection; and (2) if so, what process is due. Due process is flexible and calls only for those procedural protections demanded by the circumstances⁵ with the minimum requirements being notice and an opportunity to be heard at a meaningful time and in a meaningful manner.⁶

The constitutional right of due process presupposes that one has a cause of action that the court, agency, or hearing examiner can address. This is the concept of standing. As a general rule of Texas law, to have standing, unless it is conferred by statute, a person must demonstrate that he or she possesses an interest in a conflict distinct from that of the general public, such that the defendant's actions have caused the person some particular injury.⁷ The injury to a litigant must be actual, not general or hypothetical, and distinct from that sustained by the public at large.⁸ In 1984, the Texas Supreme Court articulated the concept as follows:

"In order for any person to maintain a suit it is necessary that he have standing to litigate the matters in issue. Standing consists of some interest peculiar to the person individually and not as a member of the general public. [*citations omitted*]"

⁵ *In Re M-I L.L.C.*, 505 S.W.3d 569, 575-577 (Tex. 2016).

⁶ *University of Texas Medical School at Houston v. Than*, 901 S.W.2d 926, 930 (Tex. 1995).

⁷ *S. Tex. Water Authority v. Lomas*, 223 S.W.3d 304, 307 (Tex. 2007); *Brown v. Todd*, 53 S.W.3d 297, 302 (Tex. 2001).

⁸ *Id.*

This general rule of standing is applied in all cases absent a statutory exception to the contrary.”⁹

Jurisprudence on judicial standing is currently governed by the Texas Supreme Court’s opinion in the case of *Texas Association of Business v Texas Air Control Board*.¹⁰ In that case, the Court reasoned that the separation of powers doctrine prohibited courts from issuing advisory opinions because such is the function of the executive rather than the judicial department. An opinion issued in a case brought by a party without standing is advisory because rather than remedying an actual or imminent harm, the judgment addresses only a hypothetical injury. Texas courts have no jurisdiction to render such opinions.¹¹

The Court also found that, under federal law, standing is an aspect of the U.S. Constitution’s Article III limitation of the judicial power to “cases and controversies.” To comport with Article III, a federal court may hear a case only when the litigant has been threatened with or has sustained an injury.¹² Under the Texas Constitution, standing is implicit in the open courts provision of Article 1, § 13 of the Texas Constitution, which contemplates access to the courts only for those litigants suffering an injury. Specifically, the open courts provision provides:

“All courts shall be open, and every person for an *injury* [emphasis added by the Court] done him, in his lands, goods, person or reputation, shall have remedy by due course of law.”¹³

Thus, *injury* is a requirement for access to the courts. As the Texas Supreme Court has clearly articulated, “In Texas, the standing doctrine requires a concrete injury to the plaintiff and a real

⁹ *Hunt v. Bass*, 664 S.W.2d 323, 324 (Tex. 1984); and cases cited therein.

¹⁰ *Tex. Ass’n of Bus. v. Tex. Air Control Bd.*, 852 S.W.2d 440 (Tex. 1993).

¹¹ *Tex. Ass’n of Bus.*, 852 S.W.2d at 444.

¹² *Id.*

¹³ Tex. Const. Art. I § 13 (emphasis added).

controversy between the parties that will be resolved by the court.”¹⁴ Thus, lack of standing deprives a court of subject matter jurisdiction because standing is an element of such jurisdiction.¹⁵

In determining whether the plaintiff has adequately alleged a concrete injury sufficient to invoke standing, courts will look solely to the plaintiff’s pleadings.¹⁶ Because the determination is made by looking solely at the plaintiff’s pleadings, “A plaintiff does not lack standing simply because he cannot prevail on the merits of his claim; he lacks standing because his claim of injury is too slight for a court to afford redress.”¹⁷ Texas’ standing test parallels the federal test for standing, and Texas courts often look to federal standing law for guidance. In that regard, the United States Supreme Court has articulated three elements of the standing test:

“First, the plaintiff must have suffered an “injury in fact”—an invasion of a legally protected interest which is (a) concrete and particularized, and (b) “actual or imminent, not ‘conjectural’ or ‘hypothetical.’” Second, there must be a causal connection between the injury and the conduct complained of—the injury has to be “fairly . . . trace[able] to the challenged action of the defendant, and not . . . th[e] result [of] the independent action of some third party not before the court.” Third, it must be “likely,” as opposed to merely “speculative,” that the injury will be “redressed by a favorable decision.”¹⁸

The foregoing discussion of standing in the courts provides an essential background for understanding the principles of the rights of an interested person to obtain a hearing, participate as a party, and obtain judicial review of an administrative agency decision. However, standing before an administrative agency may be expanded or limited by the legislature and agency rules. The seminal cases on this point involve the Texas Commission on Environmental Quality (TCEQ).

¹⁴ *Heckman v. Williamson Cty.*, 369 S.W.3d 137, 154 (Tex. 2012); *see also Brown v. Todd*, 53 S.W.3d 297, 305 (Tex. 2001).

¹⁵ *Texas Ass’n of Bus.*, 852 S.W.2d at 444-445.

¹⁶ *Texas Ass’n of Bus.*, 852 S.W.2d at 446.

¹⁷ *DaimlerChrysler Corp. v. Inman*, 252 S.W.3d 299, 305 (Tex. 2008) (emphasis added).

¹⁸ *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–561 (1992) (citations omitted); *see also Heckman*, 369 S.W.3d at 154–155 (quoting same).

The first case, *Texas Commission in Environmental Quality v. City of Waco*,¹⁹ involved an application for a Concentrated Animal Feedlot Operation (CAFO) permit from the TCEQ for the disposal of animal waste at such facilities. The Texas Water Code generally extends the right to a contested case hearing in a permit application to a TCEQ commissioner, the TCEQ's executive director, and to an "affected person, when authorized by law" upon request.²⁰ However, another provision of the Texas Water Code²¹ exempts certain actions from this general grant, including applications to renew or amend certain permits (including CAFO permits) if the applicant is not "applying to increase significantly the quantity of waste authorized to be discharged, or change materially the pattern or place of discharge." The City of Waco had filed a request for contested case hearing asserting (with evidence supported by experts' affidavits) that the discharge would adversely affect the City of Waco's public drinking water supply source, which was downstream of the CAFO discharge point, and that the proposed draft permit was not sufficiently protective of that water supply. The TCEQ Executive Director argued that Texas Water Code § 26.028(d) allowed the TCEQ to find that when a proposed draft permit contains provisions that are more restrictive than the original permit, no contested case hearing is warranted. The TCEQ agreed with its Executive Director, denied the request for contested case hearing, and issued the CAFO permit. On appeal, the TCEQ prevailed at District Court, lost at the Court of Appeals, and ultimately prevailed at the Texas Supreme Court.

¹⁹ *City of Waco v. Tex. Comm'n on Env'tl. Quality*, 346 S.W.3d 781, 788 (Tex. App. – Austin 2011); overruled by *Texas Com'n. on Env'tl. Quality v. City of Waco*, 413 S.W.3d 409 (Tex. 2013).

²⁰ Texas Water Code § 5.115. The "affected person" definition in Section 5.115 of the Texas Water Code has nearly identical language to that in Texas Water Code § 36.415(b)(2) pertaining to a "personal justiciable interest." Texas Water Code § 5.115(a) provides as follows, "Sec. 5.115. PERSONS AFFECTED IN COMMISSION HEARINGS; NOTICE OF APPLICATION. (a) For the purpose of an administrative hearing held by or for the commission involving a contested case, "affected person," or "person affected," or "person who may be affected" means a person who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the administrative hearing. An interest common to members of the general public does not qualify as a personal justiciable interest."

²¹ Texas Water Code § 26.028(d).

The Supreme Court affirmed the Court of Appeals conclusion that the affected-person definition in the Texas Water Code embodied the constitutional principles of standing:

“The court [of appeals] explained that those principles required the City to establish a concrete and particularized injury in fact, not common to the general public, that is (1) actual or imminent; (2) fairly traceable to the issuance of the permit as proposed, and (3) likely to be redressed by a favorable decision on its complaint...”²²

The Supreme Court did not disagree with the Court of Appeals’ conclusion that the City of Waco possessed a legally protected interest in the quality of its drinking water source, based on the evidence in the City’s request for a contested case hearing. However, the Texas Supreme Court concluded that one’s status as an “affected person” does not ultimately determine the right to a contested case hearing. The Court found that,

“. . . we must account for the Commission’s discretion to limit or deny public hearings on amended permits that maintain or improve the quality of any discharge and that neither increase significantly the quantity of waste authorized to be discharged nor change materially the pattern or place of discharge. Thus, even assuming the City might otherwise qualify as an affected person under the statute’s definition, it may still not be entitled to a public hearing if [Texas Water Code] Section 26.028(d)’s exception reasonably applies.”²³

The Texas Supreme Court concluded that the TCEQ did not abuse its discretion in denying the City of Waco’s request for a contested case hearing based on the statutory exception to the right to a contested case hearing and the Executive Director’s showing that the statutory exception applied. The Supreme Court recognized that the City of Waco’s status as an “affected person” depended on the resolution of certain fact issues that were weighed by the TCEQ staff in a proceeding that did not involve a contested case hearing but did not find that procedure lacking in due process.

²² *City of Waco*, 413 S.W.3d at 417.

²³ *City of Waco*, 413 S.W.3d at 420.

The Texas Supreme Court affirmed itself in a decision arising from a second CAFO permit application issued shortly after *City of Waco*. *Texas Commission on Environmental Quality v. Bosque River Coalition*²⁴ arose from a second CAFO permit application in the North Bosque river watershed. The TCEQ denied a request for a contested case hearing by a coalition of landowners in the watershed and issued the permit. As in *City of Waco*, the issue was whether the TCEQ abused its discretion in determining that the permit as proposed by the Executive Director did not significantly increase or materially change the authorized discharge of waste, and that the Coalition was therefore not entitled to a contested case hearing per the exception to that right in the Water Code. Drawing upon its *City of Waco* opinion, the Texas Supreme Court again concluded that the application of the statute's exception to the contested case requirement did not itself require a contested case hearing, but "could instead be determined through a less formal, less expensive, and less time-consuming proceeding before the Commission."²⁵ The Texas Supreme Court reversed the decision of the Court of Appeals to grant the City of Waco's request for a contested case hearing and rendered a verdict affirming the TCEQ's decision to issue the permit as recommended by the TCEQ Executive Director.

The lessons of the *City of Waco* and *Bosque River Coalition* cases are that, in an administrative proceeding, a person's right to a contested case hearing can be limited by the Legislature and the rules of the agency even when that person is an "affected person." In the instant case, this means that Texas Water Code Chapter 36 and the District Rules must be considered in evaluating requests for a contested case hearing.

²⁴ *Tex. Comm'n on Environmental Quality v. Bosque River Coalition*, 413 S.W.3d 403 (Tex. 2013).

²⁵ *Bosque River Coalition*, 413 S.W.3d at 408.

B. Texas Water Code Chapter 36

In Texas Water Code Chapter 36, the Legislature requires groundwater districts to establish rules for determining whether a person has standing to participate in a contested case hearing.

Texas Water Code § 36.415(b)(2) and (3) requires groundwater districts to establish rules that:

- (2) limit participation in a hearing on a contested application to persons who have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest that is within a district's regulatory authority and affected by a permit or permit amendment application, not including persons who have an interest common to members of the public . . . (emphasis added); and
- (3) establish the deadline for a person who may participate under Subdivision (2) to file in the manner required by the district a protest and request for a contested case hearing (emphasis added).

Similar to the cases discussed above relating to the TCEQ, the Legislature has limited participation in a contested case hearing under Texas Water Code Chapter 36 to persons who have a "personal justiciable interest" in the application, "not including persons who have an interest common to members of the public."²⁶ The Legislature has also delegated rulemaking authority to water conservation districts to implement the statute by adopting rules addressing the manner of filing the requests for contested case hearing.

C. The District's Rules

As directed by Texas Water Code § 36.415(b)(2) and (3), the District adopted District Rule 25, which contains the District's procedural and substantive requirements applicable to requests for contested case hearings.

²⁶ The "affected person" definition in Section 5.115 of the Texas Water Code has nearly identical language to that in Texas Water Code § 36.415(b)(2) pertaining to a "personal justiciable interest." Texas Water Code § 5.115(a) provides as follows, "Sec. 5.115. PERSONS AFFECTED IN COMMISSION HEARINGS; NOTICE OF APPLICATION. (a) For the purpose of an administrative hearing held by or for the commission involving a contested case, "affected person," or "person affected," or "person who may be affected" means a person who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the administrative hearing. An interest common to members of the general public does not qualify as a personal justiciable interest."

With regard to procedure, District Rule 25.B.1 requires requests for contested case hearings to be in writing and filed with the District before the end of the public hearing on the application. District Rule 25.B.3 requires copies of the contested case hearing request to be served on the applicant on or before the time the request is filed with the District, and to be accompanied by a certificate indicating the date and manner of service and the name and address of the persons served. District Rule 25.B.2 states that all requests for contested case hearing must substantially comply with the following requirements:

- a. Give the name, address, daytime telephone number, and fax number, of the person filing the request. If the request is made by a corporation, partnership, or other business entity, the request must identify the entity and one person by name who shall be responsible for receiving all official communications and documents for the entity;
- b. State the basis upon which the person is entitled to a contested case hearing;
- c. State the issues the requestor or protestant wishes to contest;
- d. State whether the person requesting the contested case hearing is the applicant for that permit or an applicant for or holder of another groundwater withdrawal permit.
- e. Request a contested case hearing;
- f. Provide any other information requested in the notice of proposed action and technical summary; and
- g. Be verified by an affidavit.

Substantively, the District's Rules also require a demonstration by the person requesting a contested case hearing that the person has a "personal justiciable interest" relating to the application.²⁷ In making the determination as to whether a person has a "personal justiciable interest" related to the application, District Rule 25.D.6 states that the following factors must be considered:

²⁷ District Rule 25.D.2.

6. In making a determination of whether a person has a personal justiciable interest, the General Manager, presiding officer, or Board shall consider, at a minimum, the following factors:

- a. Likely impact of the regulated activity on the health and safety of the person and on the use of property of the person;
- b. The distance between the regulated activity and the person's property;
- c. A reasonable relationship exists between the interest claimed and the regulated activity; and
- d. Likely impact of the regulated activity on the use of groundwater or other natural resources of the person.

IV. ANALYSIS AND ARGUMENT

A. Ted Boriack Has Not Demonstrated He Has Personal Justiciable Interest in the Applications, He Lacks Standing, His Request for Contested Case Hearing Should be Denied

During the public hearing on the Applications on September 12, 2023, Mr. Ted Boriack submitted an unverified letter via email to the District requesting a contested case hearing on the Applications.²⁸ The request is procedurally deficient on its face. District Rule 25.B.2.g. requires that all requests for contested case hearings be verified by an affidavit. Mr. Boriack's request is accompanied only by an unsworn declaration. An unsworn declaration is not an affidavit. In addition, District Rule 25.B.3 requires requests for contested case hearing to include a certificate indicating the date and manner of service and the names and addresses of all persons served. Mr. Boriack's request is not accompanied by a certificate of service. District Rule 25.B was promulgated in direct response to the legislative directive codified at Texas Water Code § 36.415(b)(3) that groundwater district must establish rules stating the manner of filing contested case hearing requests. Mr. Boriack's request fails to meet those filing requirements. The request must be denied based on these procedural deficiencies alone.

²⁸ See EXHIBIT B, Boriack CCH Request.

Mr. Boriack's request is also substantively deficient because it fails to include evidence of the basis on which Mr. Boriack is requesting a contested case hearing. Texas Water Code § 36.415(b)(2) limits "participation in a hearing on a contested application to persons who have a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest that is within a district's regulatory authority and affected by a permit or permit amendment application, not including persons who have an interest common to members of the public." Nothing in Mr. Boriack's September 12, 2023 letter indicates that he has a "personal justiciable interest" "affected by the permit or permit amendment application" that is not "an interest common to members of the public."

On the topic of his "personal justiciable interest," only one of the issues raised by Mr. Boriack speaks to this issue, and the facts cut against him. Mr. Boriack asserts that he owns 300 acres of "water rights" somewhere within the boundaries of the District. He says he has an existing domestic well on his property but does not say where his property is, what aquifer his well produces from, the depth of his well, whether it is authorized by the District, any evidence of his use of the well, or any evidence demonstrating that the Applications, if granted, will have a concrete, particularized impact on his well that is any different from that on the general public. He does not address the factors listed in District Rule 25.D.6, which are required to be considered in determining whether a person has a "personal justiciable interest" in the Applications. Although Mr. Boriack speculates about a wide range of alleged adverse impacts on "farmers and ranchers," that might result from granting the Applications, he does not explain how those general concerns relate to him personally.

District records indicate that Mr. Boriack has three wells on his property – two of which are old oil and gas test wells, and one of which is an exempt domestic use well.²⁹ District records also indicate that none are completed in the Carrizo Aquifer; all three are in the shallower Queen City Aquifer.³⁰ The Queen City Aquifer is separated from the Carrizo Aquifer by the Reklaw Formation, a clay-rich aquitard.³¹ Therefore, it is unlikely that granting the Applications will have any quantifiable impact on Mr. Boriack’s health and safety or his use of his property since Mr. Boriack’s wells are completed in a different, separated aquifer. Although Mr. Boriack says he “plans to install a new Carrizo water well in the future,” this claim rings hollow. There is no indication that Mr. Boriack has ever attempted to register a new well, applied to the District for a permit or for authorization to rework an existing well, or provided notice of same to the District. His failure to initiate any District-required process to construct a Carrizo well shows that this interest is, at best, purely speculative and hypothetical and cannot be used as a basis for claiming a personal justiciable interest in the Applications.

District Rule 25.D.6 also requires distance to be considered when evaluating whether a person has a “personal justiciable interest.”³² All three of Mr. Boriack’s wells are in a different aquifer and located approximately 30.3 to 30.6 miles away from Well 14-Christian West.³³ Even if Mr. Boriack had Carrizo wells, at that distance, CRWA has determined that the impact of granting the Applications would be, conservatively, a drop in water levels in the Carrizo Aquifer of less than 0.4 feet over a 50-year period.³⁴ The District’s geologist performed a technical review of the predicted impacts included in CRWA’s Applications and concluded that the simulated drawdown

²⁹ See EXHIBIT C, Affidavit of Michael Keester, P.G., R.W. Harden & Associates, Inc.

³⁰ *Id.*

³¹ See EXHIBIT C, Affidavit of Michael Keester, P.G., R.W. Harden & Associates, Inc.; *see also* <https://gcuwcd.org/aquifer-mechanics>

³² District Rule 25.D.6.b.

³³ See EXHIBIT C, Affidavit of Michael Keester, P.G., R.W. Harden & Associates, Inc., at Attachment 1.

³⁴ See Applications, Tab 4, available online at https://gcuwcd.org/news-detail?item_id=29075.

due to the requested increase in pumping was consistent with their findings.³⁵ The work of both CRWA's and the District's experts show that the effect of the increased pumpage on Mr. Boriack will be less than the effect on the majority of landowners/water rights holders in the entire District.

Mr. Boriack also asserts that if the District has already issued permits exceeding the "modeled available groundwater" it cannot grant CRWA's Applications. Mr. Boriack is not correct. In 2011, the Texas Legislature changed the term "managed available groundwater," which arguably acted as a cap on total permitting, to "modeled available groundwater,"³⁶ which is not a cap on permitting and is only one of several factors a district considers in managing production on a long-term basis.³⁷ The District is required to manage the aquifers to achieve the desired future conditions ("DFC"), not the "modeled available groundwater" ("MAG").³⁸ The District uses actual monitoring well data to track whether it is achieving the DFC on a long-term basis.³⁹ The District's rules include as Appendix C the amount of drawdown allowed in each aquifer while still meeting the DFC.⁴⁰ CRWA has reviewed the most recent monitoring well information provided by the District and determined that the DFC is not being exceeded now, nor is it expected to be as a result of granting the Applications.⁴¹

Mr. Boriack also alleges that the Applications represent a taking of personal property "from landowners in the county." Although ownership of groundwater in place is a property interest, having a property interest alone is not sufficient to establish standing. As the Texas Supreme Court explained in *City of Waco*, to have standing, a person must show:

³⁵ See EXHIBIT D, Memo re "Review of Groundwater Modeling for the CRWA Permit Amendment Applications," from Neil Blandford, PG and Todd Umstot, DBS&A, to Laura Martin, General Manager, GCUWCD, July 19, 2023

³⁶ Acts 2011, 82nd Leg., R.S., Ch. 18 (S.B. 737), Sec. 4, eff. September 1, 2011, amending Tex. Water Code § 36.1132.

³⁷ See Tex. Water Code § 36.1132(b).

³⁸ See Tex. Water Code § 36.1132(a) and (b).

³⁹ See data at <https://gcuwcd.org/water-level>.

⁴⁰ See District Rules, Appendix C, available online at <https://gcuwcd.org/rules-regulation-and-contracts>

⁴¹ See EXHIBIT C, Affidavit of Michael Keester, P.G., R.W. Harden & Associates, Inc.; See also data at <https://gcuwcd.org/water-level>.

“... a concrete and particularized injury in fact, not common to the general public, that is (1) actual or imminent; (2) fairly traceable to the issuance of the permit as proposed, and (3) likely to be redressed by a favorable decision on its complaint. . .”⁴²

Mr. Boriack has shown no concrete, actual, non-speculative injury. He has merely expressed a general concern about drawdown levels, water quality, surface water impacts, wildlife impacts, and subsidence on farmers and ranchers across the county. Mr. Boriack does not provide any information or evidence supporting his contention that those adverse effects result from the Applications or any information as to how those alleged impacts will manifest as injury to him personally.

Mr. Boriack expresses concern that the Applications did not include a “study on the local impacts, socioeconomic impacts, or environmental impacts” or consider “federal environmental law” and “EPA information.” None of those factors are required to be addressed by Applications to the District for a groundwater production or transportation permit. The District has already determined that the Applications are administratively complete.⁴³ These contentions are without merit.

Finally, Mr. Boriack questions whether the additional water produced from Well 14-Christian West will be put to beneficial use and expresses a desire to have an “understanding of end users.” As is clear from the Applications, Well 14-Christian West is an existing well in CRWA’s Wells Ranch Project. CRWA’s member entities are all public water suppliers. The water will be used by people who are customers of those public water suppliers for domestic purposes. Use of water by people for domestic purposes is a beneficial use.⁴⁴

⁴² *City of Waco*, 413 S.W. 2d at 417.

⁴³ See EXHIBIT A, Letter of Administrative Completeness.

⁴⁴ Tex. Water Code § 36.001(9)(A).

In summary, Mr. Boriack has not demonstrated that he has a “personal justiciable interest” in the Applications that is not common to the general public sufficient to confer standing and has not raised issues of fact or law that should be referred to a contested case hearing. His interest in the Applications is no different from any other landowner in Gonzales County or owner of a Queen City well, and his request for a contested case hearing and for party status should be denied.

B. Mary Ann Menning Has Not Demonstrated She Has Personal Justiciable Interest in the Applications, She Lacks Standing, Her Request for Contested Case Hearing Should be Denied

By and through her attorney Mr. Larry Dunbar, Ms. Menning submitted a request for contested case hearing by letter dated September 11, 2023 (the “Dunbar Letter”).⁴⁵ The Dunbar Letter is not accompanied by a certificate of service as required by District Rule 25.B.3 and does not offer a proper basis on which Ms. Menning is entitled to a contested case hearing as required by District Rule 25.B.2. The Dunbar Letter asserts, without any supporting evidence, that Mr. Dunbar’s clients, including Ms. Menning, own land and have registered wells in the “western portion of the District.” The jurisdictional boundaries of the District encompass all but the easternmost portion of Gonzales County and also include portions of Caldwell County. The Dunbar Letter does not say where Ms. Menning’s property is specifically located in the District, the number of well(s) she owns, what aquifer her well(s) are in, the depth of her well(s), whether the well(s) are authorized by the District, or any evidence of the purpose or amount of groundwater she uses. The Dunbar Letter does not address the factors listed in District Rule 25.D.6, which are required to be considered in determining whether a person has a “personal justiciable interest” in the Applications. For example, the Dunbar Letter does not state the distance from Well 14-Christian West to Ms. Menning’s well(s). The Dunbar Letter includes no specific evidence

⁴⁵ See EXHIBIT E, Dunbar Letter.

demonstrating that the Applications, if granted, will have a concrete, particularized impact on her land or well(s) that is any different from that on the general public.

Even if the Dunbar Letter had included information about Ms. Menning's property interests that allegedly will be adversely affected by the Applications, having a property interest alone is not sufficient to confer standing. As the Texas Supreme Court explained in *City of Waco*, to have standing, a person must show:

“ . . . a concrete and particularized injury in fact, not common to the general public, that is (1) actual or imminent; (2) fairly traceable to the issuance of the permit as proposed, and (3) likely to be redressed by a favorable decision on its complaint. . . .”⁴⁶

The Dunbar Letter does not show that Ms. Menning has a concrete, actual, non-speculative injury. The Dunbar Letter does not provide any information supporting the assertion that any of the “issues of concern” listed in the letter will manifest as injury to Ms. Menning personally.

The only “evidence” of Ms. Menning's personal justiciable interest in the Applications included in the Dunbar Letter is a diagram marked as “Figure 1” excerpted from the Applications prepared by R.W. Harden & Associates, Inc., CRWA's hydrogeologists, showing, per District Rules, contour lines marking the additional drawdown that the model predicts will occur in the Carrizo Aquifer if the Applications are granted and if all current permit holders pump their full permitted amounts for a 50-year period.⁴⁷ The location of Ms. Menning's property and well(s) are not shown on “Figure 1.” But even if that information was shown, what “Figure 1” demonstrates is that pumping of groundwater in Gonzales County affects most landowners equally based on their distance from Well 14-Christian West. The greatest drawdown typically occurs nearest the

⁴⁶ *City of Waco*, 413 S.W. 2d at 417.

⁴⁷ See EXHIBIT E, Dunbar Letter, page 3.

pumping well and decreases as distance from the pumping well increases. No requests for contested case hearing were received from landowners or well owners closest to the pumping well.

CRWA has determined that Ms. Menning's property is approximately 7.8 miles from Well 14-Christian West.⁴⁸ CRWA has also reviewed information provided by the District showing that Ms. Menning has two exempt Queen City wells on her property that she uses for livestock purposes (District Well Ids. I940 and S009) located approximately 8.1 and 8.5 miles from Well 14-Christian West, respectively. District records also show that Ms. Menning has one unused well on her property located approximately 20.3 miles from Well 14-Christian West in an unknown aquifer (District Well Id. S008).⁴⁹

There is no information indicating that the Applications will cause any drawdown in the Queen City Aquifer. Even if Ms. Menning had Carrizo wells, at the distance her property is from Well 14-Christian West, CRWA has determined that the predicted additional impact of granting the Applications would be a drop in water levels in the Carrizo Aquifer of less than two feet over a 50-year period.⁵⁰ The District's geologist estimated the decline in Carrizo Aquifer water levels in the vicinity of Ms. Menning's property to be even less – a reduction of less than 1.25 feet over the 50-year period.⁵¹

Although the Dunbar Letter lists "issues of concern," it does not provide any information about how those general issues of concern relate to Ms. Menning. Those "issues of concern" are only generally stated as being concerns about the impact of the Applications on groundwater levels in the Carrizo Aquifer and "other aquifers," the use of the water requested in the Applications,

⁴⁸ See EXHIBIT C, Affidavit of Michael Keester, P.G., R.W. Harden & Associates, Inc.

⁴⁹ See EXHIBIT C, Affidavit of Michael Keester, P.G., R.W. Harden & Associates, Inc.

⁵⁰ See Applications, Tab 4, available online at https://gcuwcd.org/news-detail?item_id=29075.

⁵¹ See EXHIBIT D, Memo re "Review of Groundwater Modeling for the CRWA Permit Amendment Applications," from Neil Blandford, PG and Todd Umstot, DBS&A, to Laura Martin, General Manager, GCUWCD, July 19, 2023.

groundwater quality, impact on surface water use, environmental issues, wildlife issues, whether the project is in the Regional and State Water Plan, and whether the additional pumping will exceed the MAG or the DFC. There is no information about how any of these issues of concern affect Ms. Menning personally. The Wells Ranch Project strategy was initially approved in the 2012 State Water Plan and has continued to be included in every subsequent Plan. It is an existing project. In the Applications, CRWA is proposing to optimize production from one of the wells in that existing project. The Applications and the DBS&A Memo address the impact of the Applications on groundwater levels, concluding that the effects on landowners in the vicinity of Ms. Menning are predicted to experience a drop in water levels in the Carrizo Aquifer of less than two feet over a 50-year period.⁵² The Dunbar Letter provides no evidence indicating that there will be any effect of the Applications on the Queen City Aquifer. Nor does the Dunbar Letter include any evidence indicating any adverse effects on water quality, surface water use, environmental issues, or wildlife issues.

With regard to the effect of the Applications on the MAG and DFC, as explained above, even if the District has already issued permits in excess of the MAG, the MAG is not a cap on permitting and is only one of several factors a district considers in managing production on a long-term basis.⁵³ Another factor to be considered in issuing permits is, for example, the amount of groundwater that is actually produced under permits issued by the District.⁵⁴ To that point, CRWA has determined based on information provided by the District that the actual use of groundwater

⁵² See Applications, Tab 4, available online at https://gcuwcd.org/news-detail?item_id=29075; EXHIBIT D, Memo re “Review of Groundwater Modeling for the CRWA Permit Amendment Applications,” from Neil Blandford, PG and Todd Umstot, DBS&A, to Laura Martin, General Manager, GCUWCD, July 19, 2023.

⁵³ Acts 2011, 82nd Leg., R.S., Ch. 18 (S.B. 737), Sec. 4, eff. September 1, 2011, amending Tex. Water Code § 36.1132.

⁵⁴ Tex. Water Code § 36.1132(b)(4) (“In issuing permits, the district shall manage total groundwater production on a long-term basis to achieve an applicable desired future condition and consider . . . a reasonable estimate of the amount of groundwater that is actually produced under permits issued by the district.”)

by permittees is only about 46% of the amount of the MAG.⁵⁵ The District is required to manage the aquifers to achieve the DFC, not the MAG.⁵⁶ The District uses actual monitoring well data to track whether it is achieving the DFC on a long-term basis.⁵⁷ The District Rules include as Appendix C the amount of drawdown allowed in each aquifer while still meeting the DFC.⁵⁸ CRWA has reviewed the most recent monitoring well information provided by the District and determined that the DFC is not being exceeded now, nor will it be as a result of granting the Applications.⁵⁹

In summary, the Dunbar Letter does not demonstrate that Ms. Menning has a “personal justiciable interest” in the Applications that is not common to the general public sufficient to confer standing and has not raised issues of fact or law that should be referred to a contested case hearing. Ms. Menning’s interest in the Applications is no different from any other landowner in Gonzales County or owner of a Queen City well, and her request for a contested case hearing and for party status should be denied.

C. Sally Ploeger Has Not Demonstrated She Has Personal Justiciable Interest in the Applications, She Lacks Standing, Her Request for Contested Case Hearing Should be Denied

The Dunbar Letter also included a request by Ms. Ploeger for a contested case hearing.⁶⁰ The Dunbar Letter is not accompanied by a certificate of service as required by District Rule 25.B.3 and does not offer a proper basis on which Ms. Ploeger is entitled to a contested case hearing as required by District Rule 25.B.2. The Dunbar Letter asserts, without any supporting evidence, that

⁵⁵ See EXHIBIT C, Affidavit of Michael Keester, P.G., R.W. Harden & Associates, Inc.; See also data at <https://gcuwcd.org/water-level>.

⁵⁶ Tex. Water Code § 36.1132(a) (“A district, to the extent possible, shall issue permits up to the point that the total volume of exempt and permitted groundwater production will achieve an applicable desired future condition under Section 36.108.” (emphasis added)).

⁵⁷ See data at <https://gcuwcd.org/water-level>.

⁵⁸ See District Rules, Appendix C, available online at <https://gcuwcd.org/rules-regulation-and-contracts>.

⁵⁹ See EXHIBIT C, Affidavit of Michael Keester, P.G., R.W. Harden & Associates, Inc.

⁶⁰ See EXHIBIT E, Dunbar Letter.

Mr. Dunbar's clients, including Ms. Ploeger, own land and have registered wells in the "western portion of the District." The jurisdictional boundaries of the District encompass all but the easternmost portion of Gonzales County and also include portions of Caldwell County. The Dunbar Letter does not say where Ms. Ploeger's property is specifically located, the number of well(s) she owns, what aquifer her well(s) are in, the depth of her well(s), whether the well(s) are authorized by the District, or any evidence of the purpose or amount of groundwater she uses. The Dunbar Letter does not address the factors listed in District Rule 25.D.6, which are required to be considered in determining whether a person has a "personal justiciable interest" in the Applications. For example, the Dunbar Letter does not state the distance from Well 14-Christian West to Ms. Ploeger's well(s). The Dunbar Letter includes no specific evidence demonstrating that the Applications, if granted, will have a concrete, particularized impact on her land or well(s) that is any different from that on the general public.

Even if the Dunbar Letter had included information about Ms. Ploeger's property interests that will allegedly be affected by the Applications, having a property interest alone is not sufficient to confer standing. As the Texas Supreme Court explained in *City of Waco*, to have standing, a person must show:

" . . . a concrete and particularized injury in fact, not common to the general public, that is (1) actual or imminent; (2) fairly traceable to the issuance of the permit as proposed, and (3) likely to be redressed by a favorable decision on its complaint. .
"61

The Dunbar Letter does not show that Ms. Ploeger has a concrete, actual, non-speculative injury. The Dunbar Letter does not provide any information supporting a finding that any of the "issues of concern" listed in the letter will manifest as injury to Ms. Ploeger personally.

⁶¹ *City of Waco*, 413 S.W. 2d at 417.

The only “evidence” of Ms. Ploeger’s personal justiciable interest in the Applications included in the Dunbar Letter is a diagram marked as “Figure 1” excerpted from the Applications prepared by R.W. Harden & Associates, CRWA’s hydrogeologists, showing per District Rules, contour lines marking the additional drawdown that the model predicts will occur in the Carrizo Aquifer if the Applications are granted and if all current permit holders pump their full permitted amounts for a 50-year period. The location of Ms. Ploeger’s property and well(s) are not shown on “Figure 1.” But even if that information was shown, what “Figure 1” demonstrates is that pumping of groundwater in Gonzales County affects most landowners equally based on their distance from Well 14-Christian West. Water level drawdown reduces as distance from the pumping well increases. At the distance her property is from Well 14-Christian West, CRWA has determined that the predicted additional impact of granting the Applications would be a drop in water levels in the Carrizo Aquifer of less than two feet over a 50-year period.⁶² The District’s geologist estimated the decline in Carrizo Aquifer water levels in the vicinity of Ms. Ploeger’s property to be even less – a reduction of less than 1.25 feet over the 50-year period.⁶³

CRWA has determined that Ms. Ploeger owns several tracts of land in Gonzales County, ranging from approximately 8.1 to 19.7 miles from Well 14-Christian West. CRWA has also reviewed information provided by the District and determined that Ms. Ploeger has one exempt Carrizo well located approximately 8.8 miles from Well 14-Christian West. This well has District Id. No. E117 and is monitored by the District and records of reported usage end in 2017 or 2018.⁶⁴ District information also indicates that Ms. Ploeger has, or had, two other exempt wells located in

⁶² See Applications, Tab 4, available online at https://gcuwcd.org/news-detail?item_id=29075.

⁶³ See EXHIBIT D, Memo re “Review of Groundwater Modeling for the CRWA Permit Amendment Applications,” from Neil Blandford, PG and Todd Umstot, DBS&A, to Laura Martin, General Manager, GCUWCD, July 19, 2023.

⁶⁴ See EXHIBIT C, Affidavit of Michael Keester, P.G., R.W. Harden & Associates, Inc.

unknown aquifers (District Well Id. F165 and District Well Id. F169), but there is no information indicating whether those wells are currently used.

Even if all three of Ms. Ploeger's wells were in the Carrizo Aquifer and were currently in use, CRWA has determined that the Applications, if granted, are predicted to cause drawdown of less than two feet in the Carrizo Aquifer in the vicinity of Ms. Ploeger's property.⁶⁵ The District's geologist estimated the decline in Carrizo Aquifer water levels in the vicinity of Ms. Ploeger's property to be even less - less than 1.25 feet over the 50 year period.⁶⁶

Although the Dunbar Letter lists general "issues of concern," it does not provide any information about how those general issues of concern relate to Ms. Ploeger. Those "issues of concern" are generally expressed concerns about the impact of the Applications on groundwater levels in the Carrizo Aquifer and "other aquifers," the use of the water requested in the Applications, groundwater quality, impact on surface water use, environmental issues, wildlife issues, whether the project is in the Regional and State Water Plan, and whether the additional pumping will exceed the MAG or the DFC. There is no information about how any of these issues of concern affect Ms. Ploeger personally. The Wells Ranch Project water management strategy was initially approved in the 2012 State Water Plan and has continued to be included in every subsequent Plan. It is an existing project. In the Applications, CRWA is proposing to optimize production from one of the wells in that existing project. The Applications and the DBS&A Memo address the impact of the Applications on groundwater levels, concluding that the effects on landowners in the vicinity of Ms. Ploeger are predicted to experience a drop in water levels in the Carrizo Aquifer of less than two feet over a 50-year period. The Dunbar Letter provides no

⁶⁵ See Applications, Tab 4, available online at https://gcuwcd.org/news-detail?item_id=29075

⁶⁶ See EXHIBIT D, Memo re "Review of Groundwater Modeling for the CRWA Permit Amendment Applications," from Neil Blandford, PG and Todd Umstot, DBS&A, to Laura Martin, General Manager, GCUWCD, July 19, 2023.

evidence indicating that there will be any adverse effects on water quality, surface water use, environmental issues, or wildlife issues.

With regard to the effect of the Applications on the MAG and DFC, as explained above, even if the District has already issued permits in excess of the MAG, the MAG is not a cap on permitting and is only one of several factors a district considers in managing production on a long-term basis.⁶⁷ Another factor to be considered in issuing permits, for example, is the amount of groundwater that is actually produced under permits issued by the District.⁶⁸ To that point, CRWA has determined that the actual use of groundwater by permittees is only about 46% of the amount of the MAG.⁶⁹ The District is required to manage the aquifers to achieve the DFC, not the MAG.⁷⁰ The District uses actual monitoring well data to track whether it is achieving the DFC on a long-term basis.⁷¹ The District's rules include as Appendix C the amount of drawdown allowed in each aquifer while still meeting the DFC.⁷² CRWA has reviewed the most recent monitoring well information provided by the District and determined that the DFC is not being exceeded now, nor will it be as a result of granting the Applications.⁷³

In summary, the Dunbar Letter does not demonstrate that Ms. Ploeger has a "personal justiciable interest" in the Applications that is not common to the general public sufficient to confer standing and has not raised issues of fact or law that should be referred to a contested case hearing.

⁶⁷ Tex. Water Code § 36.1132(a) and (b).

⁶⁸ Tex. Water Code § 36.1132 (b)(4) ("In issuing permits, the district shall manage total groundwater production on a long-term basis to achieve an applicable desired future condition and consider . . . a reasonable estimate of the amount of groundwater that is actually produced under permits issued by the district.")

⁶⁹ See EXHIBIT C, Affidavit of Michael Keester, P.G., R.W. Harden & Associates, Inc.; See also data at <https://gcuwcd.org/water-level>.

⁷⁰ Tex. Water Code § 36.1132(a) and (b).

⁷¹ See data at <https://gcuwcd.org/water-level>.

⁷² See District Rules, Appendix C, available online at <https://gcuwcd.org/rules-regulation-and-contracts>.

⁷³ See EXHIBIT C, Affidavit of Michael Keester, P.G., R.W. Harden & Associates, Inc.

Ms. Ploeger's interest in the Applications is no different from any other landowner in Gonzales County, and her request for a contested case hearing and for party status should be denied.

D. Mark Ploeger, Individually, Has Not Demonstrated His Personal Justiciable Interest in the Applications, He Lacks Standing, His Request for Contested Case Hearing Should be Denied

The Dunbar Letter also included a request by Mr. Ploeger for a contested case hearing individually and as a representative of the Water Protection Association.⁷⁴ The requests by the Water Protection Agency are separately addressed below.

The Dunbar Letter is not accompanied by a certificate of service as required by District Rule 25.B.3 and does not offer a proper basis on which Mr. Ploeger, individually, is entitled to a contested case hearing. The Dunbar Letter asserts, without any supporting evidence, that Mr. Ploeger owns land and has registered wells in the "western portion of the District." The jurisdictional boundaries of the District encompass all but the easternmost portion of Gonzales County and also include portions of Caldwell County. The Dunbar Letter does not say where Mr. Ploeger's property is specifically located, the number of well(s) he owns, what aquifer his are well(s) are in, the depth of his well(s), whether the well(s) are authorized by the District, or any evidence of the purpose or amount of groundwater he uses. The Dunbar Letter does not address the factors listed in District Rule 25.D.6, which are required to be considered in determining whether a person has a "personal justiciable interest" in the Applications. For example, the Dunbar Letter does not state the distance from Well 14-Christian West to Mr. Ploeger's well(s). The Dunbar Letter includes no specific evidence demonstrating that the Applications, if granted, will have a concrete, particularized impact on his land or well(s) that is any different from that on the general public.

⁷⁴ See EXHIBIT E, Dunbar Letter.

Even if the Dunbar Letter had included information about Mr. Ploeger's property interests that will allegedly be affected by the Applications, having a property interest alone is not sufficient to confer standing. As the Texas Supreme Court explained in *City of Waco*, to have standing, a person must show:

“... a concrete and particularized injury in fact, not common to the general public, that is (1) actual or imminent; (2) fairly traceable to the issuance of the permit as proposed, and (3) likely to be redressed by a favorable decision on its complaint. .
”⁷⁵

The Dunbar Letter does not show that Mr. Ploeger has a concrete, actual, non-speculative injury. The Dunbar Letter does not provide any information supporting a conclusion that any of the “issues of concern” listed in the letter will manifest as injury to Mr. Ploeger personally.

The only “evidence” of Mr. Ploeger's personal justiciable interest in the Applications included in the Dunbar Letter is a diagram marked as “Figure 1” excerpted from the Applications prepared by R.W. Harden & Associates, Inc., CRWA's hydrogeologists, showing, per District Rules, contour lines marking the levels of decline that the model predicts will occur in the Carrizo Aquifer if the Applications are granted and if all current permit holders pump their full permitted amounts for a 50-year period. The location of Mr. Ploeger's property and well(s) are not shown on “Figure 1.” But even if they were shown, what “Figure 1” demonstrates is that pumping of groundwater in Gonzales County affects most landowners equally based on their distance from Well 14-Christian West. Impact reduces as distance from the pumping wells increases such that most landowners and well owners in the District are predicted to experience additional drawdowns

⁷⁵ *City of Waco*, 413 S.W. 2d at 417.

of less than two feet over a 50-year period, assuming all permittees pump their maximum permitted amounts 24 hours per day, seven days a week, for 50 years.⁷⁶

Mr. Ploeger appears to have an interest as Trustee of the Dorothy B. Ploeger Estate in several tracts of land in Gonzales County. CRWA has reviewed information provided by the District and determined that the Dorothy B. Ploeger Estate owns Permit No. 01-06-02 authorizing production of up to 1,387 acre feet/year from the Carrizo Aquifer from a well located approximately 8.1 miles from Well 14-Christian West. This well has District Id. No. P018. CRWA reviewed the District records regarding the reported usage of this well for the period from 2005 through 2022 and determined that the amount of annual use ranged from a low in 2021 of about 164.81⁷⁷ acre-feet to a high in 2006 of 496.5 acre-feet.⁷⁸

District information also indicates that Mr. Ploeger has, or had, two other exempt wells located in the Carrizo Aquifer, one having District Well Id. No. E115 (used primarily for livestock purposes), and the other having District Well Id. No. J233 (used primarily for domestic purposes), which is actually located outside the District in northern Wilson County.⁷⁹ Well No. E115 is located approximately 8.2 miles from Well 14-Christian West.⁸⁰ CRWA did not find any information indicating whether those wells are currently used, nor does the Dunbar Letter provide any information regarding those wells.

The District records also indicate that Mr. Ploeger owns two exempt Sparta wells (District Well Id. Nos. B006, B007), one exempt Queen City well drilled in 2020 (District Well Id. No.

⁷⁶ See Applications, Tab 4, available online at https://gcuwcd.org/news-detail?item_id=29075. See also, EXHIBIT D, Memo re “Review of Groundwater Modeling for the CRWA Permit Amendment Applications,” from Neil Blandford, PG and Todd Umstot, DBS&A, to Laura Martin, General Manager, GCUWCD, July 19, 2023.

⁷⁷ See EXHIBIT C, Affidavit of Michael Keester, P.G., R.W. Harden & Associates, Inc.

⁷⁸ See EXHIBIT C, Affidavit of Michael Keester, P.G., R.W. Harden & Associates, Inc.

⁷⁹ See EXHIBIT C, Affidavit of Michael Keester, P.G., R.W. Harden & Associates, Inc.

⁸⁰ See EXHIBIT C, Affidavit of Michael Keester, P.G., R.W. Harden & Associates, Inc.

0052), and three exempt wells whose depth and aquifer source are unknown (District Well Id. Nos. B008, F167, F168).⁸¹ CRWA did not find any information indicating that those wells are currently used or that the wells completed in the unknown formation are Carrizo Aquifer wells, nor does the Dunbar Letter provide any information regarding those wells.

Even if all of Mr. Ploeger's wells were in the Carrizo Aquifer and were currently in use, CRWA has determined that the Applications, if granted, are predicted to cause additional drawdown of less than two feet in the Carrizo Aquifer in the vicinity of Mr. Ploeger's properties and the property of the Dorothy B. Ploeger Estate.⁸² The District's geologist estimated the additional decline in Carrizo Aquifer water levels in the vicinity of those properties to be less than 1.25 feet over a 50-year period.⁸³

Although the Dunbar Letter lists "issues of concern," it does not provide any information about how those general issues of concern relate to Mr. Ploeger individually or as Trustee. Those "issues of concern" are only generally stated as being concerns about the impact of the Applications on groundwater levels in the Carrizo Aquifer and "other aquifers," the use of the water requested in the Applications, groundwater quality, impact on surface water use, environmental issues, wildlife issues, whether the project is in the Regional and State Water Plan, and whether the additional pumping will exceed the MAG or the DFC. There is no information about how any of these issues of concern affect Mr. Ploeger personally or the estate for which he is the Trustee. The Wells Ranch Project water management strategy was initially approved in the 2012 State Water Plan and has continued to be included in every subsequent Plan. It is an existing

⁸¹ See EXHIBIT C, Affidavit of Michael Keester, P.G., R.W. Harden & Associates, Inc.

⁸² See Applications, Tab 4, available online at https://gcuwcd.org/news-detail?item_id=29075

⁸³ See EXHIBIT D, Memo re "Review of Groundwater Modeling for the CRWA Permit Amendment Applications," from Neil Blandford, PG and Todd Umstot, DBS&A, to Laura Martin, General Manager, GCUWCD, July 19, 2023.

project. In the Applications, CRWA is proposing to optimize production from one of the wells in that existing project. The Applications and the DBS&A Memo address the additional impact of the Applications on groundwater levels, concluding that the effects on landowners in the vicinity of Mr. Ploeger and the Ploeger Estate are predicted to experience an additional drop in water levels in the Carrizo Aquifer of less than two feet over a 50-year period. The Dunbar Letter provides no evidence indicating that there will be any effect of the Applications on Mr. Ploeger's wells or the Ploeger Estate's wells indicating any adverse effects on water quality, surface water use, environmental issues, or wildlife issues.

Regarding the effect of the Applications on the MAG and DFC, as explained above, even if the District has already issued permits in excess of the MAG, the MAG is not a cap on permitting and is only one of several factors a district considers in managing production on a long-term basis. Another factor to be considered in issuing permits, for example, is the amount of groundwater that is actually produced under permits issued by the District.⁸⁴ To that point, CRWA has determined that the actual use of groundwater by permittees is only about 46% of the amount of the MAG.⁸⁵ The District is required to manage the aquifers to achieve the DFC, not the MAG.⁸⁶ The District uses actual monitoring well data to track whether it is achieving the DFC on a long-term basis.⁸⁷ The District's rules include as Appendix C the amount of drawdown allowed in each aquifer while still meeting the DFC.⁸⁸ CRWA has reviewed the most recent monitoring well information

⁸⁴ Tex. Water Code § 36.1132(b)(4) ("In issuing permits, the district shall manage total groundwater production on a long-term basis to achieve an applicable desired future condition and consider . . . a reasonable estimate of the amount of groundwater that is actually produced under permits issued by the district.")

⁸⁵ See EXHIBIT C, Affidavit of Michael Keester, P.G., R.W. Harden & Associates, Inc.

⁸⁶ Tex. Water Code § 36.1132(a) and (b).

⁸⁷ See data at <https://gcuwcd.org/water-level>.

⁸⁸ See District Rules, Appendix C, available online at <https://gcuwcd.org/rules-regulation-and-contracts>.

provided by the District and determined that the DFC is not being exceeded now, nor will it be as a result of granting the Applications.⁸⁹

In summary, the Dunbar Letter does not demonstrate that Mr. Ploeger individually or as Trustee for the Dorothy B. Ploeger Estate has a “personal justiciable interest” in the Applications that is not common to the general public sufficient to confer standing and has not raised issues of fact or law that should be referred to a contested case hearing. Mr. Ploeger’s interest in the Applications is no different from any other landowner in Gonzales County, and his request for a contested case hearing in his personal capacity and as Trustee for the Dorothy B. Ploeger Estate and his accompanying requests for party status should be denied.

E. Mark Ploeger, as Representative of the Water Protection Association Has Not Demonstrated a Personal Justiciable Interest in the Applications, Lacks Standing, Its Request for Contested Case Hearing Should be Denied

The Dunbar Letter includes a request for a contested case hearing by Mark Ploeger as representative of the so-called “Water Protection Association” (the “Association”). Mr. Ploeger’s request on behalf of the Association is legally deficient. To assert standing on behalf of a group or association, the standard adopted by the Texas Supreme Court requires the group to meet all of the following requirements:

- (a) its members would otherwise have standing to sue in their own right;
- (b) the interests it seeks to protect are germane to the organization's purpose; and
- (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.⁹⁰

⁸⁹ See EXHIBIT C, Affidavit of Michael Keester, P.G., R.W. Harden & Associates, Inc.; see also data at <https://gcuwcd.org/water-level>.

⁹⁰ *Texas Ass’n of Business*, 852 S.W.2d at 446–47 (citing *Hunt v. Washington State Apple Advert. Comm’n*, 432 U.S. 333, 343 (1977)).

The Dunbar Letter is not accompanied by a certificate of service as required by District Rule 25.B.3 and does not provide any information about the Association's purpose. The Dunbar Letter does not provide any information regarding the Association's members or whether they would have standing in their own right. For example, the Dunbar Letter does not provide any information about whether any member of the Association owns land in the District or has wells authorized by the District, the distance of any such land(s) or well(s) from Well 14-Christian West, or evidence that the Applications will have any concrete, particularized impact on those land(s) or well(s). Nor does the Dunbar Letter explain why the claim asserted and relief requested does not require the participation of the individual members of the Association. The Dunbar Letter does not provide any information addressing the factors enumerated by the Texas Supreme Court that are required to demonstrate associational standing.

Based on the fatal procedural deficiency of the Association's request, the Association has not demonstrated that it has standing in a contested case hearing on the Applications, and its request should be denied.

V. CONCLUSION

For the reasons stated herein, the Applicant CRWA respectfully requests the Hearing Examiner to deny all hearing requests and grant the Applications.

EXHIBIT LIST:

Exhibit A	Administrative Completeness Letter
Exhibit B	Boriack CCH Request
Exhibit C	Mike Keester R.W. Harden & Associates, Inc. Affidavit
Attachment 1	Boriack Location Map
Attachment 2	Ploeger/Menning Location Map
Attachment 3	Well Summary
Exhibit D	DBS&A Memo
Exhibit E	Dunbar Letter

Respectfully submitted.

LAW OFFICES OF PATRICIA ERLINGER CARLS
3100 Glenview Avenue
Austin TX 78703
(512) 567-0125 (phone)
tcarls@tcarlslaw.com (email)

By: 
PATRICIA ERLINGER CARLS
State Bar No. 03813425

ATTORNEYS FOR CANYON REGIONAL
WATER AUTHORITY

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served on all persons and counsel of record, as indicated on the attached Service List, via e-mail and/or via first class U.S. Mail, postage prepaid, on October 30, 2023.

By: Patricia Erlinger Carls
PATRICIA ERLINGER CARLS

SERVICE LIST
APPLICATIONS OF CANYON REGIONAL WATER AUTHORITY FOR PERMIT AMENDMENTS TO
THE GONZALES COUNTY GROUNDWATER CONSERVATION DISTRICT
TO PRODUCE AND TRANSPORT 920.05 ACRE-FEET/YEAR FROM THE CARRIZO AQUIFER

NAME:	REPRESENTING:
Honorable Judge Stephen B Ables 700 Main St., Second Floor Kerrville TX 78028-5327 Email: sables@co.kerr.tx.us Assistant: Becky Henderson Phone: (830) 792-2290 Email: beckyh@co.kerr.tx.us	HEARING EXAMINER
Ted Boriack 2984 FM 1296 Waelder TX 78959 Phone: (361) 443-2547 Email: tedboriack@gmail.com	Ted Boriack (Pro Se)
Larry Dunbar DUNBAR LAW FIRM, PLLC 13121 Louetta Road, #1240 Cypress TX 77429 Phone: (281) 868-7456 Email: ldunbar@dunbarlawtx.com	Mark Ploeger Sally Ploeger Mary Ann Menning Water Protection Association
<i>PEC</i> Laura Martin, General Manager Gonzales County Underground Water Conservation District 522 Saint Matthew St. P.O. Box 1919 Gonzales, TX 78629 Phone: (830) 672-1047 Email: generalmanager@gcuwcd.org	GCUWCD
Gregory M. Ellis GM Ellis Law Firm PC 2104 Midway Court League City TX 77573 Phone: (713) 705-4861 Email: Greg@GMEllis.law	GCUWCD

EXHIBIT A

Gonzales County Underground Water Conservation District

522 Saint Matthew
P.O. Box 1919
Gonzales, Texas 78629
Phone 830 672 1047

July 27, 2023

Mr. John Kaufman
General Manager
Canyon Regional Water Authority
850 Lakeside Pass
New Braunfels, Texas 78130-8233

**Re: CRWA Permit Application Amendment to
Re-Equip for One Existing CRWA Well - # 14 Christian West
Transportation Application Amendment**

Dear Mr. Kaufman:

The Gonzales County Underground Water Conservation District (GCUWCD) has determined that the above referenced permit application amendment is administratively complete effective the date of this letter. Enclosed is a Notice of Permit Application which increases the production rate for one of its existing permitted wells in the Carrizo aquifer, "Well 14 - Christian West," from 495 gallons per minute (gpm) to 1,065 gpm. The proposed pumping rate increase of 570 gpm equates to an increase in production of 920.05 acre-feet per year (ac-ft/year). Pursuant to Rule 24A of the district, the Notice includes the name of the applicant, the location of the proposed well to be amended and the existing production facility, the proposed use, the requested amount of groundwater in the permit applications, and the route of the transportation pipeline. The Notice also references the applicable rules of the District as they apply to this matter and will allow a thirty (30) day comment period and/or the same 30-day period for persons to request a contested case hearing in the case of a person with justiciable interest.

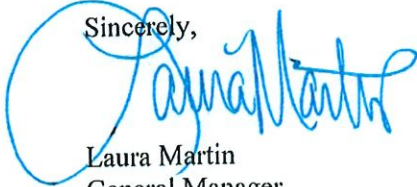
Pursuant to Rule 24.A, CRWA must publish this Notice at the earliest available publication date of the Gonzales Inquirer and the Lockhart Post Register after receipt of the Notice from the General Manager.

Pursuant to Rule 24.A, CRWA must mail the Notice to adjacent landowners and well owners designated in Rules 10.D.10 and 10.D.11 within seven (7) days of CRWA's receipt of this notice from the General Manager. The GCUWCD has attached a form letter that can be used for this purpose.

Pursuant to Rule 24.A, CRWA must provide the District evidence of newspaper publication and mailed notice to landowners within twenty-one (21) days of CRWA's receipt of this Notice from the General Manager.

If you have any further questions about this matter, please do not hesitate to contact me by telephone at 830-672-1047 or by e-mail at generalmanager@gcuwcd.org.

Sincerely,



Laura Martin
General Manager
Gonzales County UWCD

Enclosures: Sample Letter to Adjacent Landowners

Bruce Tieken
President

Kermit Thiele
Vice-President

Barry Miller
Secretary

Mark Ainsworth
Director

Mike St. John
Director

EXHIBIT B

Ted Boriack
2984 FM1296 Waelder TX 78959
361-443-2547 tedboriack@gmail.com

September 12, 2023

TO: Gonzales County Underground Water Conservation GCUWCD
Laura Martin - General Manager generalmanager@gcuwcd.org
522 Saint Matthew Street Gonzales, Texas 78629

TO: Canyon Region Water Authority (CRWA)
John Kaufman - General Manager jkaufman@crwa.com, crwa@crwa.com
850 Lakeside Pass
[New Braunfels, Texas 78130-8233](tel:78130-8233)

SUBJECT: Notice of Protest and Request for Contested Case Hearing to Canyon Regional Water Authority Permit Application

FROM: Ted Boriack tedboriack@gmail.com
2984 FM1296 Waelder, TX 78959
361-443-2547

b. State the basis upon which the person is entitled to a contested case hearing;

It is my understanding that the GCUWCD has already issued permits in excess of the modeled available groundwater, and landowners within the GCUWCD boundary are experiencing declining water levels and pumps going dry. Further, the GCUWCD has issued permits far in excess of the recharge rate, meaning that the water extracted from the county will not be restored to the aquifer.

CRWA filed application to amend their existing permits to increase the production and export amount from CRWA Well 14 - Christian West from 495 gallons per minute (gpm) to 1,065 gpm. This over pumping is a massive taking of personal property (groundwater) from landowners in the county that are trying to earn a living by agriculture. CRWA has

already requested and obtained permits, now comes again for even more water. CRWA's water use should be fully evaluated for beneficial use, and use of water as described in the permit application with understanding of end users.

I have 300 acres of water rights in the GCUWCD boundary and the additional pumping requested by CRWA is not supported by any study on the local impacts, socio-economic impacts or environmental impacts. The study produced by DBS&A dated July 19, 2023 is not a local impact study and does not address in sufficient detail the various issues that are required to be addressed by Texas Water Code Chapter 36. The extreme pumping desired by CRWA will eventually damage the aquifer, and also damage the productive capacity of land owned by farmers and ranchers.

c. State the issues the requestor or protestant wishes to contest;

I am contesting the following including but not limited to:

CRWA's increased production of groundwater from an existing well.

I am contesting the CRWA permit application because it permits more groundwater at a time when the GCUWCD has already permitted excessive amounts of groundwater relative to the modeled available groundwater per the Region L plan. Further, the pumping rate requested by CRWA (1,065 gpm) is excessive and has a heavier drawdown impact than the originally permitted 495 gpm.

CRWA's drawdown maps show that they are taking significant groundwater from area farms and ranches.

I am contesting any CRWA transport/export permits or approvals related to the requested increase in production.

d. State whether the person requesting the contested case hearing is the applicant for that permit or an applicant for or holder of another groundwater withdrawal permit.

I have an existing domestic water well on my property and have plans to install a new Carrizo water well in the future for irrigation.

e. Request a contested case hearing;

I protest the CRWA permit application for the issues I stated herein.

I request a contested case hearing for the issues I stated herein.

f. Provide any other information requested in the notice of proposed action and technical summary;

The CRWA permit application requires further review -- not only on impact to landowners and their water rights, but also on the environment and the aquifer. The CRWA project needs an environmental impact study and socio-economic impact study on the area farms and ranches. We need to review CRWA's groundwater modeling, groundwater chemistry and groundwater levels over time and potential damage to the aquifer and to the surface. The study and examination of CRWA should also include federal environmental law and EPA information that covers protection of the environment and aquifers.

In addition, the increased pumping will permanently draw down the amount of water in the aquifer which is also owned by others, tional pumping on groundwater levels in other aquifers, additional pumping will degrade groundwater quality and possible cause intrusion of saltwater, lowering of aquifer levels causes subsidence of the land above, pumping has effects on streams and creeks and therefore wildlife.

Finally, I cannot find that the CRWA permit application is included in the state water plan.

Affidavit of Ted Boriack

My name is Ted Boriack. I am over the age of 18 years, have never been convicted of a felony or a crime of moral turpitude, and am competent to make this affidavit. I have personal knowledge of the facts contained herein and the facts are true and correct.

I prepared the above letter to the Gonzales County Underground Water Conservation District regarding a request for a contested case hearing on the CRWA permit application which requests additional permit capacity of an existing CRWA well.



Ted Boriack

September 12, 2023

EXHIBIT C

AFFIDAVIT OF MICHAEL KEESTER

State of Texas §

County of Travis §

BEFORE ME, the undersigned notary, personally appeared Michael Keester, the affiant, a person who is known to me. After administering an oath, the affiant testified that:

1. My name is Michael Keester. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
2. I am a professional geoscientist licensed in the State of Texas employed by R.W. Harden & Associates, Inc.
3. I am familiar with Canyon Regional Water Authority's ("CRWA's") applications before the Gonzales County Underground Water Conservation District to amend their operating and transport permits to authorize the production and transport of an additional 920.05 acre-feet of water per year from its Well No. 14-Christian West (collectively, the "Applications").
4. I have read the requests for contested case hearing prepared by Ted Boriack (letter dated September 12, 2023) and by the Dunbar Law Firm (letter dated September 11, 2023) pertaining to the Applications.
5. I have reviewed the maps attached as **Attachment 1** and **Attachment 2** to my affidavit, which depict the locations of CRWA's existing wells, including Well No. 14-Christian West, and the property locations and well locations of people who have requested a contested case hearing on the Applications. These maps were prepared under my direction, supervision, and control, and the information reflected on them is accurate. The maps are based on information obtained from the Gonzales Underground Water Conservation District, the Gonzales Central Appraisal District, the Texas Water Development Board's Groundwater Database, Submitted Drillers Report Database, Public Water System Database, the groundwater availability models for the Carrizo-Wilcox aquifer, and Railroad Commission records.
6. I have reviewed the charts attached as **Attachment 3** to my affidavit, which summarizes information received from the Gonzales County Underground Water Conservation District about the wells owned by Ted Boriack, Mark Ploeger, Sally Ploeger, Mary Ann Menning, and the Estate of Dorothy B. Ploeger. The charts were prepared under my direction, supervision, and control, and the information reflected on them is accurate. The charts are based on information obtained from the Gonzales Underground Water Conservation District, the Gonzales Central Appraisal District, and the Texas Water Development Board's Groundwater Database.
7. I have reviewed information provided by the Gonzales County Underground Water Conservation District regarding the permitted amounts and reported actual usage of water from Carrizo Aquifer wells to analyze issues related to the Modeled Available Groundwater and the adopted Desired Future Condition applicable to the Gonzales County Underground Water Conservation District. I concluded that the District has permitted the production of 91,317 acre-feet of water per year from the Carrizo Aquifer and actual reported use for each year during the period from 2013 through 2022 is less than half the permitted amount and is less than the Modeled Available Groundwater. I have also reviewed the Summary Reports for Carrizo Outcrop Monitor Wells provided by the Gonzales County Underground Water Conservation District and determined that the Desired Future Condition for the Carrizo Aquifer is not being exceeded now and is not expected to be exceeded as a result of granting the Applications.

AFFIDAVIT OF MICHAEL KEESTER

FURTHER AFFIANT SAYETH NOT.

[Signature]
10/30/2023

SWORN TO AND SUBSCRIBED TO BE FORE ME BY
Michael Keester on October 30, _____, 2023.

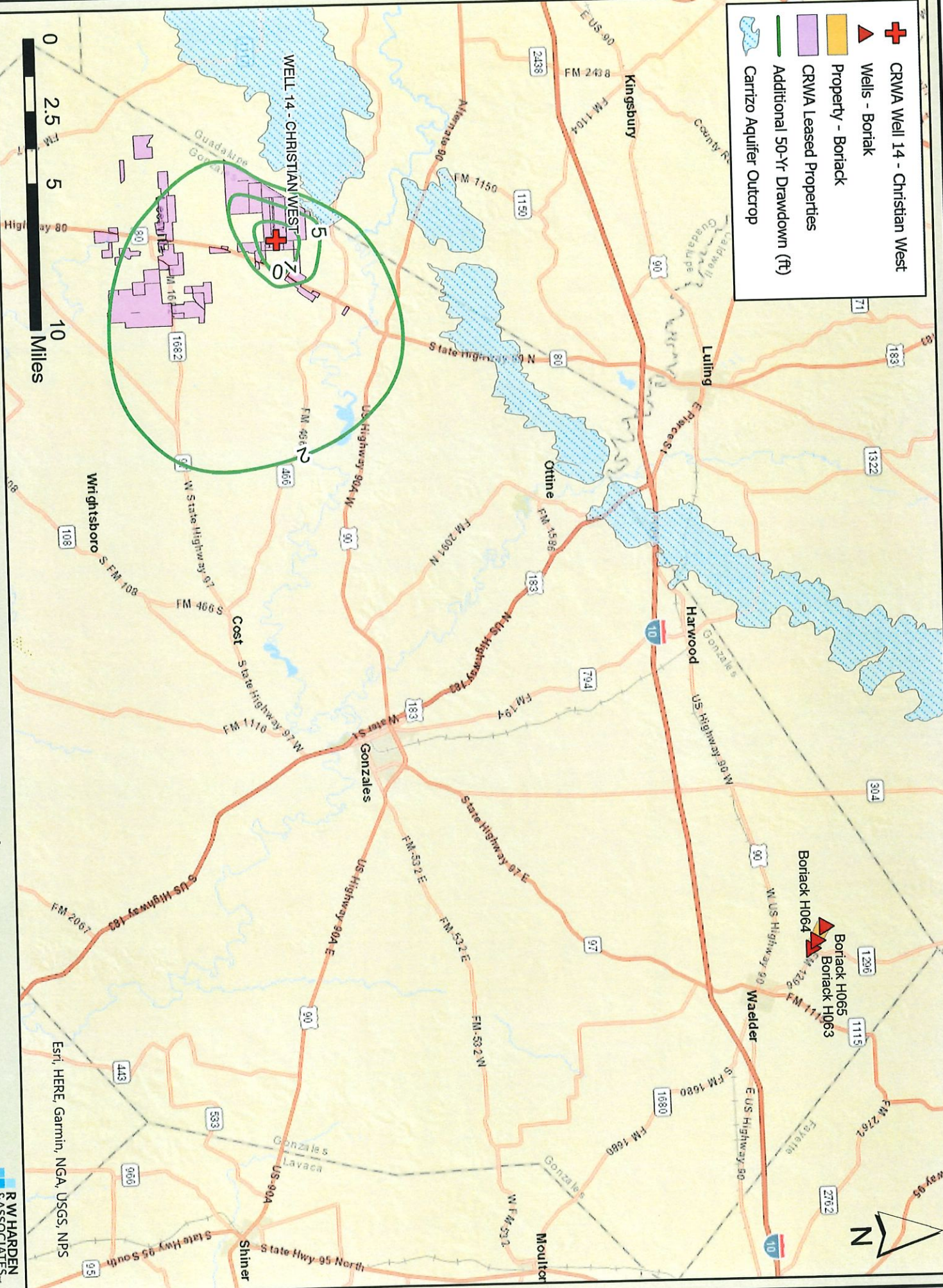
(seal)



By: *[Signature]*
Notary Public, State of Texas

ATTACHMENT 1

- + CRWA Well 14 - Christian West
- ▲ Wells - Boriack
- Property - Boriack
- CRWA Leased Properties
- Additional 50-Yr Drawdown (ft)
- Carrizo Aquifer Outcrop



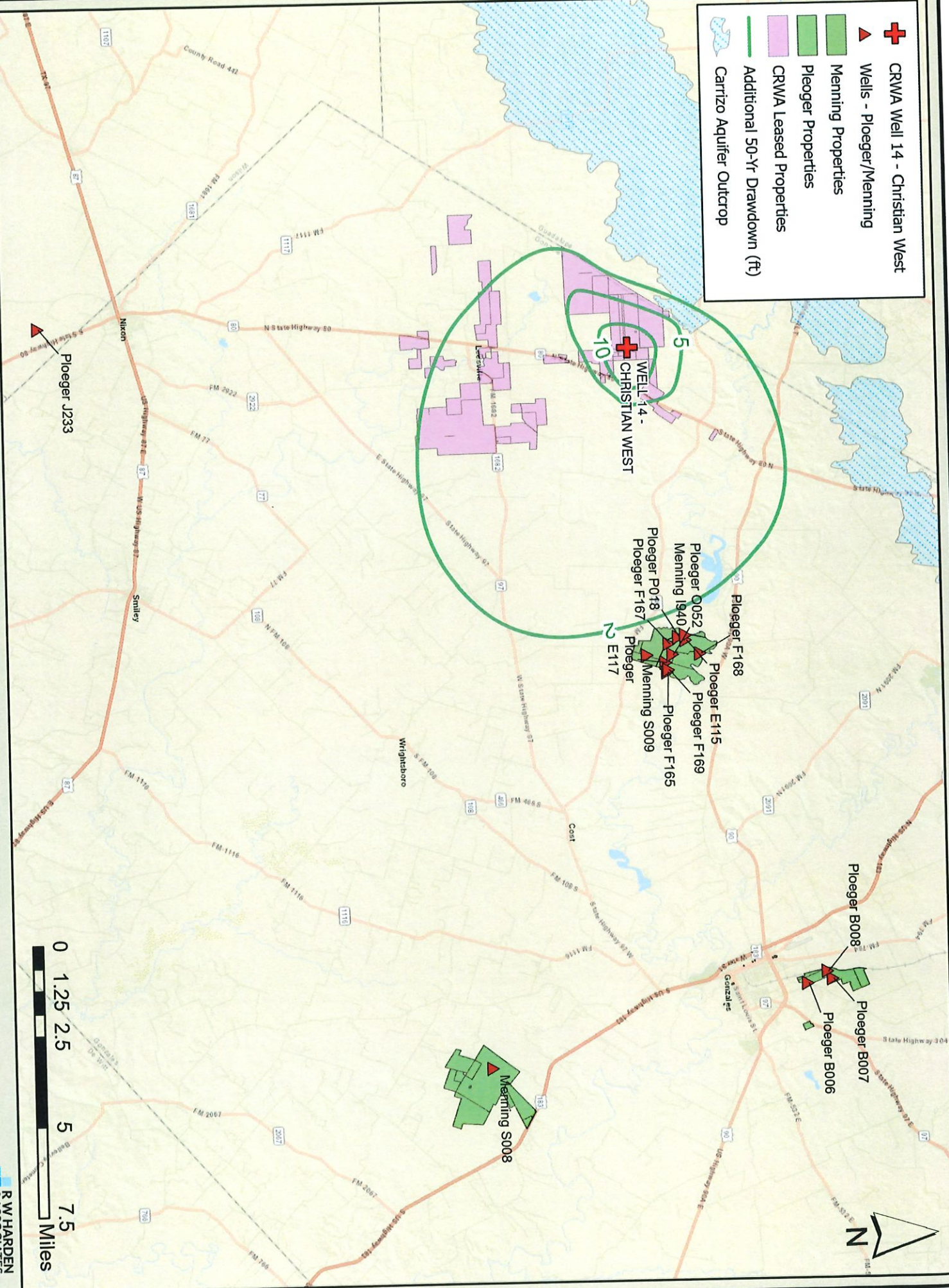
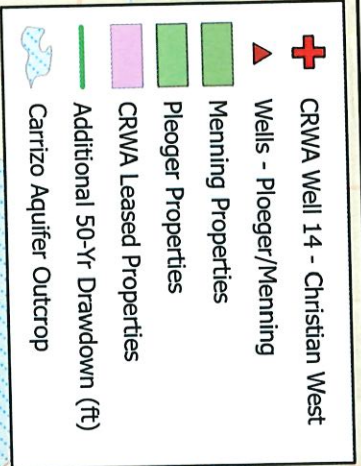
Well and Property Locations - Boriack

CANYON REGIONAL WATER AUTHORITY

R W HARDEN & ASSOCIATES, INC.

Esri, HERE, Garmin, NGA, USGS, NPS

ATTACHMENT 2



Well and Property Locations - Ploeger/Menning



ATTACHMENT 3

WELL SUMMARY

District ID	Owner	Aquifer	Distance from Well 14-Christian West	
			Feet	Miles
H063	Boriack	Queen City	161,739	30.6
H064	Boriack	Queen City	161,104	30.5
H065	Boriack	Queen City	160,044	30.3
B006	Ploeger	Sparta	96,183	18.2
B007	Ploeger	Sparta	96,582	18.3
B008	Ploeger	Unknown	95,294	18.0
E115	Ploeger	Carrizo	43,403	8.2
E117	Ploeger	Carrizo	46,208	8.8
F165	Ploeger	Unknown	47,626	9.0
F167	Ploeger	Unknown	43,532	8.2
F168	Ploeger	Unknown	45,752	8.7
F169	Ploeger	Unknown	47,292	9.0
I940	Menning	Queen City	42,706	8.1
J233	Ploeger	Carrizo	86,034	16.3
O052	Ploeger	Queen City	45,168	8.6
P018	Ploeger	Carrizo	42,821	8.1
S008	Menning	Unknown	106,919	20.2
S009	Menning	Queen City	44,921	8.5

EXHIBIT D

Memorandum

To: Laura Martin, General Manager
Gonzales County Underground Water Conservation District

Date: July 19, 2023

From: Neil Blandford, PG and Todd Umstot

Subject: Review of Groundwater Modeling for the CRWA Permit Amendment Applications

Canyon Regional Water Authority (CRWA) holds Aggregate Operating Permit No. 11-16-01 and Export Permit No. 11-09-01 with the Gonzales County Underground Water Conservation District (GCUWCD) for the production and transport of 7,400 acre-feet per year (ac-ft/yr) of Carrizo Aquifer water. The CRWA well field is located in southwestern Gonzales County and southeastern Guadalupe County (Figure 1). The well field consists of 13 existing wells and 1 proposed well at the CRWD Water Treatment Plant; 10 of the existing wells are in GCUWCD.

CRWA filed applications to amend their existing permits to increase the production and export amount from CRWA Well 14 - Christian West from 495 gallons per minute (gpm) to 1,065 gpm. The pumping rate increase of 570 gpm equates to an increase in production of 920.05 ac-ft/yr assuming 100 percent runtime for the well. If the permit amendments are approved, CRWA's total annual production and transport rights would increase from 7,400 ac-ft/year to 8,320.05 ac-ft/yr.

GCUWCD asked Daniel B. Stephens & Associates, Inc. (DBS&A) to review the groundwater modeling results submitted with the CRWA permit amendment applications. The results of our review are provided in this memorandum.

Drawdown Due to the Requested Increase in Pumping

The groundwater modeling results provided with the CRWA applications were developed by R.W. Harden & Associates, Inc. (Harden) using the groundwater availability model (GAM) for the southern part of the Carrizo-Wilcox, Queen City, and Sparta Aquifers (Deeds et al., 2003; Kelly et al., 2004). Groundwater modeling results were provided as the net effect of the proposed increase in groundwater pumping and the overall effects relative to the Groundwater Management Area 13 desired future conditions and modeled available groundwater (DFC/MAG). The DFC/MAG simulations are documented in LRE Water (2022), Groundwater Management Area 13 Joint Planning Committee (2022), and Wade (2022). The net drawdown is

applications is 0.5 foot at 2080. In this simulation, it was observed that a Carrizo Aquifer model cell that includes two CRWA wells (Well 5 - Littlefield and Well 13 - Bond West) goes dry during the simulation, and assigned pumping for these wells is not simulated at the end of the predictive simulation period. The cell that goes dry is model layer 5, row 62, column 174 (L5, R62, C174). This model cell and other Carrizo Aquifer cells that go dry in the DFC/MAG simulation are shown in Figure 4, along with the assigned pumping for each model cell as of 2080.

The same calculation was made using the Harden baseline pumping file used to calculate the net drawdown; this file is the same as the DFC/MAG pumping file, but has updated pumping at CRWA wells only. For this scenario, the average increased drawdown across the GCUWCD at 2080 is 1.25 feet. Figure 5 shows the dry cells as of 2080 and the assigned pumping for each model cell for the Harden baseline predictive simulation. Comparison of Figures 4 and 5 shows the differences in assigned CRWA pumping between the original DFC/MAG well field and the Harden updated baseline well file.

It is unclear why the results of the calculation conducted using the DFC/MAG pumping file is less than that obtained using the Harden baseline pumping file. At earlier times in the simulation (between 2060 and 2070), the average increased drawdown is nearly 1 foot in the DFC/MAG simulation. We suspect the difference is due to non-linear aspects of the simulation and flaws in the resaturation package used in the simulations, but further investigation of this issue related to the CRWA applications is not a good use of GCUWCD resources.

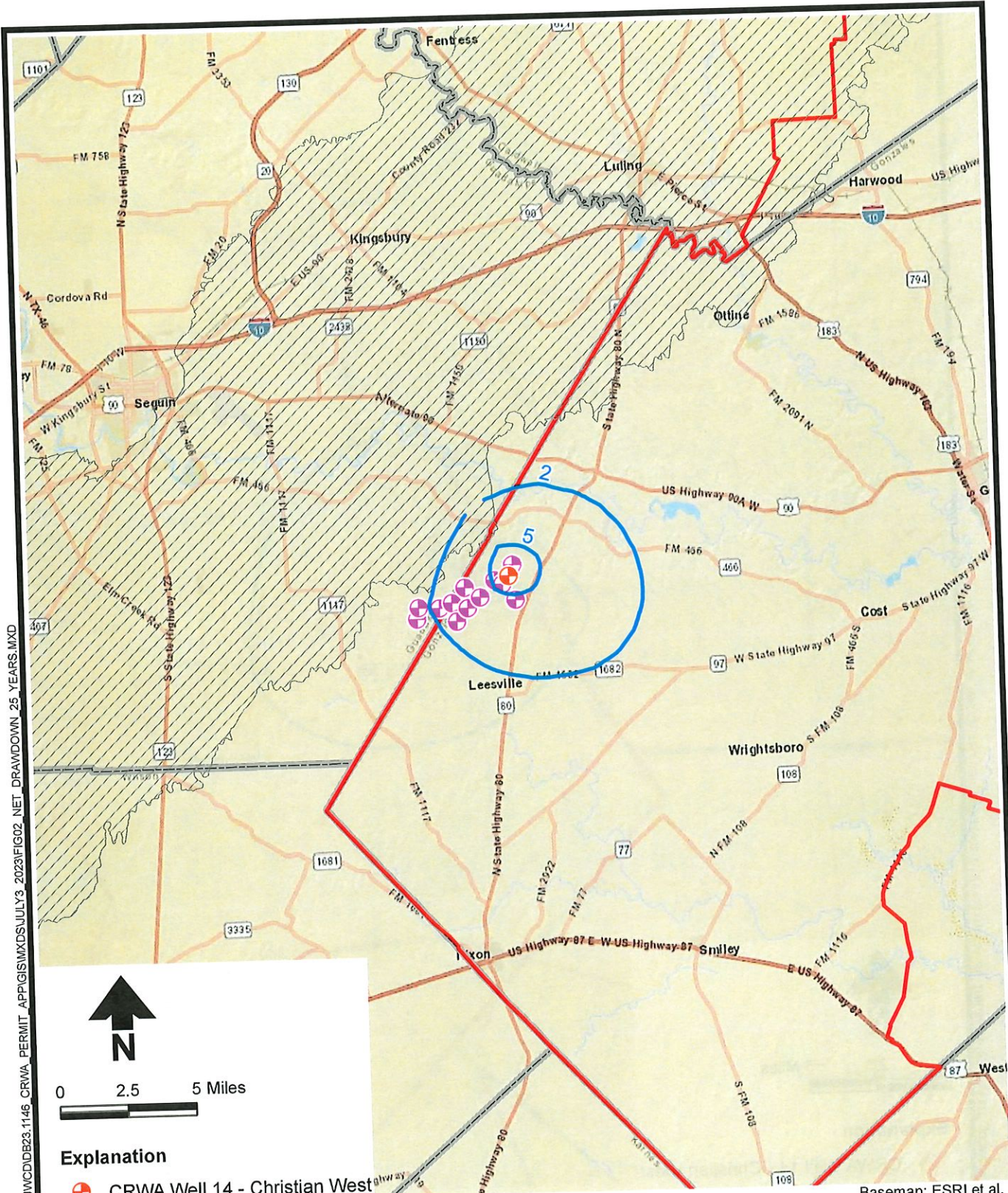
Figure 6 provides the total simulated drawdown from 2012 through 2080 for the DFC/MAG simulation that includes the CRWA pumping adjustments made by Harden. The increased CRWA pumping of 920.05 ac-ft/yr is included in this simulation. As indicated in the figure, the maximum simulated drawdown at the CRWA well field is about 220 feet.

Increased Pumping Amount in the Applications






The increased pumping of 920.05 ac-ft/yr (570 gpm) at Well 14 in the CRWA applications assumes 100 percent runtime. In reality, the well cannot be operated 100 percent of the time over extended periods of time. A typical well operational time over the course of a year might be 60 or 70 percent. Simulated drawdown due to the requested increase in pumping is therefore overestimated in the simulations presented above because the long-term extraction rate will necessarily be less than the rate used in the modeling.

Figures

Q:\PROJECTS\GONZALES_COUNTY_UWCD\DB23.1146_CRWA_PERMIT_APP\GIS\MXD\JULY3_2023\FIG02_NET_DRAWDOWN_25_YEARS.MXD



Explanation

-  CRWA Well 14 - Christian West
-  Other CRWA well
-  Simulated drawdown (feet)
-  Carrizzo - Wilcox outcrop
-  Gonzales County UWCD

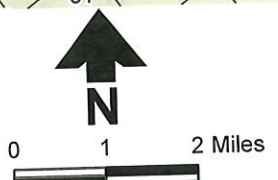
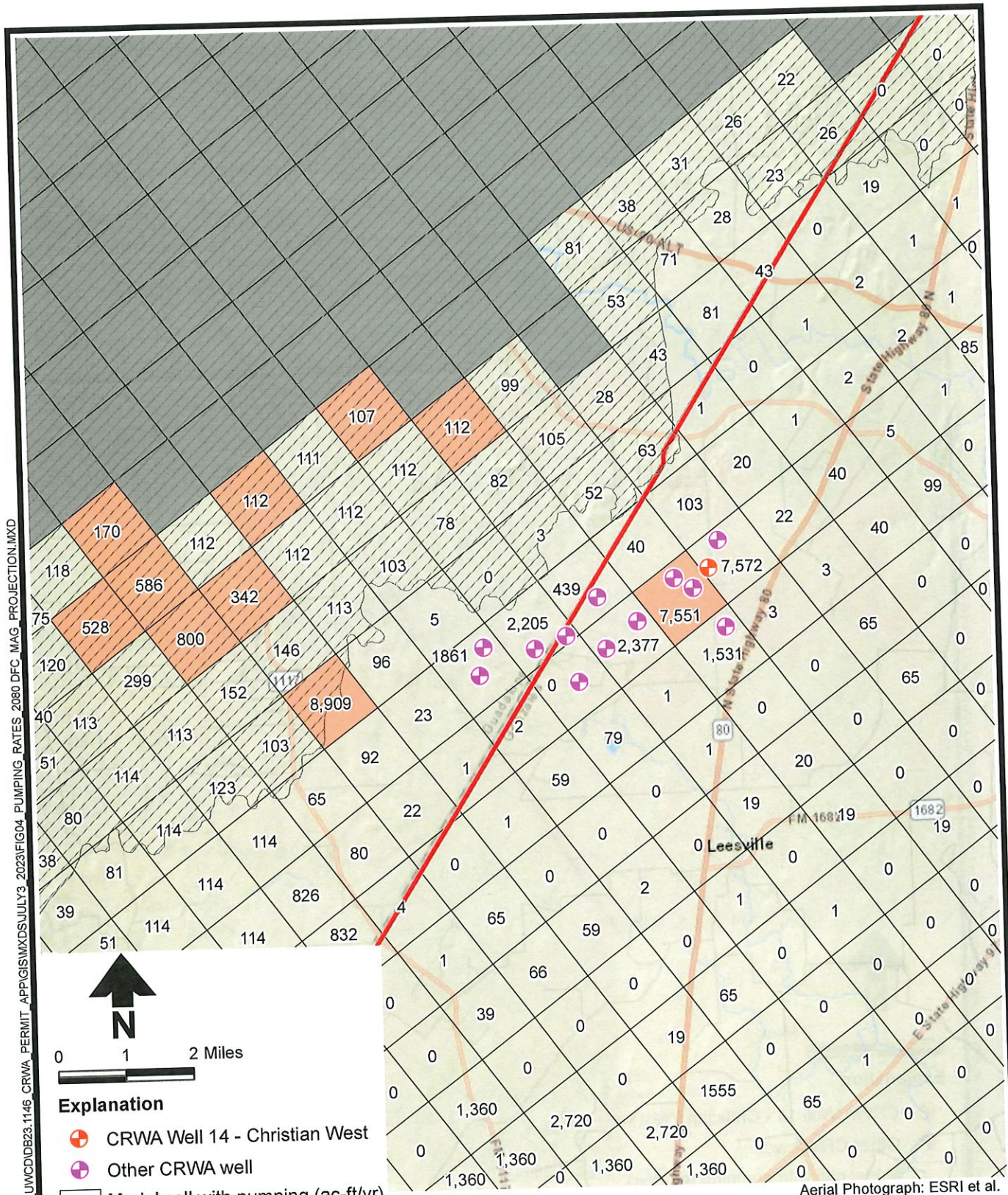
Basemap: ESRI et al.



7/3/2023

CRWA PERMIT APPLICATIONS
 GONZALES COUNTY UWCD
**Net Drawdown Due to CRWA
 Applications at 25 Years (2023-2047)**

Q:\PROJECTS\GONZALES_COUNTY_UWCD\DB23.1146_CRWA_PERMIT_APP\GIS\MXD\JULY3_2023\FIG04_PUMPING_RATES_2080_DFC_MAG_PROJECTION.MXD



- Explanation**
- ⊕ CRWA Well 14 - Christian West
 - ⊕ Other CRWA well
 - Model cell with pumping (ac-ft/yr)
 - Dry model cell
 - No-flow model cell
 - Carrizo - Wilcox outcrop
 - Gonzales County UWCD

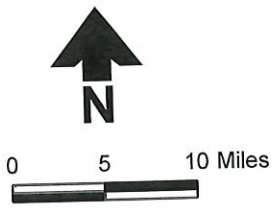
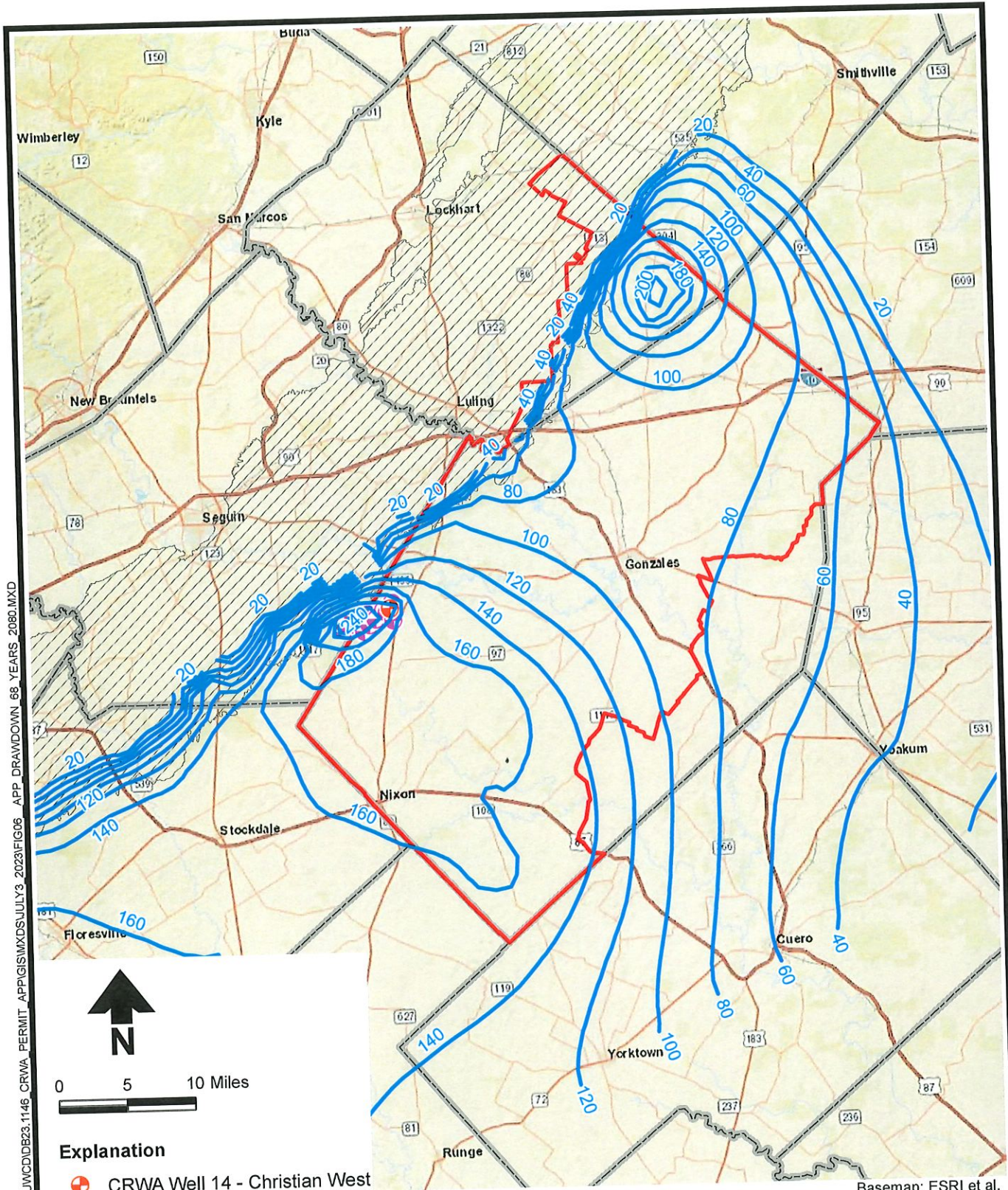
Aerial Photograph: ESRI et al.

CRWA PERMIT APPLICATIONS
GONZALES COUNTY UWCD

Carrizo Aquifer Pumping Rates and Dry Cells as of 2080, TWDB DFC/MAG Simulation



Q:\PROJECTS\GONZALES_COUNTY_UWCD\DB23.1146_CRWA_PERMIT_APP\GIS\MXD\JULY3_2023\FIG06_APP_DRAWDOWN_68_YEARS_2080.MXD



- Explanation**
- CRWA Well 14 - Christian West
 - Other CRWA well
 - Carrizo - Wilcox outcrop
 - Gonzales County UWCD

Basemap: ESRI et al.

**CRWA PERMIT APPLICATIONS
GONZALES COUNTY UWCD
Total Drawdown Including CRWA
Applications (2013-2080)**

EXHIBIT E

DUNBAR LAW FIRM, PLLC
13121 Louetta Road, #1240
Cypress, Texas 77429
281-868-7456 281-868-7463 (fax)
ldunbar@dunbarlawtx.com

September 11, 2023

To: GCUWCD
522 St. Matthew Street
Gonzales, Texas 78629

To: Canyon Regional Water Authority
c/o John Kaufman, General Manager
850 Lakeside Pass
New Braunfels, Texas 78130

Re: Request for Contested Case Hearing on Canyon Regional Water Authority (CRWA) Permit Amendment Application for Additional Pumping and Export of Carrizo Groundwater

The Dunbar Law Firm, PLLC represents Mark Ploeger, both individually and as representative of the Water Protection Association (WPA), along with Sally Ploeger and Mary Ann Menning, in protesting the Canyon Regional Water Authority (CRWA)'s permit application for additional pumping and export of Carrizo groundwater, which is pending before the GCUWCD.

Our clients are entitled to a contested case hearing because they will be adversely impacted by the granting of the CRWA Permit Application Amendment. For example, they own land and have registered wells within the limits of the impact that this additional pumping by CRWA will have on groundwater levels in the Carrizo Aquifer, as depicted Figure 1 from the CRWA Permit Amendment Application (PAA) attached hereto. This projected additional drawdown from this PAA will adversely impact most of the GCUWCD area, especially the western portion of the District where our clients have their wells.

The issues of concern include, but not limited to, the following:

1. The impact of the additional pumping on groundwater levels in the Carrizo Aquifer, and the associated uses of groundwater in this aquifer;
2. The impact of the additional pumping on groundwater levels in other aquifers, and the associated uses of groundwater in those aquifers;
3. The impact of the additional pumping on groundwater quality, including intrusion of more saline water, and the associated impacts;
4. The impact of the additional pumping on surface water, and its associated impacts;
5. The impact of the additional pumping on environmental issues, including wildlife;

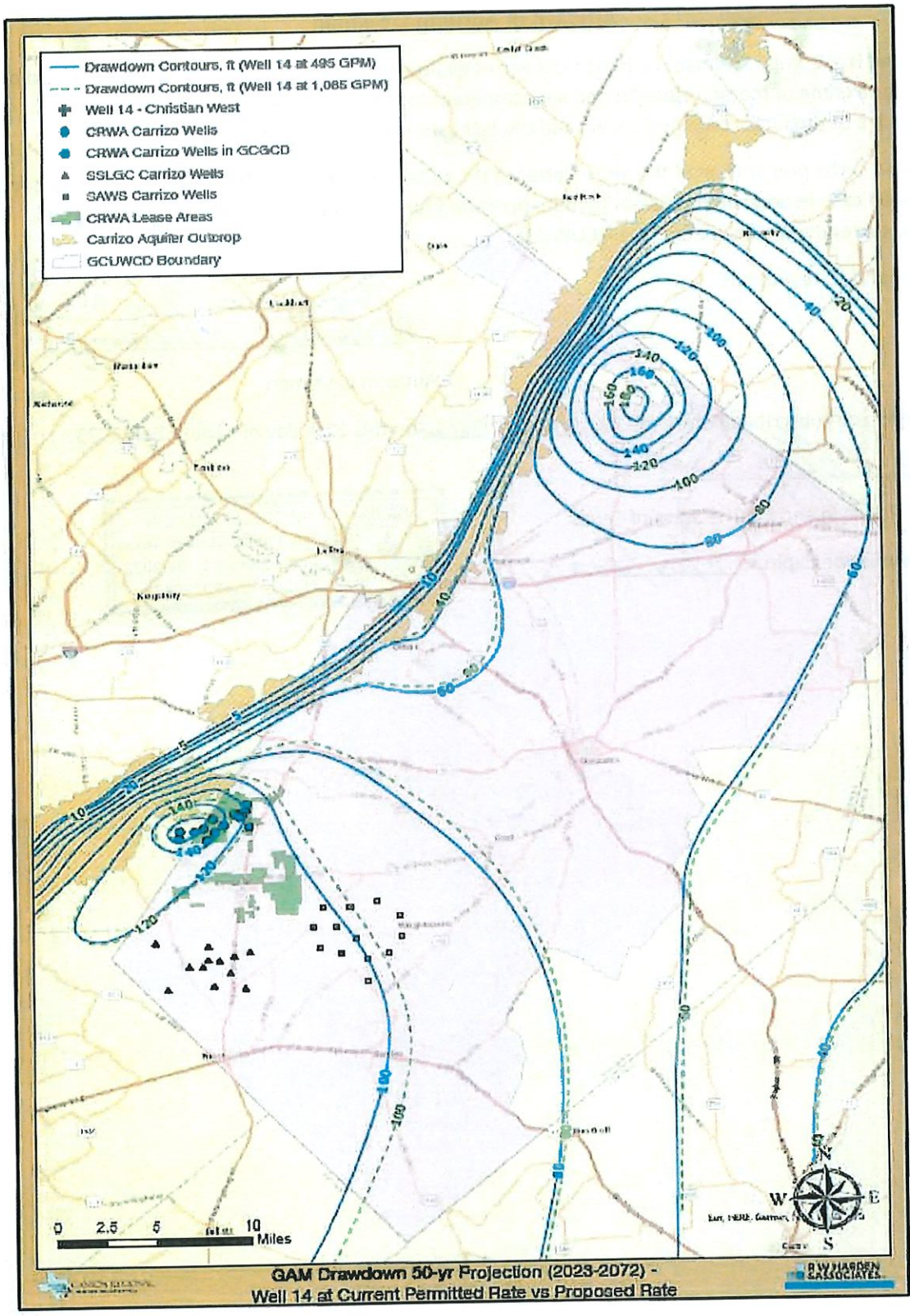


Figure 1. Drawdown Map from CRWA PAA showing impacts for most of the GCUWCD

**CRWA PUBLIC HEARING NOTICE
AND PERMIT AMENDMENT
APPLICATION**

GONZALES COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

NOTICE OF MAJOR PERMIT AMENDMENT APPLICATIONS FILED BY CANYON REGIONAL WATER AUTHORITY AND NOTICE OF PUBLIC HEARING

Canyon Regional Water Authority (CRWA) submitted permit amendment applications to the Gonzales County Underground Water Conservation District (GCUWCD) to increase the production rate for one of its existing permitted wells in the Carrizo aquifer, "Well 14 - Christian West," from 495 gallons per minute (gpm) to 1,065 gpm. The proposed pumping rate increase of 570 gpm equates to an increase in production of 920.05 acre-feet per year (ac-ft/year). If the permit amendment is granted, CRWA's total annual production and transport rights would increase from 7,400 ac-ft/year to 8,320.05 ac-ft/year. All of CRWA's wells are used for public water supply purposes and its wellfield is located approximately 13 miles southeast of Seguin, Texas. Additional information regarding the application is available online at: <https://www.gcuwcd.org/recent-news-and-legislative-updates>. The GCUWCD Rules in effect at the time of this permit application submittal are the April 14, 2020 Rules. Permit notice and hearing procedures are included in Rule 24. Copies of the GCUWCD's April 14, 2020 rules are available at the GCUWCD office or online at the GCUWCD website at www.gcuwcd.org.

PUBLIC HEARING CONTINUATION:

GCUWCD will conduct a public hearing continuation on CRWA's permit amendment applications before its regular meeting at the following time and place:

Tuesday, September 12, 2023
Commencing at 5:30 PM
Gonzales County Underground Water Conservation District
522 Saint Matthew Street
Gonzales, Texas 78629

PUBLIC COMMENT:

Anyone interested in the permit applications may submit written comments about the applications to GCUWCD, or attend the public hearing and make oral comments. The address for submitting written public comments is **GCUWCD, Attn: General Manager, 522 Saint Matthew St., Gonzales, Texas 78629**. Written comments should be received by GCUWCD not later than the end of the meeting.

REQUESTS FOR CONTESTED CASE HEARINGS:

Interested persons may also request a contested case hearing on the applications no later than the end of the public hearing. All requests for contested case hearings must be in writing and meet the other requirements of GCUWCD Rule 25.B. The address for submitting requests for a contested case hearing is GCUWCD, Attn: General Manager, 522 Saint Matthew St., Gonzales, Texas 78629. Copies must also be provided to CRWA at 850 Lakeside Pass, New Braunfels, Texas 78130. Requests for contested case hearings should be received by GCUWCD and CRWA no later than the end of the meeting.

If no timely and compliant contested case hearing requests are received, or if all contested case hearing requests are withdrawn prior to the close of the public hearing; the GCUWCD Board may proceed with final action on the permit applications at its September 12, 2023 meeting. If a request for contested case hearing is received, the Board will schedule subsequent hearings or meetings to consider any such requests.

Copies of CRWA's applications and GCUWCD's Rules are available for review at GCUWCD's Administrative Office located at 522 Saint Matthew Street, Gonzales, Texas, and on GCUWCD's website at www.gcuwcd.org.

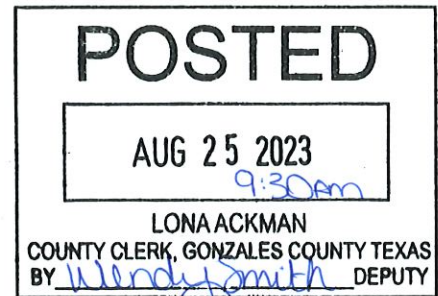
GONZALES COUNTY UNDERGROUND WATER CONSERVATION DISTRICT

**NOTICE OF MAJOR PERMIT AMENDMENT APPLICATIONS
FILED BY CANYON REGIONAL WATER AUTHORITY
AND NOTICE OF PUBLIC HEARING**

MEETING AGENDA:

The meeting agenda is as follows:

1. Call to order.
2. Announcements regarding hearing procedures.
3. Presiding Officer to take evidence on the applications and contested case requests.
4. Board consideration of and action on contested case requests or action on the permit applications.
5. Adjourn.



CANYON REGIONAL WATER AUTHORITY DRILLING/OPERATING PERMIT AMENDMENT APPLICATION AND TRANSPORT PERMIT AMENDMENT APPLICATION SUPPORTING INFORMATION

Canyon Regional Water Authority (CRWA) is requesting permit amendments to increase production and transport/export rights from one of its ten existing municipal public water supply wells located in the western Gonzales County portion of the Gonzales County Underground Water Conservation District (GCUWCD or District). Production and transport/export of water from these wells is currently permitted under Aggregate Operating Permit No. 11-16-01 and Export Permit No. 11-09-01, which authorize production and transport of 7,400 acre-feet per year (ac-ft/yr) from the Carrizo aquifer. This permit amendment would increase CRWA's production and transport/export rights by 920.05 ac-ft/yr to meet the increased needs of its member entities.

Long-term monitoring of the performance of CRWA's wells indicates that the production rate of CRWA's existing Well 14 – Christian West can be safely increased from the currently permitted rate of 495 gallons per minute (gpm) to 1,065 gpm. The proposed increase of 570 gpm equates to an additional 920.05 ac-ft/yr, which would increase CRWA's total annual production and transport rights from 7,400 ac-ft/yr to 8,320.05 ac-ft/yr from the Carrizo aquifer. CRWA has leased sufficient surface acres and groundwater rights in the District to support this amendment.

A completed GCUWCD Drilling and Production Application Form and a completed Transportation Application form for Well 14 – Christian West are provided under Tab 1. The following sections address the CRWA's responses to the provisions of GCUWCD Rule 10 and Rule 15.

RULE 10 – APPLICATION FOR DRILLING AND OPERATING PERMITS

10.D.1. Name and mailing address of the applicant and the owner of land on which the water well will be located;

Applicant:

CRWA
c/o John Kaufman, General Manager
850 Lakeside Pass
New Braunfels, Texas 78130
jkaufman@crwa.com

**Well 14 – Christian West Landowner (property is leased by CRWA, see
Lease No. 77):**

William Brent Christian
1046 HWY 90A W.
Gonzales TX 78629

10.D.2. If the applicant is other than the owner of the property, documentation establishing the applicable authority to construct and operate a water well for the proposed use;

Well 14 – Christian West is located on land previously leased by CRWA (Lease No. 77). As listed on the lease schedule provided under Tab 3, water rights leases totaling 7,406.80 ac-ft/yr are included in CRWA's current permits, while water rights leases totaling 8,331.54 ac-ft/yr are included in the proposed amended permits. To support the increased well-to-property spacing requirements associated with the additional production requested in this amendment, CRWA is adding Lease No. 29, from Jessie D. Perez, Jr., to its Carrizo rights in the District. The Memorandum of Lease with Mr. Perez is provided under Tab 3.

10.D.3. The location of the water well expressed in Latitude and Longitude in degrees of arc and minutes of arc and seconds of arc to the first decimal place;

Well 14 – Christian West is located at the following coordinates:

Latitude: 29°28'14.3"N (29.470628°)

Longitude: 97°44'26.0"W (-97.740546°)

10.D.4. The current landowner as listed on the tax rolls with the Gonzales County Deed Records and the number of feet to the nearest public road, property line or other legal description and a survey in which the land is located;

Well 14 – Christian West is located approximately 160 feet from County Road 102 on the land parcel described by the following:

Geo-ID: 10340-81000-00000-000000

Property ID: 24658

Owner: William Christian

Abstract/Survey: 34 Jose De La Baume

10.D.5. A statement of the nature and purpose of the proposed use and the amount of water to be used for each purpose;

The proposed increased pumping rate for Well 14 – Christian West will result in production of an additional 920.05 ac-ft/year. This will augment CRWA's production of groundwater for municipal public water supply purposes. In total, if this amendment is granted, CRWA will produce and export 8,320.05 ac-ft/yr from its ten Carrizo aquifer wells in the District, all of which will be used for municipal public water supply purposes.

10.D.6. *The proposed maximum rate at which water will be withdrawn;*

CRWA proposes to increase the production rate of Well 14 – Christian West from 495 gpm to 1,065 gpm. The pumping rates for the other wells in CRWA’s well field in the District will not change.

10.D.7. *The number of surface acres owned by the applicant or the amount of surface acres for which the applicant has groundwater rights within the aquifer management unit;*

A CRWA has leased a total of 8,331.54 surface acres of land in the District. A lease schedule and the lease memoranda are included under Tab 3. A map showing the footprint of CRWA’s water rights leased areas is provided under Tab 2.

10.D.8. *The name and address of the driller or contractor, if known;*

Well 14 - Christian West was constructed by:

Alsay, Inc.
6615 Gant Rd.
Houston, TX 77066

10.D.9. *The date proposed drilling operations are to commence;*

Construction of Well 14 - Christian West was completed on November 24, 2017. CRWA will commence the procurement process to acquire the pumps and other equipment needed to increase the pumping rate in Well 14 – Christian West to 1,065 gpm as soon as practicable after approval of this permit amendment.

10.D.10. *The name and address of adjacent property owners as shown on the County Tax Rolls as of the date the application is filed;*

There are several properties adjacent to the property on which Well 14 – Christian West is located. All of the adjacent properties have been leased by CRWA. A map showing the locations of CRWA’s water rights leased areas is provided under Tab 2 and a complete landowner list (including addresses) and memorandums of leases are provided under Tab 3.

10.D.11. *The name and address of all existing and registered and permitted well owners within one-half mile of the proposed water well as shown in the records of the District;*

All of the registered/permitted wells within one-half mile of Well 14 – Christian West are located on properties leased by CRWA. Maps showing the location of registered/permitted wells in relation to Well 14 – Christian West are included under Tab 2. A water rights lease schedule that includes the names and addresses of lessors with

registered/permited wells within one-half mile of Well 14 – Christian West properties is included under Tab 3.

There are four landowners within the ½ mile radius of Well 14 - Christian West that do not have lease agreements with CRWA. None have wells. CRWA will provide certified mail notification of this permit amendment application to the following four non-leased landowners within one-half mile of Well 14 – Christian West:

Frank & Merrie Monaco
P O Box 10248 San Antonio, TX 78210

Robert Kreis & Carol Alyea
314 CR 109 W Leesville, TX 78122

Susan Metcalf Loomis
13668 N HWY 80 Leesville, TX 78122

QSTS Ranch Partnership Ltd.
239 Alta Ave. San Antonio, TX 78209

10.D.12. An acknowledgment by the applicant that required information will be furnished to the District by the applicant upon completion of the water well and prior to production of water therefrom;

All information required by the District was submitted when Well 14 – Christian West was completed in 2017.

10.D.13. A drought contingency plan if the application involves a public water utility;

CRWA's drought contingency plan is included under Tab 5.

10.D.14. A water conservation plan or a declaration that the applicant will comply with the District's management plan;

CRWA's water conservation plan is included under Tab 6.

10.D.15. A water well closure plan or a declaration that the applicant will comply with well plugging guidelines and report closure to the TCEQ and the District;

CRWA will comply with District well plugging guidelines and report well closures to the District and the TCEQ.

10.D.16. A map of the property upon which the water well is located and an indication of all other water wells on the property or a map of the city limits of any incorporated city in Gonzales County in which a water well is proposed to be drilled;

Well location maps are provided under Tab 2.

10.E.1. Include in the application a public-domain numerical groundwater availability model accepted by the District. The model shall demonstrate the effects of the proposed groundwater development upon the water table or artesian pressure of the Carrizo, Wilcox, Queen City and Sparta aquifers, as applicable, within and outside of the proposed well field over a 50 year modeling period...

On September 8, 2022, CRWA met with the District's General Manager and hydrogeological consultant to discuss this proposed amendment and the groundwater flow modeling to be performed as part of the amendment application process. As established during the meeting, the aquifer's response to the proposed increase in Well 14 – Christian West pumpage rate was modeled using the currently-approved Carrizo-Wilcox-Queen City-Sparta Groundwater Availability Model (GAM) maintained by the Texas Water Development Board (TWDB).

The currently adopted Desired Future Condition/Modeled Available Groundwater (DFC/MAG) simulation pumpage input files generated by Groundwater Management Area No. 13 (GMA-13) were used as a baseline for the model runs performed for this proposed amendment. However, the DFC/MAG model inputs include pumpage attributed to CRWA from 2012 through 2022 do not accurately reflect CRWA's actual groundwater production rates and volumes; consequently, for the purposes of this application, the model pumpage assigned to CRWA in the DFC/MAG simulation was replaced with CRWA's actual recorded groundwater withdrawals from 2012 through 2022. Therefore, the predictive portion of the model runs discussed herein (2023 through 2080) include all CRWA permitted pumpage plus the proposed increase in the pumpage rate of Well 14 – Christian West, in addition to the regional pumpage included in the DFC/MAG simulation.

CRWA was directed by the District's General Manager and hydrogeological consultant to perform the following simulations to evaluate the impacts associated with this proposed amendment:

1. The 25-year drawdown due to the proposed increase in Well 14 – Christian West pumpage (920.05 acre-feet per year).
2. The 50-year drawdown due to the proposed increase in Well 14 – Christian West pumpage (920.05 acre-feet per year).

This work was performed, and two contour plots of the model results are provided under Tab 4. The results indicate that the predicted drawdown associated with this amendment is modest. Only approximately five to ten feet of additional drawdown is expected in the CRWA well field area following 50 years of production.

10.E.2. *Include in the application a monitoring plan to assess the effects of the project on the aquifer(s)*

The District has established an extensive monitoring well network in the CRWA area that may be used to monitor the aquifer's response to the proposed increase in Well 14 – Christian West pumpage rate.

See "Summary Report Carrizo Outcrop Monitor Wells Guadalupe, Gonzales, and Caldwell Counties, Texas," Daniel B. Stephens & Associates Inc., February 22, 2021, available online at https://www.dropbox.com/s/crjevkb4nu9xvw5/Summary%20Report%202-22-21_rsp.pdf?dl=0 No additional monitor wells are needed to monitor the effects of this amendment as Well No. 14 – Christian West is already in existence and being monitored by the District's current monitoring well network.

10.E.3 *In order to ensure no unreasonable effects on existing groundwater and surface water resources or existing permit holders, the District shall require a mitigation plan, acceptable to the District...*

CRWA will continue to participate in the mitigation program managed by the GCUWCD per the "Amended Participation Agreement in the Western Gonzales County Dedicated Mitigation Fund," by and between CRWA and the District, executed to be effective December 17, 2012; and the "Monitoring Wells System Construction, Operation, and Maintenance Agreement," by and among the District, ARWA, CRWA, SSLGC, and GBRA," executed to be effective on December 30, 2016. At the District's request, CRWA will work with the District to amend the existing mitigation agreement on mutually agreeable terms which are substantially similar to the terms and conditions required by the District of similarly-situated exporters.

10.E.4 *Include in the application:*

10.E.4.a. *A demonstration that the proposed well field is consistent with the District's approved management plan*

The proposed increase in the Well 14 – Christian West production rate is a small increase in pumpage, representing approximately 1.5% of the 2020 MAG for the Carrizo aquifer in Gonzales County (60,431 ac-ft/yr) and about 1.2% of the 76,265 ac-ft/yr MAG listed for 2030.

The additional impacts associated with the proposed Well 14 – Christian West production rate increase were compared to the average simulated drawdown within GCUWCD output by the currently adopted DFC/MAG simulation generated by GMA-13. The adopted DFCs in GMA-13 are calculated for the period between the beginning of 2013 through the end of 2080. The average drawdown in GCUWCD output

by the DFC/MAG simulation over that interval is 127.21 feet, while the average drawdown in GCUWCD resulting from the proposed increase in the Well 14 – Christian West production rate increase is approximately 0.5 feet. This simulated average drawdown represents an increase of 0.39% of the drawdown predicted by the DFC/MAG simulation.

Given the beneficial use to which the water will be put, the modest increase in pumpage and small impacts are consistent with the goals outlined in the District's management plan.

10.E.4.b. A map indicating the proposed area in which the other water wells in the proposed well field will be drilled.

Well location maps are provided under Tab 2.

10.E.4.c. The existing or proposed general route of the pipeline transporting the water.

Maps and descriptions of CRWA's infrastructure are provided under Tab 7. No new pipelines or other infrastructure is needed to support the additional water authorized to be produced and transported under this amendment.

10.E.4.d. A demonstration that the proposed water to be produced is consistent with the regional water plan that has been approved by the TWDB at the time the permit application is submitted.

CRWA's Wells Ranch Phase 3 Project is included in Section 5.2.19 of the 2021 State Water Plan. This water management strategy contemplates developing new Carrizo-Wilcox aquifer supplies in Guadalupe County and treating the produced groundwater at CRWA's existing water treatment facility, which currently accepts water from 15 wells including Well 14 – Christian West. While not specifically described in the 2021 State Water Plan, the proposed amendment will augment the capacity of the Wells Ranch well field and represents one component of CRWA's multi-faceted strategy to meet future demands.

CRWA has recorded water level data in the Wells Ranch well field since 2012. The results of ongoing groundwater flow modeling that incorporate these data indicate that increased system efficiency can be achieved by tailoring individual well rates to site-specific hydrogeologic conditions. By taking advantage of the increased productivity of the Carrizo beneath Well 14 – Christian West, additional production can be obtained from existing infrastructure while minimizing the resultant hydrogeologic impacts.

As stated in Section 16.053(a) of the Texas Water Code, the purpose of the regional water planning effort is to “provide for the orderly development, management, and conservation of water resources...” The goal of this proposed amendment is to efficiently utilize existing groundwater resources by developing additional public supplies from wells that are proven to cause less drawdown per gallon produced. In this way, orderly development and management of groundwater resources is achieved, while promoting conservation by delaying the need to expand well field infrastructure to accommodate forecasted increases in demand.

10.E.4.e. The proposed schedule of water usage and the ultimate production amount of the water wells connected to the well field for which a permit application has been filed

CRWA intends to increase the production rate of Well 14 – Christian West to 1,065 gpm following upgrades to the electrical and pumping equipment promptly after approval of this permit amendment (subject to CRWA's procurement policies and procedures). The ten CRWA wells in the District are currently permitted to produce 7,400 ac-ft/yr and total production and transport will increase to 8,320.05 ac-ft/yr if this permit amendment is approved.

10.G. Each application for a drilling and operating permit shall be accompanied by a certified check or postal money order based on an amount, set by the Board, per acre/foot proposed to be produced annually and payable to the District for the permit application processing fee...

A check for \$1,840.10 is included with this application packet, which is intended to provide for both drilling/operating and transport permit application amendment fees ($2 * \$920.05 = \$1,840.10$).

RULE 15 – EXPORTATION OF GROUNDWATER FROM THE DISTRICT

15.C. The following information will be provided to the General Manager with a registration of an existing facility or an application for a permit to export water:

15.C.1. The name and address of the owner or operator of the export facility.

Export facility owner/operator:

CRWA
c/o John Kaufman, General Manager
850 Lakeside Pass
New Braunfels, Texas 78130
jkaufman@crwa.com

15.C.2. The legal description of the location of the water well or wells from which water to be exported is to be produced.

Well location maps are provided under Tab 2. Legal descriptions of the well site tracts are included in the Memorandums of Lease under Tab 3.

15.C.3. The name and address of the water right owner of the proposed or existing well or wells used to produce water to be exported.

CRWA's water rights lease information is provided under Tab 3.

15.C.4. The permit number or registration number of the water well or wells used to produce water to be exported.

CRWA's currently holds Aggregate Operating Permit No. 11-16-01 and Export Permit No. 11-09-01, which authorize CRWA to produce and export 7,400 ac-ft/yr from ten wells in Gonzales County. Copies of the permits are included in Tab 1.

15.C.5. A technical description of the water well or wells that are producing water for export and the formation they are producing from including, but not limited to:

15.C.5. a. A copy of the driller's log.

15.C.5. b. A completion record showing the depth of the water well, the casing diameter, type and setting, and the perforated interval.

15.C.5. c. The size of the pump or pumps used to produce water to be exported.

15.C.5. d. The date the water well was drilled.

15.C.5. e. Electric logs including a spontaneous potential log and a resistivity log.

All technical data and descriptions of the ten wells authorized under Aggregate Operating Permit No. 11-16-01 have been previously provided to the District with the original application for those wells.

15.C.6. The use of water exported.

All of the produced water will be used for municipal public water supply purposes.

15.C.7. The volume of water exported during the previous calendar year.

CRWA exported 6,234.38 ac-ft in 2021 and 7,426.57 ac-ft in 2022.

15.C.8. A technical description of the facilities used to export water.

Technical descriptions of CRWA's infrastructure and facilities are included under Tab 7. No changes to those facilities are necessary to support this amendment.

15.C.9. The proposed volumes of water to be exported outside the District, on a per annum basis for a thirty (30) year period commencing upon (expected) permit issuance.

CRWA anticipates producing and exporting 8,320.05 ac-ft/yr.

15.C.10. The availability of water in the District and in the proposed receiving area during the period for which the water supply is requested.

The availability of water in the GCUWCD and the receiving area is described in the DFC/MAG documents maintained by the TWDB: https://www.twdb.texas.gov/groundwater/management_areas/gma13.a.sp.

15.C.11. The projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the District.

The estimated aquifer response to the proposed pumpage is included under Tab 4. The proposed transfer will not exceed the current MAG and groundwater modeling indicates that the proposed increase in the Well 14 – Christian West's production rate will result in approximately six inches of additional artesian pressure decline in the District over the next several decades. The predicted drawdown impacts are not expected to cause aquifer depletion or significantly adversely affect aquifer conditions or existing permit holders or other groundwater users. Per the District's Management Plan, subsidence is not a relevant factor in the District. (See District Management Plan, Section 8.9).

15.N. An application for an export permit shall be accompanied by a certified check or postal money order in an amount, set by the Board, per acre/foot requested to be exported in a year and payable to the District for a permit application processing fee.

A check for \$1,840.10 is included with this application packet, which is intended to provide for both drilling/operating and transport permit application amendment fees ($2 * \$920.05 = \$1,840.10$).

**GONZALES COUNTY UNDERGROUND WATER CONSERVATION DISTRICT
DRILLING AND PRODUCTION APPLICATION FORM**

Acknowledgments

I agree that this well will be drilled within 50 feet of the location specified, and that I will furnish the District a complete State of Texas Well Report and any geophysical log that might be made within 60 days of completion of this well. I agree to abide by the District Rules, Management Plan, and orders of the Board of Directors. Furthermore, I agree not to produce this well in a wasteful manner.

Signature: *John Kaufman*
Printed Name: John Kaufman

Date: March 27, 2023
Title: General Manager

District Use Only

Date Application Received: _____ Date Fee Received: _____ Check No.: _____
Field Inspection Date: _____ Field Inspector: _____

**GONZALES COUNTY UNDERGROUND WATER CONSERVATION DISTRICT
TRANSPORTATION APPLICATION/REGISTRATION FORM**

Owner/Operator Information

Facility Owner: Canyon Regional Water Authority Phone: 830-609-0543
Owner Address: 850 Lakeside Pass New Braunfels, TX 78130
Facility Operator: c/o John Kaufman Phone:
Operator Address: same as owner

Location of Transportation Facility

Facility Address: 383 High Point Ridge Seguin, TX 78155 Abstract Number: 344
Survey Name: T.G. Weeks Longitude: West -97.822858°
Latitude: North 29.452703°

Transportation Facility Information

Total capacity of transportation system: 13,800gpm
Capacity and size of pipeline(s): 24-inch diameter, 13,800gpm
Number of proposed wells to be connected to facility: 16
Date facility construction scheduled to start: 2007
Date facility construction scheduled to be completed: 2010

Attach a map showing the location of the proposed treatment facility with interconnected water wells and pipelines. Also attach a map of the proposed transportation pipeline from treatment facility to proposed end users. CRWA infrastructure descriptions and maps are provided under Tab 7 of this submittal packet.

Volume of Water Requested from the District

Does the owner/operator currently have any production permits with the District:
Total amount permitted: 7,400 ac-ft/yr

Does the owner/operator currently have an existing transportation permit with the District:
Total amount permitted: 7,400 ac-ft/yr

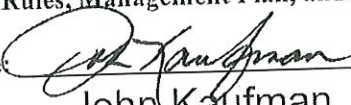
Is this an amendment to an existing transportation permit: Yes

Current proposed amount of water to be transported out of the District: additional 920.05 ac-ft/yr

Total amount of water to be transported out of the District: 8,320.05 ac-ft/yr (existing and proposed amounts)

Acknowledgments

All of the above information is true and correct to the best of my knowledge. I agree to abide by the District's Rules, Management Plan, and orders of the Board of Directors.

Signature:  Date: March 27, 2023
Printed Name: John Kaufman Title: General Manager

District Use Only

Date Application Received: _____ Date Fee Received: _____ Check No.: _____
Field Inspection Date: _____ Field Inspector: _____

CRWA Well 14 - Christian West

Canyon Regional Water Authority Permit Amendment Workshop

Gonzales County Underground Water Conservation District (GCUWCD)

August 8th, 2023

James Bené, P.G.
R. W. Harden & Associates Inc.

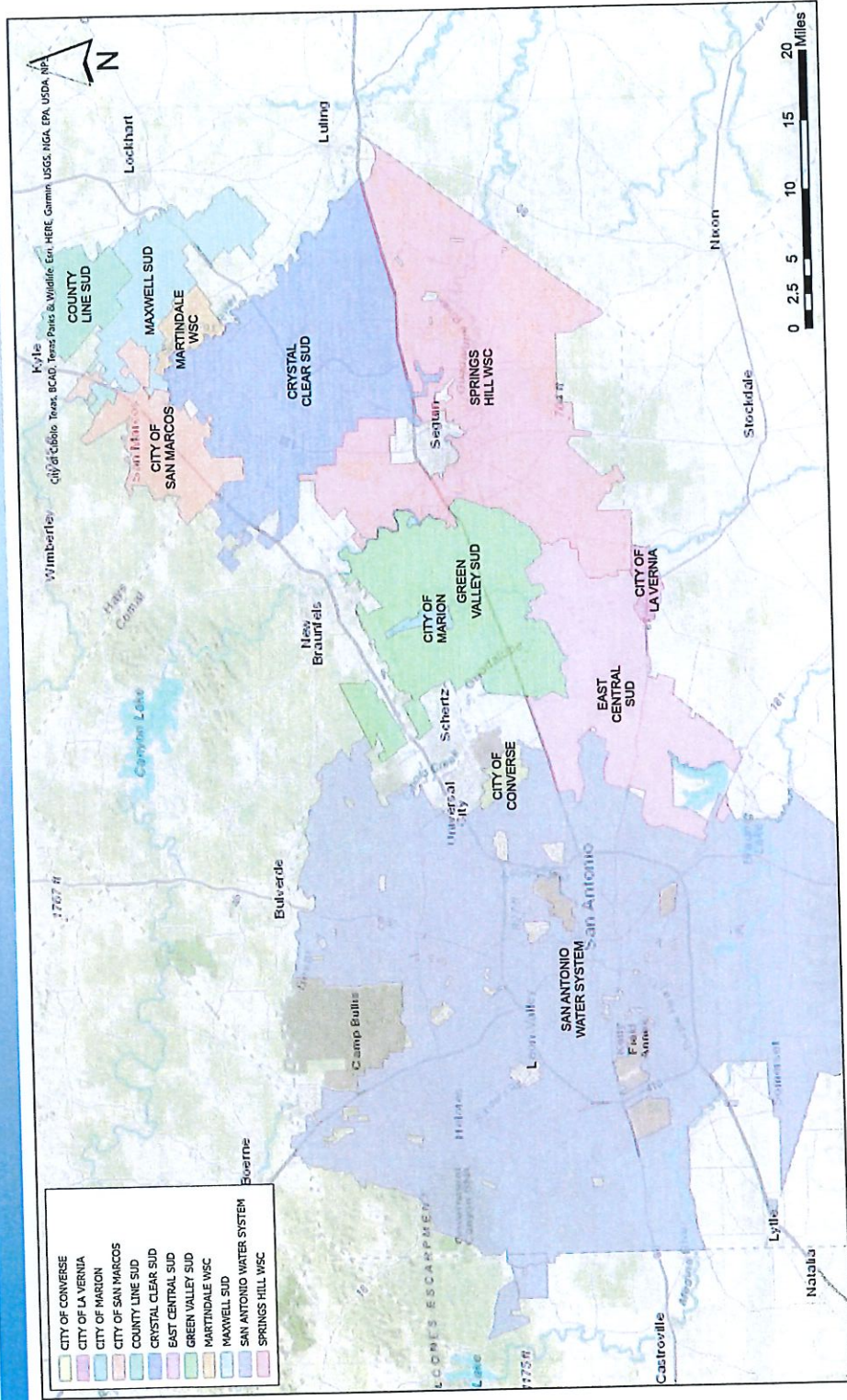
Who is CRWA?



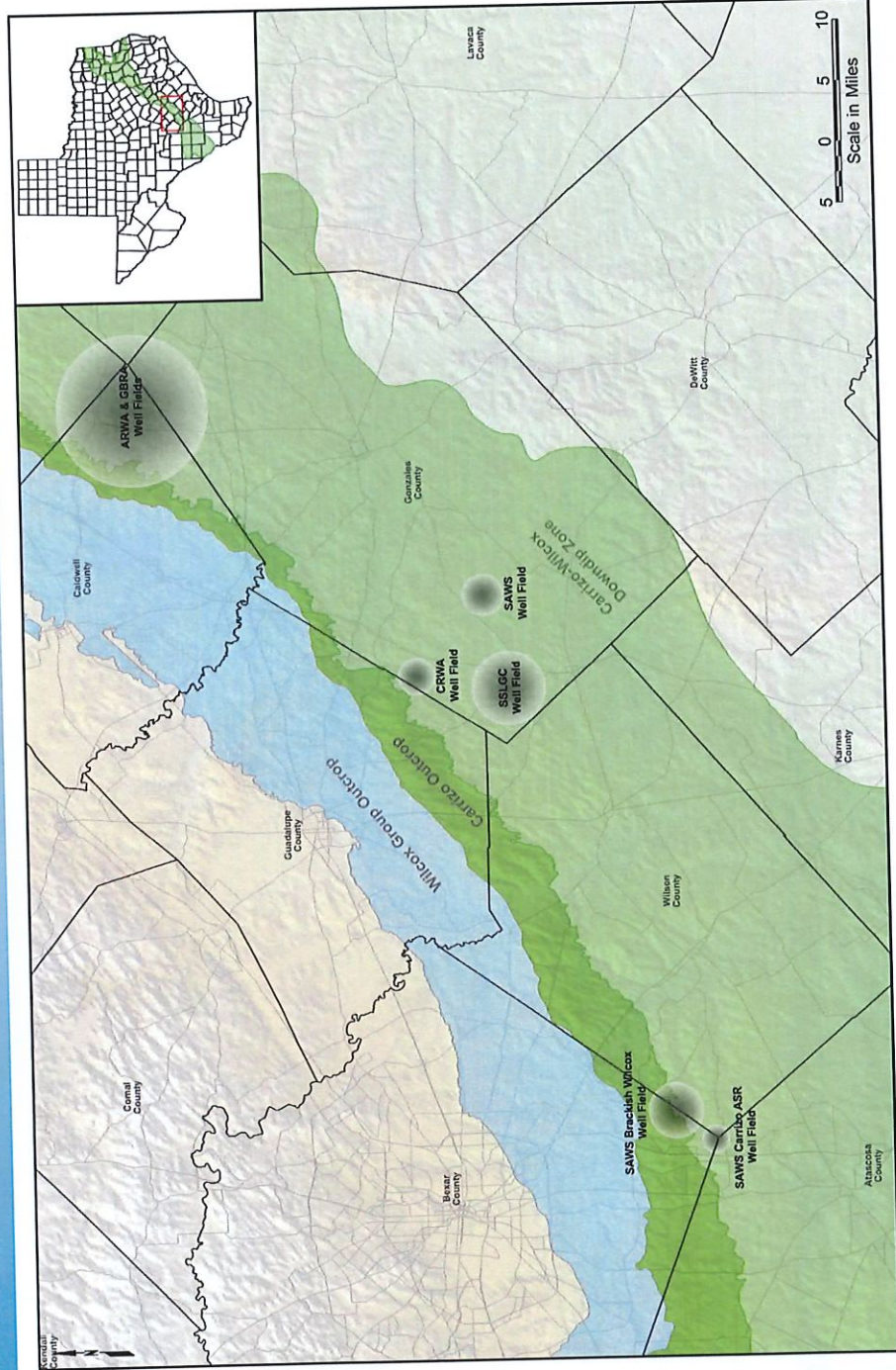
- Canyon Regional Water Authority is a subdivision of the State of Texas created by the Texas Legislature in 1989
- It is a partnership of water supply corporations, cities, and districts responsible for acquiring, treating, and transporting potable water for public supply.

- ❖ City of Cibolo
- ❖ City of Converse
- ❖ City of La Vernia
- ❖ City of Marion
- ❖ County Line SUD
- ❖ Crystal Clear SUD
- ❖ East Central SUD
- ❖ Green Valley SUD
- ❖ Martindale WSC
- ❖ Maxwell SUD
- ❖ Springs Hill WSC
- ❖ San Antonio Water System (wholesale customer)
- ❖ City of San Marcos (wholesale customer).

CRWA Service Area



Regional Overview



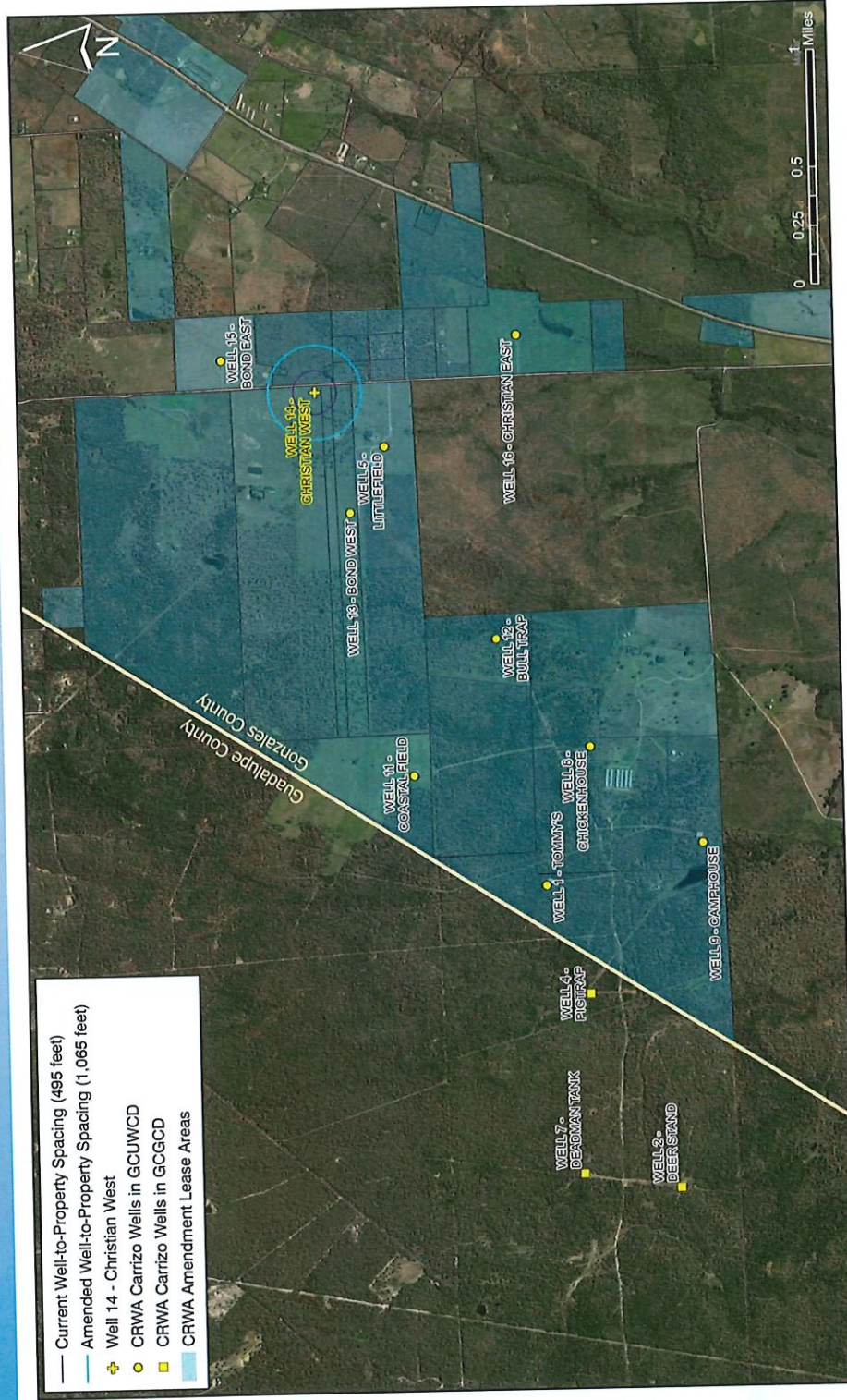
Current CRWA Permits



- GCUWCD - Gonzales County
 - Current - 7,400 acre-feet per year from the Carrizo aquifer

- GCGCD - Guadalupe County
 - 2,603 acre-feet per year from the Carrizo aquifer
 - 3,026 acre-feet per year from the Wilcox aquifer
 - *Total 5,629 acre-feet per year*

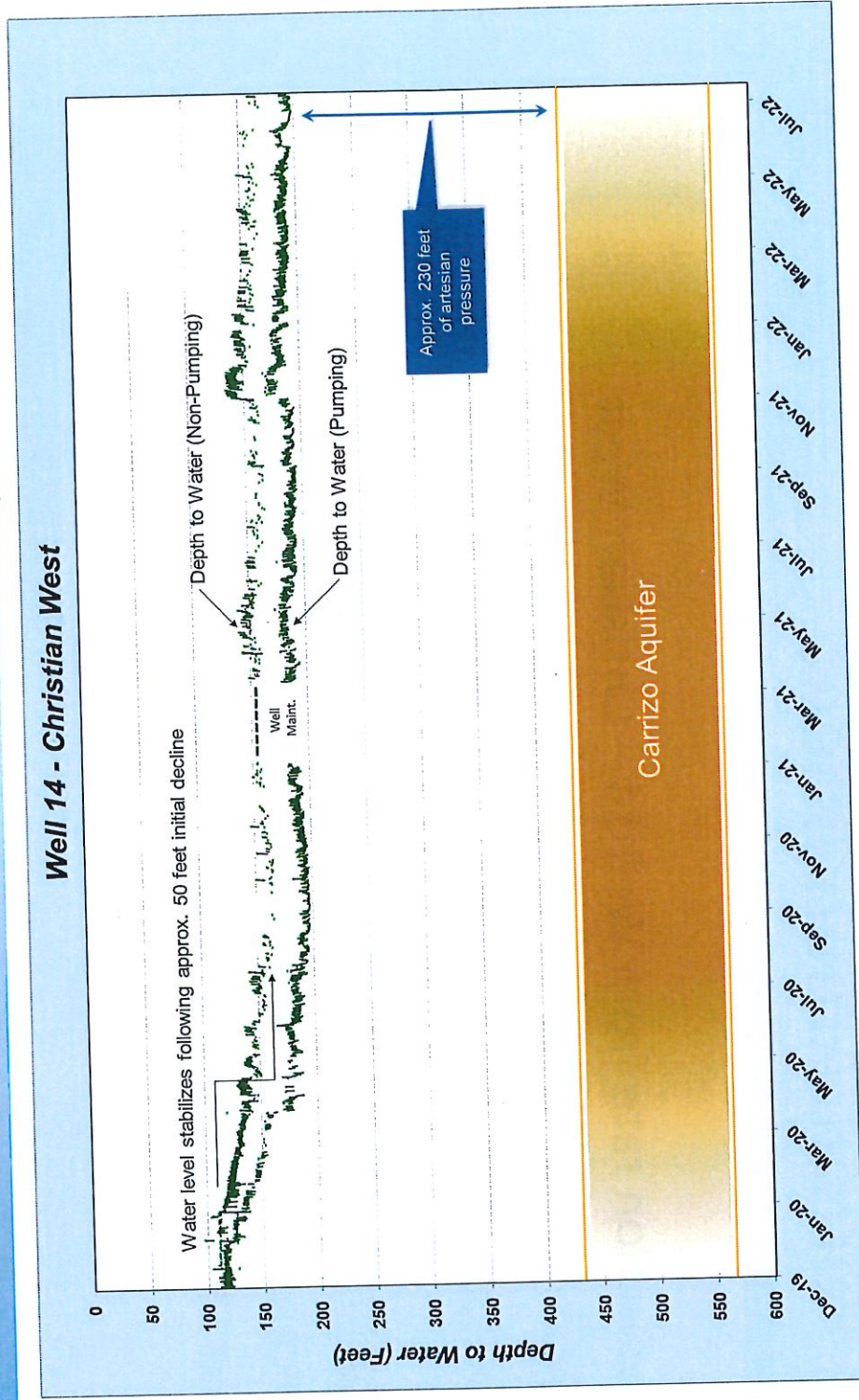
CRWA Well Field



Long-Term Monitoring



- ❖ Completed in productive portion of the Carrizo
- ❖ Causes less drawdown per gallon produced



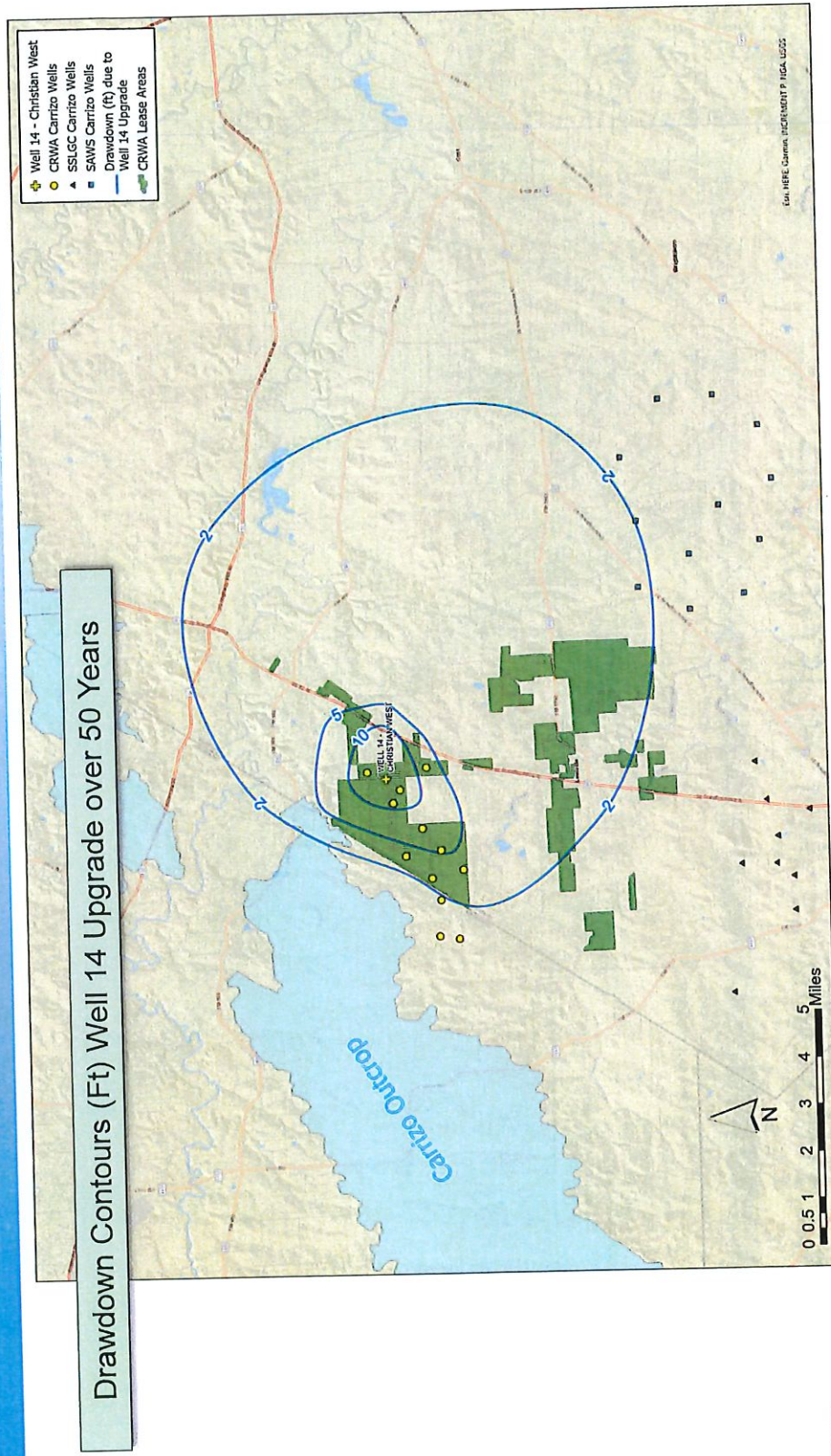
Proposed Permit Amendment



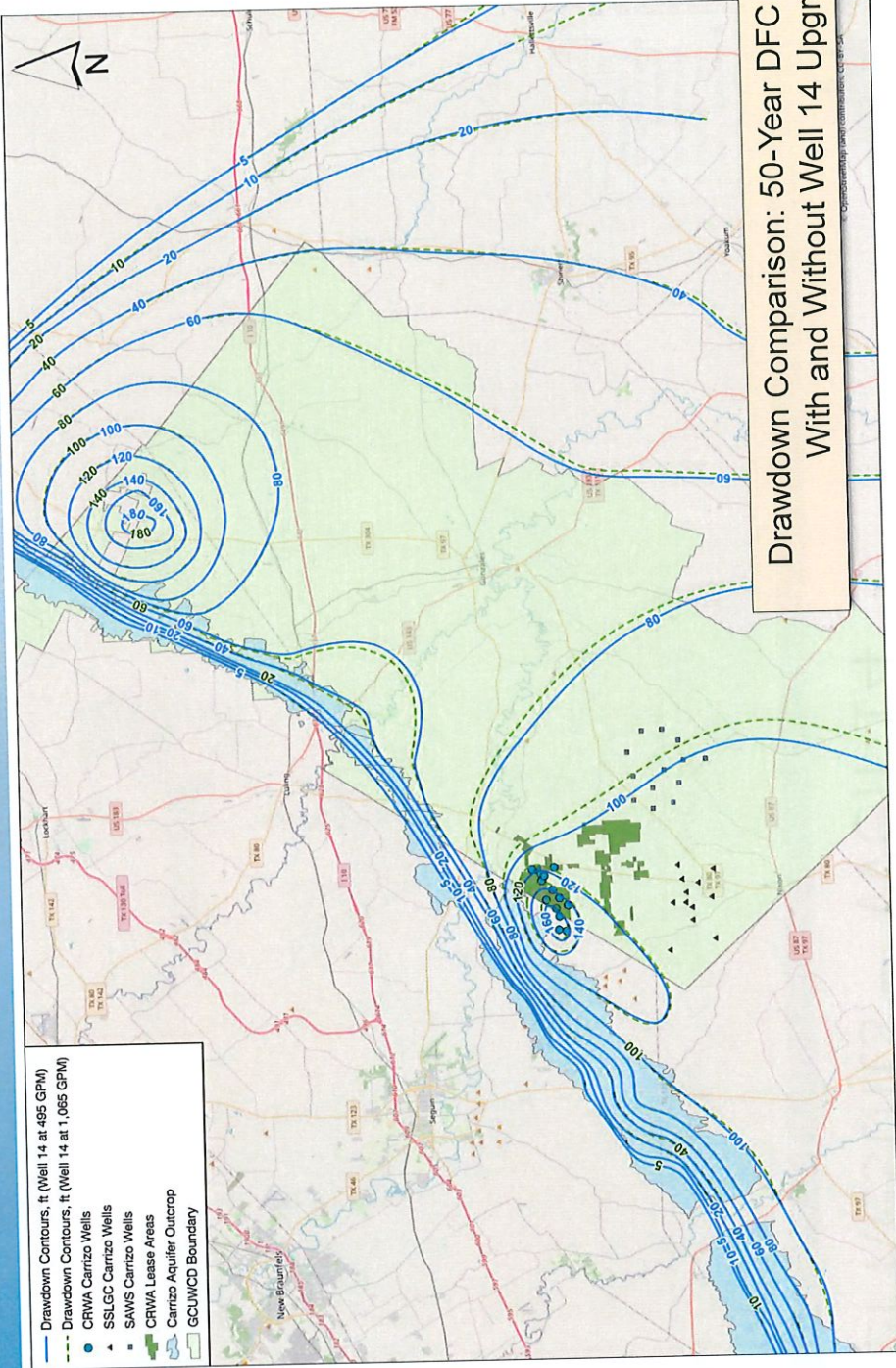
- Increase production rate from Well 14 – Christian West
 - Currently permitted for 495 gallons per minute (gpm)
 - Increase to 1,065 gpm
- Increase aggregate CRWA withdrawals by 920.05 acre-feet per year
 - Current permit allows 7,400 acre-feet per year
 - Amendment allows 8,320.05 acre-feet per year

1,065 gpm - 495 gpm = 570 gpm
570 gpm = 920.05 acre-feet per year

Model Results – Well 14



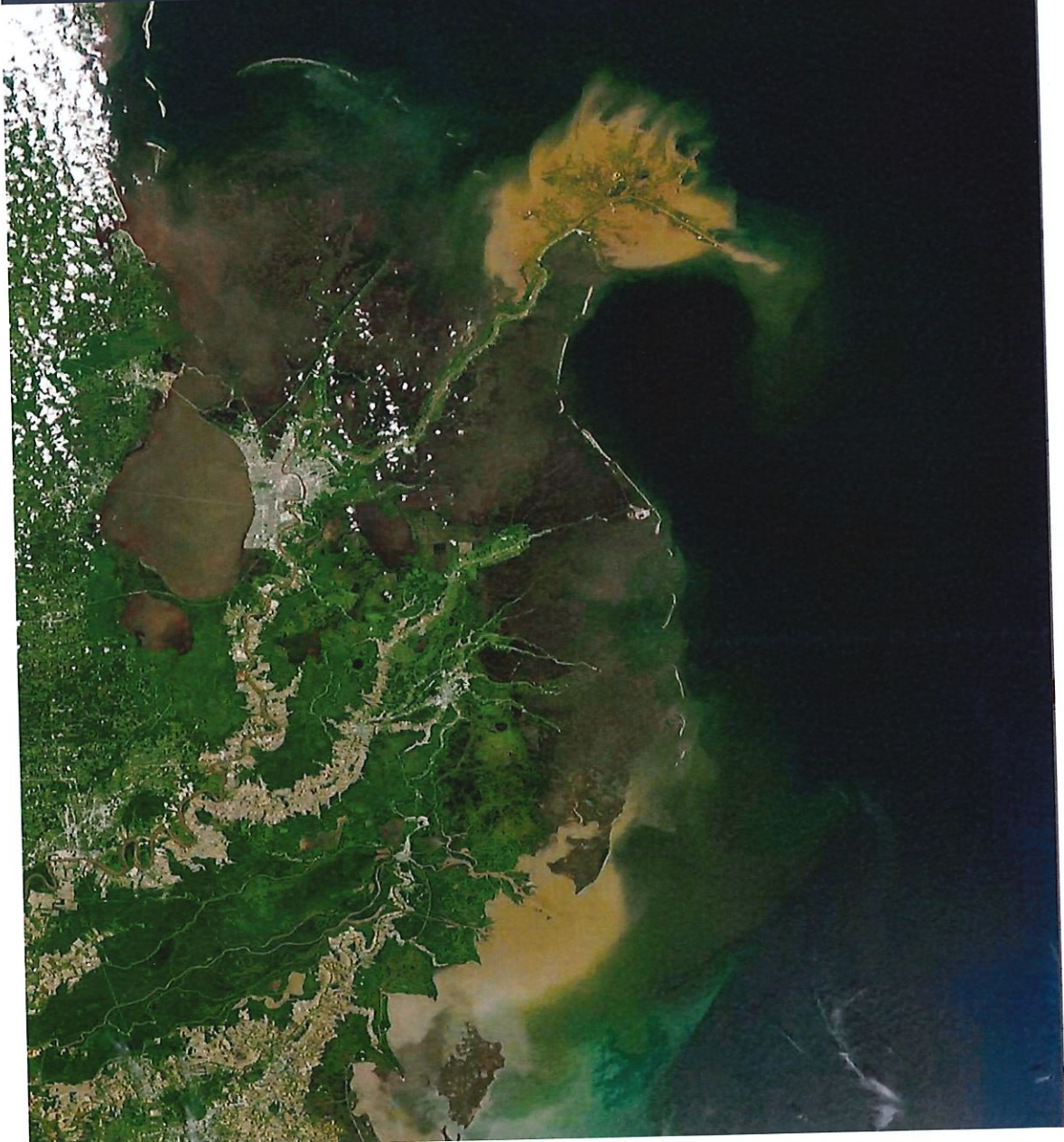
Model Results – All Pumpage



Summary

- Well 14 – Christian West is completed in a productive portion of the Carrizo and is proven to cause less drawdown per gallon produced.
- CRWA proposes to increase the Well 14 – Christian West yield from 495 gpm to 1,065 gpm. There will be no changes to the well other than a pumping equipment upgrade.
- CRWA proposes to increase the aggregate production from its wells in Gonzales County from 7,400 to 8,320.05 acre-feet per year
- The additional artesian pressure drawdown associated with the proposed amendment is relatively minor.

Questions?



Gonzales County Underground Water Conservation District

522 Saint Matthew
P.O. Box 1919
Gonzales, Texas 78629
Phone 830 672 1047

July 27, 2023

Mr. John Kaufman
General Manager
Canyon Regional Water Authority
850 Lakeside Pass
New Braunfels, Texas 78130-8233

**Re: CRWA Permit Application Amendment to
Re-Equip for One Existing CRWA Well - # 14 Christian West
Transportation Application Amendment**

Dear Mr. Kaufman:

The Gonzales County Underground Water Conservation District (GCUWCD) has determined that the above referenced permit application amendment is administratively complete effective the date of this letter. Enclosed is a Notice of Permit Application which increases the production rate for one of its existing permitted wells in the Carrizo aquifer, "Well 14 - Christian West," from 495 gallons per minute (gpm) to 1,065 gpm. The proposed pumping rate increase of 570 gpm equates to an increase in production of 920.05 acre-feet per year (ac-ft/year). Pursuant to Rule 24A of the district, the Notice includes the name of the applicant, the location of the proposed well to be amended and the existing production facility, the proposed use, the requested amount of groundwater in the permit applications, and the route of the transportation pipeline. The Notice also references the applicable rules of the District as they apply to this matter and will allow a thirty (30) day comment period and/or the same 30-day period for persons to request a contested case hearing in the case of a person with justiciable interest.

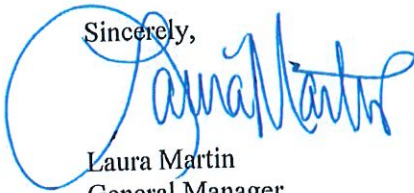
Pursuant to Rule 24.A, CRWA must publish this Notice at the earliest available publication date of the Gonzales Inquirer and the Lockhart Post Register after receipt of the Notice from the General Manager.

Pursuant to Rule 24.A, CRWA must mail the Notice to adjacent landowners and well owners designated in Rules 10.D.10 and 10.D.11 within seven (7) days of CRWA's receipt of this notice from the General Manager. The GCUWCD has attached a form letter that can be used for this purpose.

Pursuant to Rule 24.A, CRWA must provide the District evidence of newspaper publication and mailed notice to landowners within twenty-one (21) days of CRWA's receipt of this Notice from the General Manager.

If you have any further questions about this matter, please do not hesitate to contact me by telephone at 830-672-1047 or by e-mail at generalmanager@gcuwcd.org.

Sincerely,



Laura Martin
General Manager
Gonzales County UWCD

Enclosures: Sample Letter to Adjacent Landowners

Bruce Ticken
President

Kermit Thiele
Vice-President

Barry Miller
Secretary

Mark Ainsworth
Director

Mike St. John
Director

Memorandum

To: Laura Martin, General Manager
Gonzales County Underground Water Conservation District

Date: July 3, 2023

From: Neil Blandford, PG and Todd Umstot

Subject: Review of Groundwater Modeling for the CRWA Permit Amendment Applications

Canyon Regional Water Authority (CRWA) holds Aggregate Operating Permit No. 11-16-01 and Export Permit No. 11-09-01 with the Gonzales County Underground Water Conservation District (GCUWCD) for the production and transport of 7,400 acre-feet per year (ac-ft/yr) of Carrizo Aquifer water. The CRWA well field is located in southwestern Gonzales County and southeastern Guadalupe County (Figure 1). The well field consists of 13 existing wells and 1 proposed well at the CRWD Water Treatment Plant; 10 of the existing wells are in GCUWCD.

CRWA filed applications to amend their existing permits to increase the production and export amount from CRWA Well 14 - Christian West from 495 gallons per minute (gpm) to 1,065 gpm. The pumping rate increase of 570 gpm equates to an increase in production of 920.05 ac-ft/yr assuming 100 percent runtime for the well. If the permit amendments are approved, CRWA's total annual production and transport rights would increase from 7,400 ac-ft/year to 8,320.05 ac-ft/yr.

GCUWCD asked Daniel B. Stephens & Associates, Inc. (DBS&A) to review the groundwater modeling results submitted with the CRWA permit amendment applications. The results of our review are provided in this memorandum.

Drawdown Due to the Requested Increase in Pumping

The groundwater modeling results provided with the CRWA applications were developed by R.W. Harden & Associates, Inc. (Harden) using the groundwater availability model (GAM) for the southern part of the Carrizo-Wilcox, Queen City, and Sparta Aquifers (Deeds et al., 2003; Kelly et al., 2004). Groundwater modeling results were provided as the net effect of the proposed increase in groundwater pumping and the overall effects relative to the Groundwater Management Area 13 desired future conditions and modeled available groundwater (DFC/MAG). The DFC/MAG simulations are documented in LRE Water (2022), Groundwater Management Area 13 Joint Planning Committee (2022), and Wade (2022). The net drawdown is

the amount of water level decline in the Carrizo Aquifer due to the increased pumping amount only (i.e., 570 gpm, or 920.05 ac-ft/yr), and the DFC/MAG simulation considered the increased drawdown due to the CRWA applications relative to the effects of all future pumping in and adjacent to GCUWCD.

Net Drawdown

The simulated net effects of increased CRWA Carrizo Aquifer pumping of 920.05 ac-ft/yr at 25 and 50 years are shown in Figures 2 and 3, respectively. The maximum simulated drawdown exceeds 5 feet at 25 years (Figure 2) and 10 feet at 50 years (Figure 3) over a limited region at the CRWA well field. The simulated drawdown provided in Figures 2 and 3 was generated using model files provided by Harden. The model files were confirmed to be the same as the DFC/MAG model files, except that the CRWA pumping file was modified by Harden for the period 2012 through 2022 based on CRWA metered values. In addition, Harden adjusted CRWA pumping amounts for the predictive simulation period 2023 through 2080 to better reflect anticipated CRWA pumping in Gonzales and Guadalupe Counties.

The drawdown presented in Figures 2 and 3 is consistent with the drawdown provided by Harden in two figures submitted with the permit amendment applications. Differences in the contours between Figures 2 and 3 and the Harden figures are due to differences in contouring methods. It should be noted that the title of the Harden figures lists a pumping rate of 1,065 gpm (the total applied for pumping amount from Well 14), but the drawdown contours presented are due to a pumping amount of 570 gpm only (the amount of the requested pumping increase).

Drawdown Due to All Pumping

The DFC/MAG simulation considers the increased drawdown due to the CRWA applications relative to the effects of all future pumping simulated in the GAM. This calculation was made by running the DFC/MAG predictive simulation without the increased pumping due to CRWA, and then running the same simulation with the increased CRWA pumping of 920.05 ac-ft/yr. The results are then provided in terms of the increase in average drawdown across the GCUWCD due to the CRWA applications as of 2080, which is the last year of the DFC/MAG predictive simulation.

The average simulated Carrizo Aquifer drawdown simulated in the original DFC/MAG run (Wade, 2022) is 127.3 feet, nearly identical to the value of 127.2 feet provided in the CRWA applications.

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The average increase in simulated drawdown across the GCUWCD attributable to the CRWA applications is 0.5 foot at 2080. In this simulation, it was observed that a Carrizo Aquifer model cell that includes two CRWA wells (Well 5 - Littlefield and Well 13 - Bond West) goes dry during the simulation, and assigned pumping for these wells is not simulated at the end of the predictive simulation period. The cell that goes dry is model layer 5, row 62, column 174 (L5, R62, C174). This model cell and other Carrizo Aquifer cells that go dry in the DFC/MAG simulation are shown in Figure 4, along with the assigned pumping for each model cell as of 2080.

The same calculation was made using the same Harden baseline pumping file used to calculate the net drawdown; this file has updated pumping at CRWA wells only. For this scenario, the average increased drawdown across the GCUWCD at 2080 is 1.25 feet. Figure 5 shows the dry cells as of 2080 and the assigned pumping for each model cell for the Harden baseline predictive simulation. Comparison of Figures 4 and 5 shows the differences in assigned CRWA pumping between the original DFC/MAG well field and the Harden updated baseline well file.

It is unclear why the results of the calculation conducted using the DFC/MAG pumping file is less than that obtained using the Harden baseline pumping file. At earlier times in the simulation (between 2060 and 2070), the average increased drawdown is nearly 1 foot in the DFC/MAG simulation. We suspect the difference is due to non-linear aspects of the simulation and flaws in the resaturation package used in the simulations, but further investigation of this issue related to the CRWA applications is not a good use of GCUWCD resources.

Increased Pumping Amount in the Applications

The increased pumping of 920.05 ac-ft/yr (570 gpm) at Well 14 in the CRWA applications assumes 100 percent runtime. In reality, the well cannot be operated 100 percent of the time over extended periods of time. A typical well operational time over the course of a year might be 60 or 70 percent. Simulated drawdown due to the requested increase in pumping is therefore overestimated in the simulations presented above because the long-term extraction rate will necessarily be less than the rate used in the modeling.

Conclusions

Our conclusions are as follows:

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- The simulated net Carrizo Aquifer drawdown provided in the CRWA applications is correct, and is a maximum of a little more than 10 feet at 50 years (year 2072) over a small region. Drawdown amounts and extents are reproduced as Figures 2 and 3.
- The average increased drawdown across the GCUWCD as of 2080 is 0.5 foot for the DFC/MAG model run and 1.25 feet for the run that used the updated Harden baseline pumping file. The simulation that used the Harden baseline pumping file is believed to be the more accurate of the two simulations.

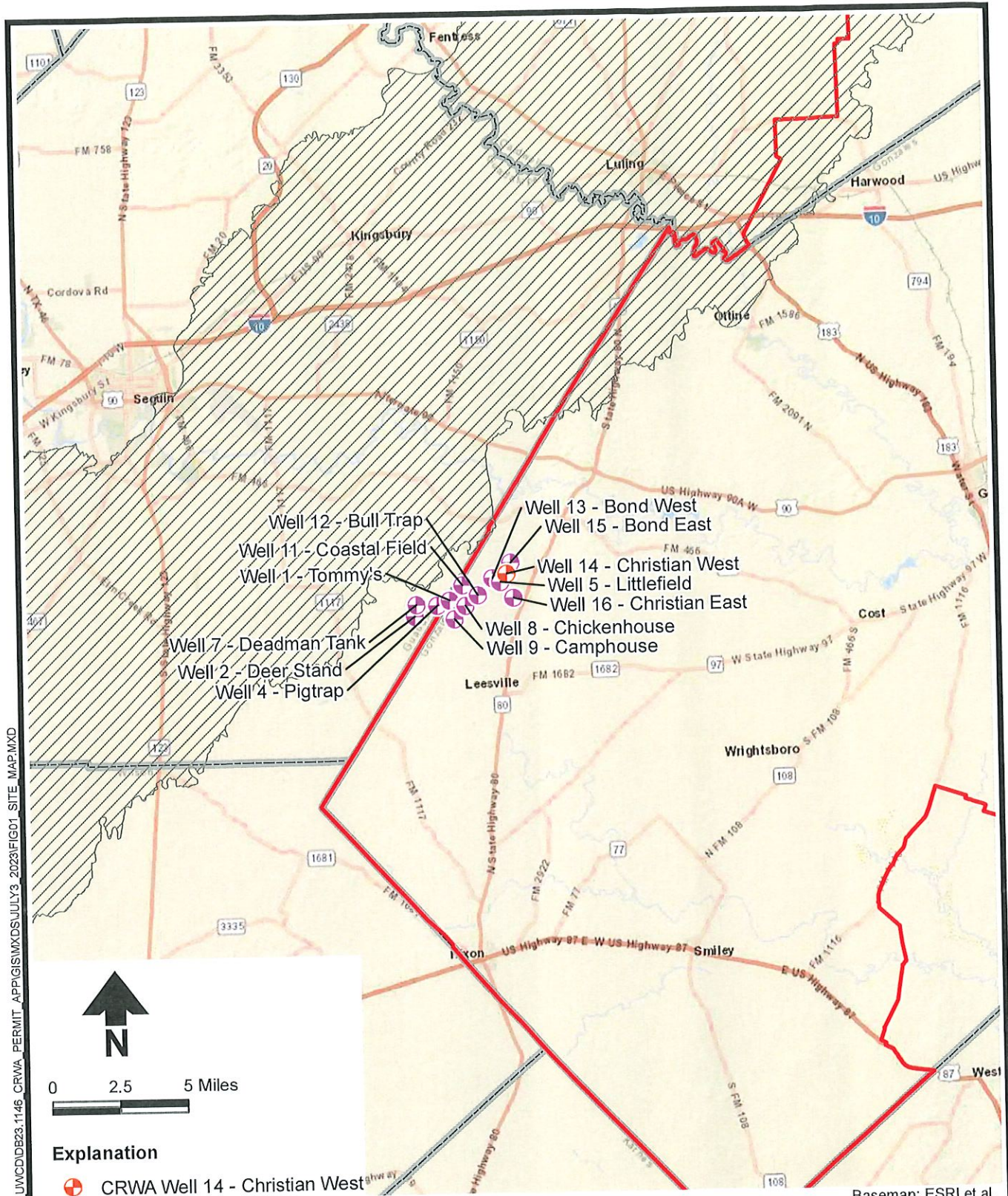
References

- Deeds, N., V. Kelley, D. Fryar, T. Jones, A.J. Whallon, and K.E. Dean. 2003. *Groundwater availability model for the southern Carrizo-Wilcox Aquifer*. Contract report to the Texas Water Development Board.
- Groundwater Management Area 13 Joint Planning Committee. 2022. *2021 Joint planning desired future conditions explanatory report*. Prepared with technical assistance by Jordan Furnans and Michael Keester. LRE Water. January 14, 2022.
- Kelley, V.A., N.E. Deeds, D.G. Fryar, and J.P. Nicot. 2004. *Groundwater availability models for the Queen City and Sparta aquifers*. Contract report to the Texas Water Development Board.
- LRE Water. 2022. Technical memorandum from Jordan Furnans to Groundwater Management Area 13 regarding Groundwater availability modeling technical elements. January 14, 2022.
- Wade, S.C. 2022. *GAM Run 21-018 MAG: Modeled available groundwater for the Carrizo-Wilcox, Queen City, Sparta, and Yegua-Jackson aquifers in Groundwater Management Area 13*. Texas Water Development Board Groundwater Division. July 25, 2022.





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Figures

Q:\PROJECTS\GONZALES COUNTY UWCD\B23.1146 CRWA PERMIT APPLICATIONS\JULY3 2023\FIG01_SITE_MAP.MXD



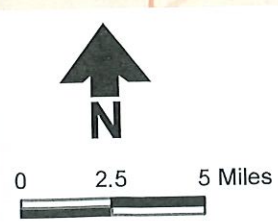
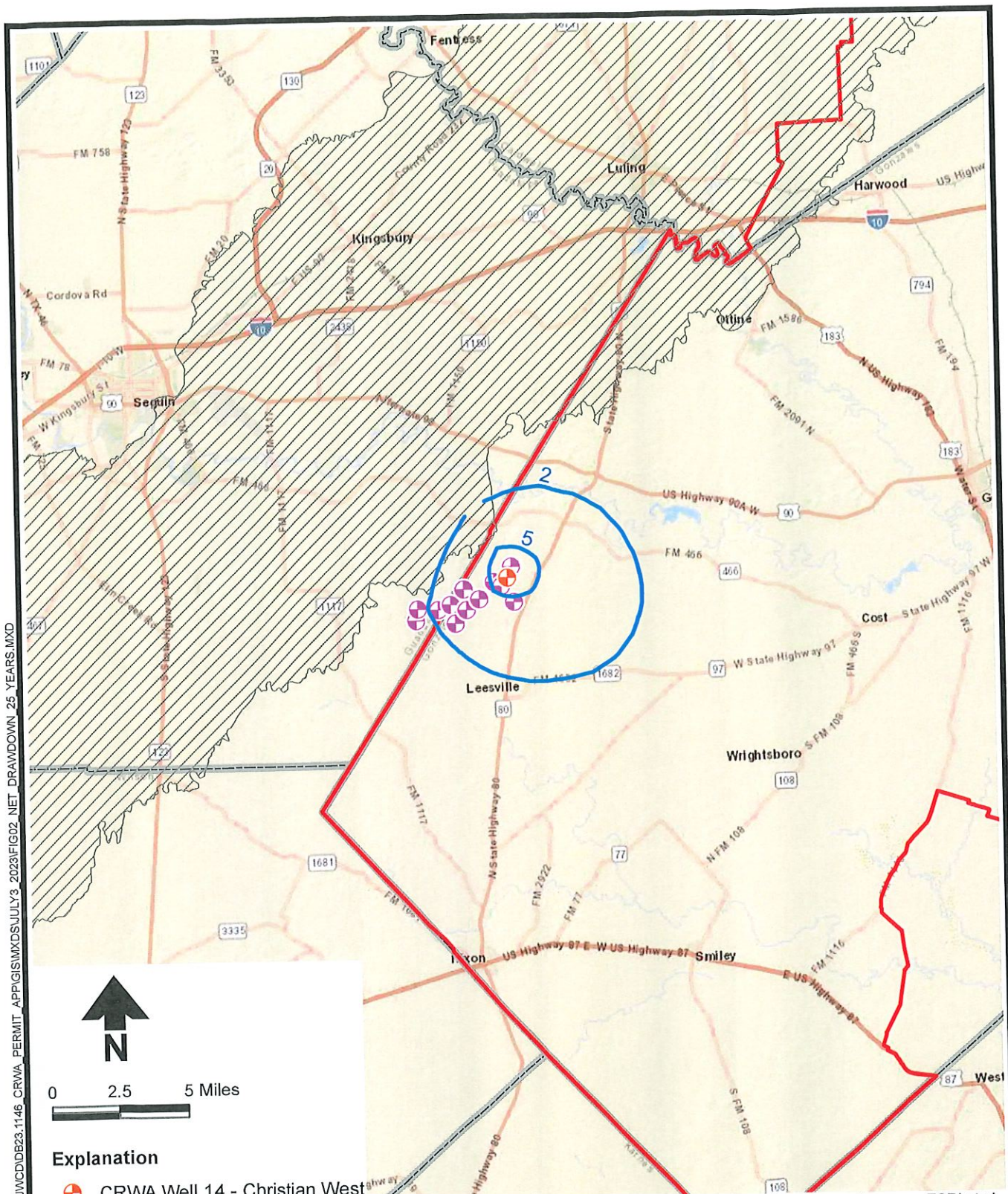
Explanation

-  CRWA Well 14 - Christian West
-  Other CRWA well
-  Carizzo - Wilcox outcrop
-  Gonzales County UWCD

Basemap: ESRI et al.

Figure 1

Q:\PROJECTS\GONZALES COUNTY_UWCD\DB23.1146 CRWA PERMIT_APP\GIS\MXD\S\JULY3 2023\FIG02_NET_DRAWDOWN_25_YEARS.MXD



- Explanation**
- CRWA Well 14 - Christian West
 - Other CRWA well
 - Simulated drawdown (feet)
 - Carrizo - Wilcox outcrop
 - Gonzales County UWCD

Basemap: ESRI et al.

CRWA PERMIT APPLICATIONS
GONZALES COUNTY UWCD
**Net Drawdown Due to CRWA
Applications at 25 Years (2023-2047)**

Figure 2

**GONZALES COUNTY UNDERGROUND WATER CONSERVATION DISTRICT
TRANSPORTATION APPLICATION/REGISTRATION FORM**

Owner/Operator Information

Facility Owner: Canyon Regional Water Authority Phone: 830-609-0543
Owner Address: 850 Lakeside Pass New Braunfels, TX 78130
Facility Operator: c/o John Kaufman Phone:
Operator Address: same as owner

Location of Transportation Facility

Facility Address: 383 High Point Ridge Seguin, TX 78155 Abstract Number: 344
Survey Name: T.G. Weeks Longitude: West -97.822858°
Latitude: North 29.452703°

Transportation Facility Information

Total capacity of transportation system: 13,800gpm
Capacity and size of pipeline(s): 24-inch diameter, 13,800gpm
Number of proposed wells to be connected to facility: 16
Date facility construction scheduled to start: 2007
Date facility construction scheduled to be completed: 2010

Attach a map showing the location of the proposed treatment facility with interconnected water wells and pipelines. Also attach a map of the proposed transportation pipeline from treatment facility to proposed end users. CRWA infrastructure descriptions and maps are provided under Tab 7 of this submittal packet.

Volume of Water Requested from the District

Does the owner/operator currently have any production permits with the District:
Total amount permitted: 7,400 ac-ft/yr

Does the owner/operator currently have an existing transportation permit with the District:
Total amount permitted: 7,400 ac-ft/yr

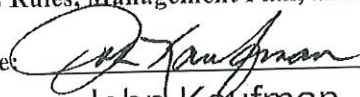
Is this an amendment to an existing transportation permit: Yes

Current proposed amount of water to be transported out of the District: additional 920.05 ac-ft/yr

Total amount of water to be transported out of the District: 8,320.05 ac-ft/yr (existing and proposed amounts)

Acknowledgments

All of the above information is true and correct to the best of my knowledge. I agree to abide by the District's Rules, Management Plan, and orders of the Board of Directors.

Signature:  Date: March 27, 2023
Printed Name: John Kaufman Title: General Manager

District Use Only

Date Application Received: _____ Date Fee Received: _____ Check No.: _____

Field Inspection Date: _____ Field Inspector: _____

CRWA Well 14 - Christian West

Gonzales County Underground Water Conservation District

522 Saint Matthew Street
P.O. Box 1919
Gonzales, TX 78629
Phone: 830.672.1047
Fax: 830.672.1387

Canyon Regional
Water Authority

NOV 19 2021

**Aggregate Operating Permit
For Public Water Supply
Permit No.: 11-16-01**

Permit Issued To: Canyon Regional Water Authority/ Howard Williamson III
Mailing Address: 850 Lakeside Pass
New Braunfels, TX 78130

Phone: 830.609.0543
Fax: 830.609.0740

Date Permit Amendment Filed: March 9, 2016
Date Amended Permit Approved: November 8, 2016
Date of Next Permit Renewal: November 8, 2021
Date First Permit Renewal Request Granted: November 9, 2021
Current Permit Expiration Date: November 9, 2026

This permit supersedes CRWA Permits 15-10-04 and 11-12-2, which are now void.

Operating Permit Provisions: Total production is limited to 7,400 acre-feet per year from 10 wells as depicted on the attached map (ATTACHMENT A).

Maximum Withdrawal Rate of Wells: The maximum withdrawal rate of the wells based on fence-line spacing

Well ID	Maximum Withdrawal Rate (gpm)
Well #1 Tommy's	3,975
Well #5 Littlefield	690
Well #8 Chickenhouse	2,910
Well #9 Camphouse	495
Well #11 Coastal Field	3,525
Well #12 Bull Trap	580
Well #13 Bond West	1,550
Well # 14 Christian West	495
Well #15 Bond East	1,005
Well #16 Christian East	900

The rate of production from a well or well field may vary throughout the year; however, the total production in a calendar year beginning on January 1st and ending on December 31st shall not exceed the permitted

production for that year. Individual well production rates are allowed to increase up to 150% of the permitted production rate during peak demand periods

Aquifer Production Allocation: 1.0 acre-foot per acre from the Carrizo Aquifer

Operation and Exportation Schedule: Permittee is authorized to produce and export from the District a total annual amount of 7,400 acre-feet per year of groundwater in accordance with the following production schedule:

A. Interim Stage I – During the period from November 14, 2012 through November 13, 2017, Permittee is authorized to produce and transport no more than 2,000 acre feet per year of groundwater.

B. Interim Stage II – During the period from November 14, 2017 through November 13, 2032, Permittee is authorized to produce and transport no more than 7,400 acre feet per year of groundwater.

All groundwater production and exportation authorized by this permit is in addition to such amounts as are authorized by the District pursuant to other permits granted to Permittee.

The Permittee may request from the General Manager a modification of the Operation and Exportation Schedule during any Interim Stage. Permittee's request for modification of the Operation and Exportation Schedule must include an explanation for the modification. If the Desired Future Condition is not in imminent danger of not being achieved or the Desired Future Condition is being achieved, the Board shall amend the Operation and Exportation Schedule and such action shall not be subject to a contested case hearing.

Term of Production Permit: 5 years

A permittee holding a drilling and production permit due to expire shall file a written request to reissue the permit to the General Manager no later than 30 days prior to the expiration date of the permit. The permit will be administratively renewed for a period of five years in accordance to the rules in effect at the time of renewal. Requests to renew a permit shall be subject to review for substantial compliance with the rules of the District by the General Manager. The District is not required to renew a permit under this section if the applicant:

- a. is delinquent in paying a fee required by the district;*
- b. is subject to a pending enforcement action for a substantive violation of a district permit, order, or rule that has not been settled by agreement with the district or a final adjudication; or*
- c. has not paid a civil penalty or has otherwise failed to comply with an order resulting from a final adjudication of a violation of a district permit, order, or rule.*

An application for renewal of a permit that also requests a major amendment is subject to notice and hearing, and final approval by the Board. During consideration of a contested renewal application, the permit shall remain effective until final Board action on renewal of the permit.

Additional Conditions Applicable to Production Permit:

A. Special Provisions

This production permit was granted with the following special provisions:

1. Amended Participation Agreement in the Western Gonzales County Dedicated Mitigation Fund, by and between Canyon Regional Water Authority (CWRA) and the District, executed to be effective on December 17, 2012 (see Attachment 1).

2. Monitoring Well System Construction, Operation, and Maintenance Agreement, by and among the District, Alliance Regional Water Authority (formerly Hays Caldwell Public Utility Agency), Canyon Regional Water Authority, Schertz/Seguin Local Government Corporation, and Guadalupe Blanco River Authority (formerly Texas Water Alliance) Agreement, executed to be effective on December 30, 2016 (see Attachment 2), which wholly superseded and replaced the Monitoring Well Agreement between Canyon Regional Water Authority and the District dated to be effective on December 17, 2012.

B. General Conditions

Acceptance of the permit by the person to whom it is issued constitutes acknowledgment of and agreement to comply with all of the terms, provisions, conditions, limitations, and restrictions of these rules including, but not limited to, the following:

1. Permits are granted in accordance with the provisions of the Texas Water Code and the Rules, Management Plan and Orders of the District, and acceptance of the permit constitutes an acknowledgment and agreement that the permittee will comply with the Texas Water Code, the District Rules, Management Plan, Orders of the District Board, and all the terms, provisions, conditions, requirements, limitations and restrictions embodied in a permit.
2. A permit confers no vested rights in the holder, and it may be revoked or suspended, or its terms may be modified or amended pursuant to the provisions of the District's Rules.
3. The operation of a well for the authorized withdrawal must be conducted in a non-wasteful manner. In the event the groundwater is to be transported a distance greater than one-half mile from the well, it must be transported by pipeline to prevent waste caused by evaporation and percolation.
4. The permittee must keep records of the amount of groundwater produced and exported and the purpose of the production, and such records shall be available for inspection by District representatives. Immediate written notice must be given to the District in the event production exceeds the quantity authorized by a permit, or the water well is either polluted or causing pollution of the aquifer. Reports of withdrawal amounts shall be filed annually by any permittee with authorized withdrawal up to 3,000 acre feet per year. Reports of monthly withdrawal amounts shall be filed within thirty (30) days of the end of each month.
5. A well site and transportation facility must be accessible to District representatives for inspection, and the permittee agrees to fully cooperate in any reasonable inspection of the well, well site, and transportation facility by District representatives.
6. Applications for which a permit is issued are incorporated in the permit and thus permits are granted on the basis of and contingent upon the accuracy of the information supplied in the application and any amendments to the application. A finding that false information has been supplied is grounds for immediate revocation of a permit. In the event of conflict between the provisions of a permit and the contents of the application, the provisions of the permit shall control.
7. Suspension or revocation of a permit may require immediate cessation of all activities granted by the permit.
8. Violation of a permit's terms, conditions, requirements or special provisions is punishable by civil penalties provided by the District's Rules.

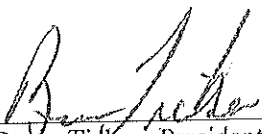
9. Where ever special provisions in a permit are inconsistent with other provisions or District Rules, the special provisions prevail.
10. In order to preserve and protect the aquifer(s) of the District, water wells connected or to be connected to a common gathering/transportation piping system capable of producing greater than or equal to 3,000 acre-feet of groundwater from permitted wells per calendar year, shall be required to assess the effects of the project on the aquifer(s). Water quality sampling and analysis shall be conducted by the well field owner/operator annually in at least two production wells to assess any changes in water quality that may be attributed to the large-scale pumping project. Samples shall be collected and analyzed by a laboratory, acceptable to the District, for major cations (sodium, potassium, calcium, magnesium) and anions (chloride, sulfate, carbonate, bicarbonate) and total dissolved solids. In addition, specific conductance, pH, and temperature measurements shall be made in the field during each annual sampling event. The sampling results shall be submitted to the District annually.

C. Change of Ownership

A drilling or production permit may be transferred to another person through change of ownership of the well provided all permit conditions remain in compliance with District Rules and the District is notified, in advance, of the proposed change in ownership. The General Manager is authorized to effectuate the permit transfer.

D. Penalties

Failure to comply with District rules may subject the permittee to a civil penalty to be determined by the Board not to exceed \$10,000 per day of violation, and each day of continued violation constitutes a separate violation.


Bruce Tiekken, President
Gonzales County UWCD

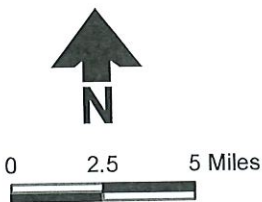
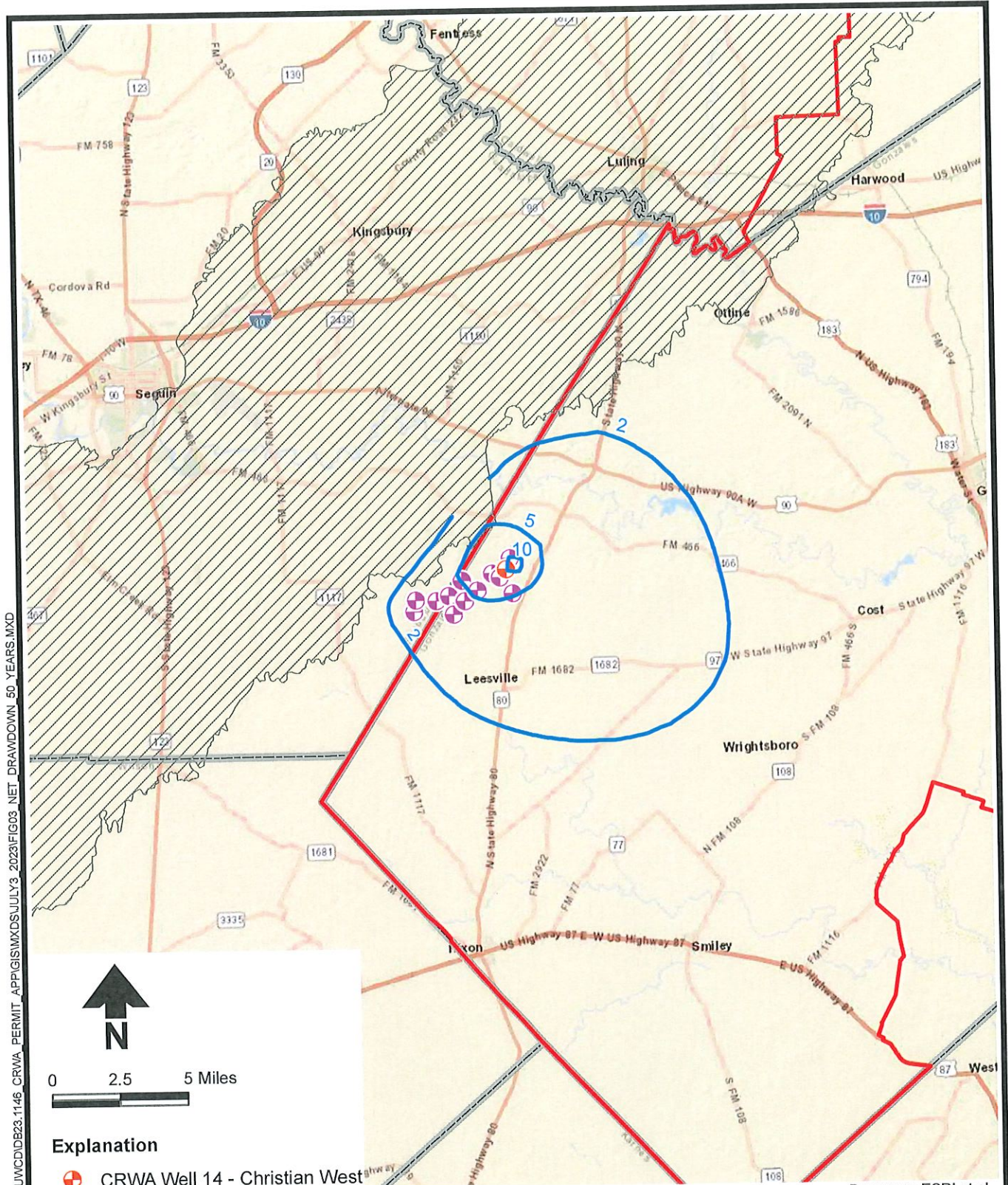
11-9-2021
Date

Attachments:

Attachment 1 - Amended Participation Agreement in the Western Gonzales County Dedicated Mitigation Fund, by and between Canyon Regional Water Authority (CWRA) and the District, executed to be effective on December 17, 2012

Attachment 2 - Monitoring Well System Construction, Operation, and Maintenance Agreement, by and among the District, Alliance Regional Water Authority (formerly Hays Caldwell Public Utility Agency), Canyon Regional Water Authority, Schertz/Seguin Local Government Corporation, and Guadalupe Blanco River Authority (formerly Texas Water Alliance) Agreement, executed to be effective on December 30, 2016, which wholly superseded and replaced the Monitoring Well Agreement between Canyon Regional Water Authority and the District dated to be effective on December 17, 2012.

Q:\PROJECTS\GONZALES COUNTY UWCD\B23.1146 CRWA PERMIT_APPLICATIONS\MXD\JULY3_2023\FIG03_NET_DRAWDOWN_50_YEARS.MXD



Explanation

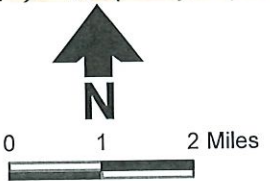
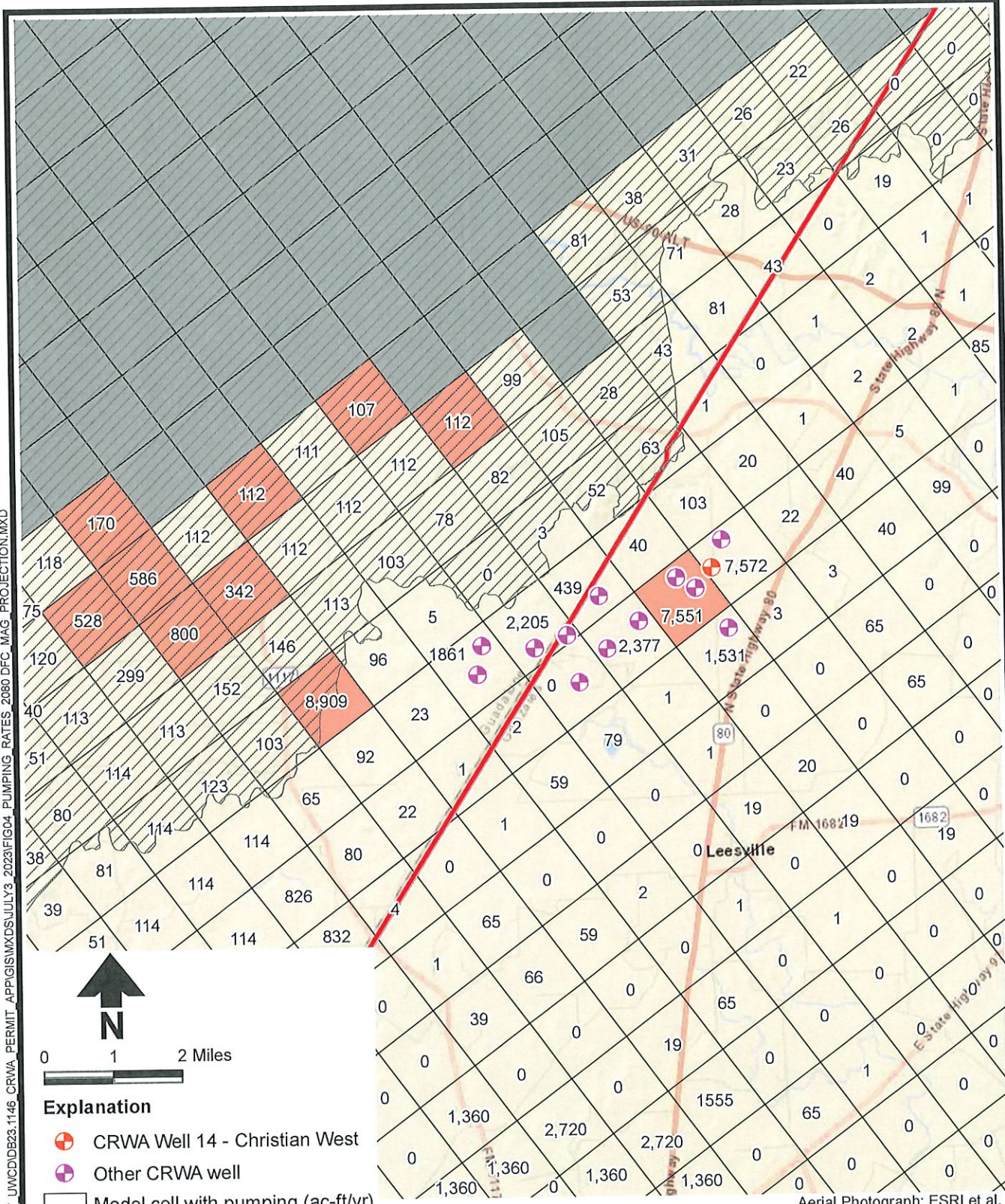
- CRWA Well 14 - Christian West
- Other CRWA well
- Simulated drawdown (feet)
- Carrizzo - Wilcox outcrop
- Gonzales County UWCD

Basemap: ESRI et al.

**CRWA PERMIT APPLICATIONS
GONZALES COUNTY UWCD
Net Drawdown Due to CRWA
Applications at 50 Years (2023-2072)**

Figure 3

C:\PROJECTS\GONZALES_COUNTY_UWCD\DB23.1146_CRWA_PERMIT_APP\GIS\MXD\JULY3_2023\FIG04_PUMPING_RATES_2080_DFC_MAG_PROJECTION.MXD



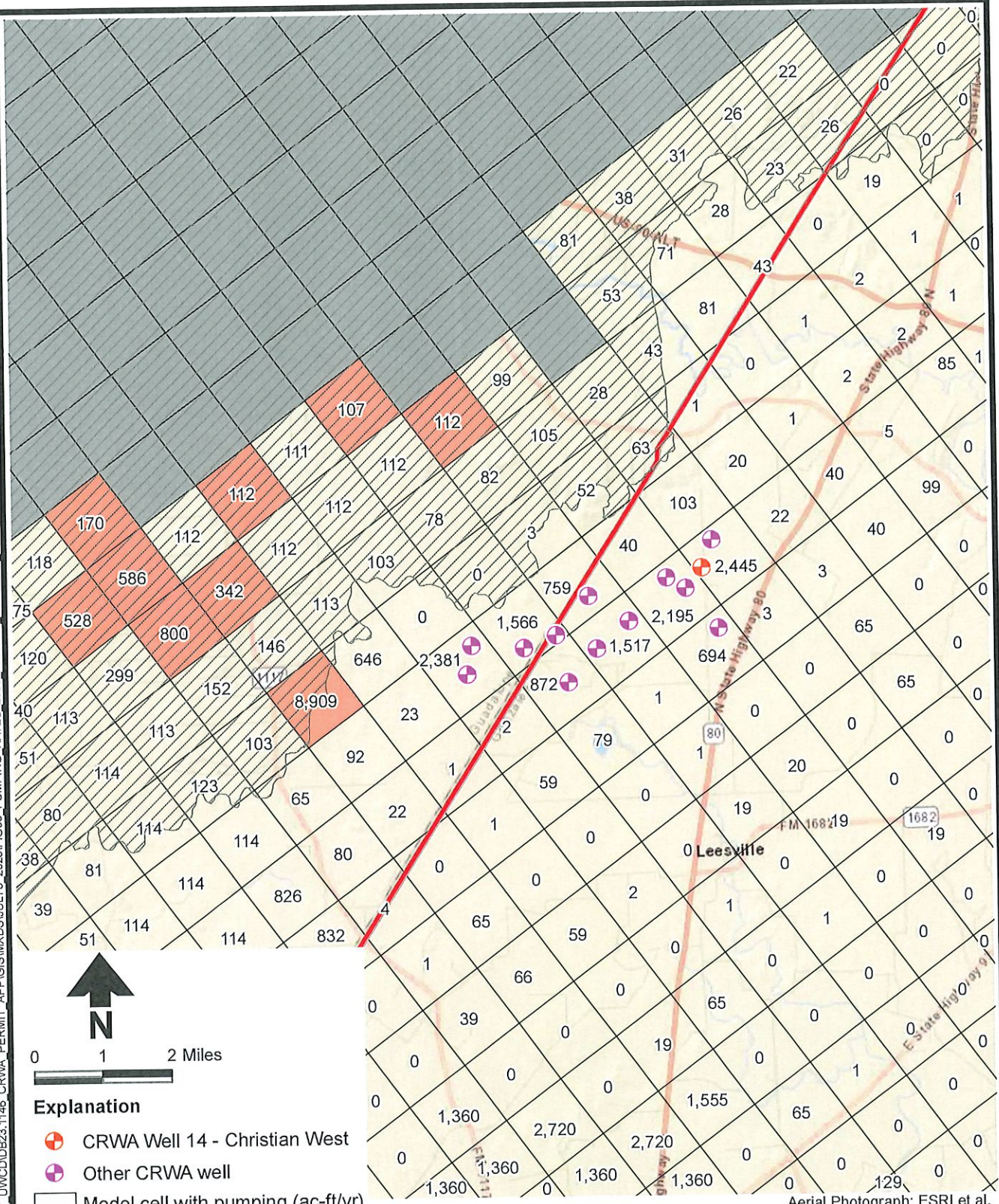
- Explanation**
- ⊕ CRWA Well 14 - Christian West
 - ⊕ Other CRWA well
 - Model cell with pumping (ac-ft/yr)
 - Dry model cell
 - No-flow model cell
 - Carrizzo - Wilcox outcrop
 - Gonzales County UWCD

Aerial Photograph: ESRI et al.

CRWA PERMIT APPLICATIONS
 GONZALES COUNTY UWCD
**Carrizo Aquifer Pumping Rates and
 Dry Cells as of 2080, TWDB DFC/MAG Simulation**

Figure 4

Q:\PROJECTS\GONZALES_COUNTY_UWCD\B23.1146_CRWA_PERMIT_APP\GIS\MXD\JULY3_2023\FIG05_PUMPING_RATES_2080_HARDEN_BASELINE_PROJECTION.MXD



Explanation

- ⊕ CRWA Well 14 - Christian West
- ⊕ Other CRWA well
- Model cell with pumping (ac-ft/yr)
- Dry model cell
- No-flow model cell
- Carrizzo - Wilcox outcrop
- Gonzales County UWCD

Aerial Photograph: ESRI et al.

CRWA PERMIT APPLICATIONS
GONZALES COUNTY UWCD

Carrizo Aquifer Pumping Rates and Dry Cells as of 2080, Harden Baseline Simulation



Figure 5

General Manager

From: General Manager
Sent: Tuesday, August 29, 2023 12:44 PM
To: Haley Stakes
Subject: RE: David from CRWA/static water level readings

I spoke with him. Thank you.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Haley Stakes <admin@gcuwcd.org>
Date: 8/29/23 11:42 AM (GMT-06:00)
To: General Manager <generalmanager@gcuwcd.org>
Subject: David from CRWA/static water level readings

Laura,

David with CRWA contacted me about wells that were supposed to be turned off to get a static water level reading . He called me this morning to let me know that it cannot be done, being that they are public supply wells. I told him that if the District needed the reading we would have to get the static readings. He asked if he could have your phone number so he could speak with you. I did provide your cellphone number to him.

David: **CRWA** : 512-581-8544

Please let me know if you need anything from me on this matter. 😊

Thank you,

Haley Stakes
Administrative Assistant
Gonzales County UWCD
522 Saint Matthew St.
P.O. Box 1919
Gonzales, TX 78629
830.672.1047
www.gcuwcd.org

**CRWA PERMIT AMENDMENT
APPLICATION REQUESTS FOR
CONTESTED CASE BY
PROTESTANTS**

Ted Boriack

2984 FM1296 Waelder TX 78959

361-443-2547 tedboriack@gmail.com

September 12, 2023

TO: Gonzales County Underground Water Conservation GCUWCD

Laura Martin - General Manager generalmanager@gcuwcd.org
522 Saint Matthew Street Gonzales, Texas 78629

TO: Canyon Region Water Authority (CRWA)

John Kaufman - General Manager jkaufman@crwa.com, crwa@crwa.com
850 Lakeside Pass
New Braunfels, Texas 78130-8233

SUBJECT: Notice of Protest and Request for Contested Case Hearing to Canyon Regional Water Authority Permit Application

FROM: Ted Boriack tedboriack@gmail.com

2984 FM1296 Waelder, TX 78959
361-443-2547

b. State the basis upon which the person is entitled to a contested case hearing;

It is my understanding that the GCUWCD has already issued permits in excess of the modeled available groundwater, and landowners within the GCUWCD boundary are experiencing declining water levels and pumps going dry. Further, the GCUWCD has issued permits far in excess of the recharge rate, meaning that the water extracted from the county will not be restored to the aquifer.

CRWA filed application to amend their existing permits to increase the production and export amount from CRWA Well 14 - Christian West from 495 gallons per minute (gpm) to 1,065 gpm. This over pumping is a massive taking of personal property (groundwater) from landowners in the county that are trying to earn a living by agriculture. CRWA has

already requested and obtained permits, now comes again for even more water. CRWA's water use should be fully evaluated for beneficial use, and use of water as described in the permit application with understanding of end users.

I have 300 acres of water rights in the GCUWCD boundary and the additional pumping requested by CRWA is not supported by any study on the local impacts, socio-economic impacts or environmental impacts. The study produced by DBS&A dated July 19, 2023 is not a local impact study and does not address in sufficient detail the various issues that are required to be addressed by Texas Water Code Chapter 36. The extreme pumping desired by CRWA will eventually damage the aquifer, and also damage the productive capacity of land owned by farmers and ranchers.

c. State the issues the requestor or protestant wishes to contest;

I am contesting the following including but not limited to:

CRWA's increased production of groundwater from an existing well.

I am contesting the CRWA permit application because it permits more groundwater at a time when the GCUWCD has already permitted excessive amounts of groundwater relative to the modeled available groundwater per the Region L plan. Further, the pumping rate requested by CRWA (1,065 gpm) is excessive and has a heavier drawdown impact than the originally permitted 495 gpm.

CRWA's drawdown maps show that they are taking significant groundwater from area farms and ranches.

I am contesting any CRWA transport/export permits or approvals related to the requested increase in production.

d. State whether the person requesting the contested case hearing is the applicant for that permit or an applicant for or holder of another groundwater withdrawal permit.

I have an existing domestic water well on my property and have plans to install a new Carrizo water well in the future for irrigation.

e. Request a contested case hearing;

I protest the CRWA permit application for the issues I stated herein.

I request a contested case hearing for the issues I stated herein.

f. Provide any other information requested in the notice of proposed action and technical summary;

The CRWA permit application requires further review -- not only on impact to landowners and their water rights, but also on the environment and the aquifer. The CRWA project needs an environmental impact study and socio-economic impact study on the area farms and ranches. We need to review CRWA's groundwater modeling, groundwater chemistry and groundwater levels over time and potential damage to the aquifer and to the surface. The study and examination of CRWA should also include federal environmental law and EPA information that covers protection of the environment and aquifers.

In addition, the increased pumping will permanently draw down the amount of water in the aquifer which is also owned by others, tional pumping on groundwater levels in other aquifers, additional pumping will degrade groundwater quality and possible cause intrusion of saltwater, lowering of aquifer levels causes subsidence of the land above, pumping has effects on streams and creeks and therefore wildlife.

Finally, I cannot find that the CRWA permit application is included in the state water plan.

Affidavit of Ted Boriack

My name is Ted Boriack. I am over the age of 18 years, have never been convicted of a felony or a crime of moral turpitude, and am competent to make this affidavit. I have personal knowledge of the facts contained herein and the facts are true and correct.

I prepared the above letter to the Gonzales County Underground Water Conservation District regarding a request for a contested case hearing on the CRWA permit application which requests additional permit capacity of an existing CRWA well.



Ted Boriack

September 12, 2023

RECEIVED SEP 13 2023

DUNBAR LAW FIRM, PLLC
13121 Louetta Road, #1240
Cypress, Texas 77429
281-868-7456 281-868-7463 (fax)
ldunbar@dunbarlawtx.com

September 11, 2023

To: GCUWCD
522 St. Matthew Street
Gonzales, Texas 78629

To: Canyon Regional Water Authority
c/o John Kaufman, General Manager
850 Lakeside Pass
New Braunfels, Texas 78130

Re: Request for Contested Case Hearing on Canyon Regional Water Authority (CRWA) Permit Amendment Application for Additional Pumping and Export of Carrizo Groundwater

The Dunbar Law Firm, PLLC represents Mark Ploeger, both individually and as representative of the Water Protection Association (WPA), along with Sally Ploeger and Mary Ann Menning, in protesting the Canyon Regional Water Authority (CRWA)'s permit application for additional pumping and export of Carrizo groundwater, which is pending before the GCUWCD.

Our clients are entitled to a contested case hearing because they will be adversely impacted by the granting of the CRWA Permit Application Amendment. For example, they own land and have registered wells within the limits of the impact that this additional pumping by CRWA will have on groundwater levels in the Carrizo Aquifer, as depicted Figure 1 from the CRWA Permit Amendment Application (PAA) attached hereto. This projected additional drawdown from this PAA will adversely impact most of the GCUWCD area, especially the western portion of the District where our clients have their wells.

The issues of concern include, but not limited to, the following:

1. The impact of the additional pumping on groundwater levels in the Carrizo Aquifer, and the associated uses of groundwater in this aquifer;
2. The impact of the additional pumping on groundwater levels in other aquifers, and the associated uses of groundwater in those aquifers;
3. The impact of the additional pumping on groundwater quality, including intrusion of more saline water, and the associated impacts;
4. The impact of the additional pumping on surface water, and its associated impacts;
5. The impact of the additional pumping on environmental issues, including wildlife;

6. The failure of this additional pumping to be included in the Regional and State Water Plan;
7. This additional pumping request exceeding the approved Managed Available Groundwater;
8. This additional pumping request exceeding the approved Desired Future Conditions.

If additional information is required or desired, feel free to contact either Lawrence G. Dunbar or Autumn L. Selman at the Dunbar Law Firm, PLLC.

Lawrence G. Dunbar

Lawrence G. Dunbar, Attorney,
Dunbar Law Firm, PLLC

AND

Autumn L. Selman

Autumn L. Selman
Paralegal and Executive Legal Assistant to Lawrence G. Dunbar,
Case Manager, Dunbar Law Firm, PLLC

Cc: Mark Ploeger, Sally Ploeger, Mary Ann Menning

Attachment

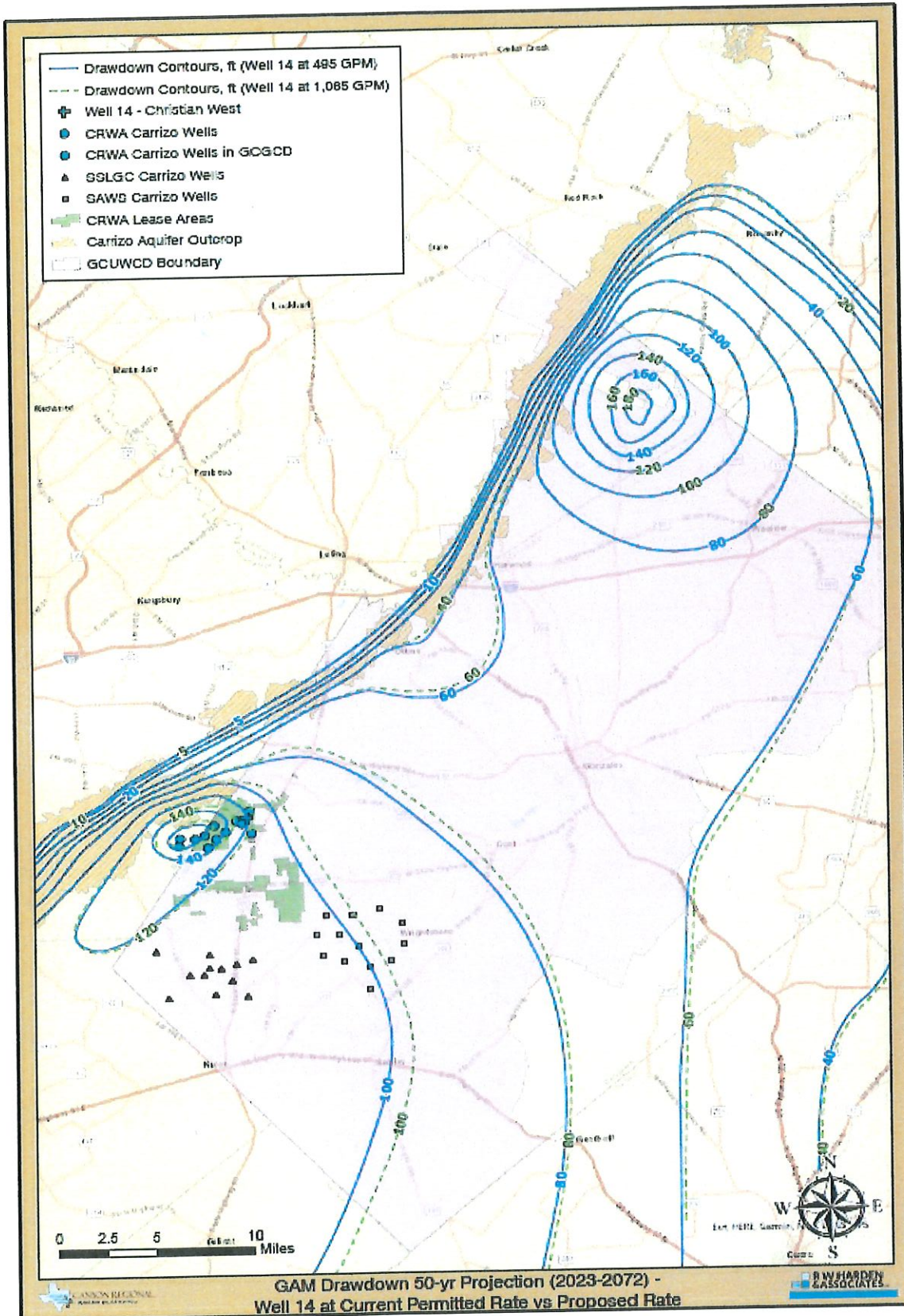


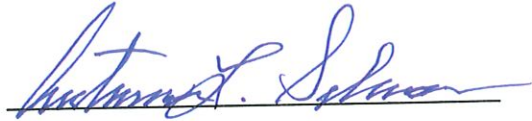
Figure 1. Drawdown Map from CRWA PAA showing impacts for most of the GCUWCD

Affidavit of Autumn L. Selman

My name is Autumn L. Selman. I am over the age of eighteen (18) years, have never been convicted of a felony or a crime of moral turpitude, and am competent to make this affidavit. I have personal knowledge of the facts contained herein and the facts are true and correct.

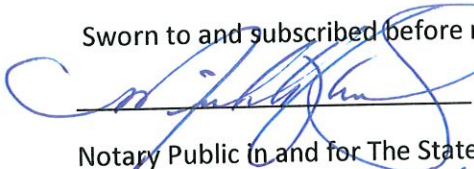
I assisted in the preparation of the above letter to the GCUWCD and to CRWA regarding a request for a contested case hearing on the CRWA permit application for additional groundwater pumping and export, currently pending before the GCUWCD.

Further affiant sayeth not.



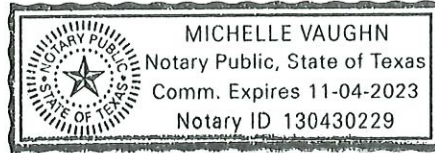
Autumn L. Selman

Sworn to and subscribed before me by Autumn Selman on this 11th day of September, 2023.



Notary Public in and for The State of Texas

My Commission Expires: 11/04/2023



DRAFT CRWA PERMIT AMENDMENTS

Gonzales County Underground Water Conservation District

522 Saint Matthew Street
P.O. Box 1919
Gonzales, TX 78629
Phone: 830.672.1047
Fax: 830.672.1387

**Export Permit for
Public Water Supply Permit No.: 11-09-01**

Permit Issued to: Canyon Regional Water Authority (CRWA)
Mailing Address: 850 Lakeside Pass, New Braunfels, TX 78130
Phone: 830.609.0543
Fax: 830.609.0740

Date Permit Amendment Filed: March 9, 2016
Date Amended Permit Approved: November 8, 2016
Date of Permit Renewal: November 8, 2021
Date Permit Renewal Granted: November 9, 2021
Date Permit Amendment Filed: March 27, 2023
Date Permit Amendment Granted:
Current Permit Expiration Date: November 9, 2051

Export Permit Provisions: Total export of groundwater from the District is limited to 8,320.05 acre-feet per year, subject to the following Operation and Exportation Schedule:

Operation and Exportation Schedule: Permittee is authorized to produce and export from the District a total annual amount of 8,320.05 acre-feet per year of groundwater in accordance with the following production schedule:

- A. Interim Stage I - During the period from November 14, 2012 through November 13, 2017, Permittee is authorized to produce and transport no more than 2,000 acre feet per year of groundwater.
- B. Interim Stage II - During the period from November 14, 2017 through November 13, 2032, Permittee is authorized to produce and transport no more than 8,320.05 acre feet per year of groundwater.

The Permittee may request from the General Manager a modification of the Operation and Exportation Schedule during any Interim Stage. Permittee's request for modification of the Operation and Exportation Schedule must include an explanation for the modification. If the Desired Future Condition is not in imminent danger of not being achieved or the Desired Future Condition is being achieved, the Board shall amend the Operation and Exportation Schedule and

such action shall not be subject to a contested case hearing.

Term of Export Permit: 30 years

Permittee previously demonstrated that construction of the conveyance system was begun before expiration of the original permit term; therefore, the term of the export permit was extended to a term of thirty (30) years after the date of the last permit renewal.

The District may, every five years, review the amount of water that may be transferred out of the District under a permit and may limit the amount of water which may be transferred, after consideration of the factors set forth in Rule 15.D. and all relevant and current data for conservation of groundwater resources in the District. At any time during the term of an export permit, the District may revise or amend the permit if the use of water unreasonably affects existing groundwater and surface water resources or existing Permit Holders.

A permittee holding a transportation permit shall submit an application to reissue the permit to the General Manager no later than thirty (30) days prior to the expiration of the permit. The permit shall remain effective until final Board action on the reissue of the permit. In its determination of whether to reissue the transportation permit, the Board shall consider relevant and current data for the conservation of groundwater. Requests to reissue a permit shall be subject to the notice and hearing requirements applicable to permit applications.

A. Transportation Facility Requirements

Acceptance of the permit by the person to whom it is issued constitutes acknowledgment of an agreement to comply with all of the terms, provisions, conditions, limitations and restrictions of these rules including but not limited to the following:

1. Permits are granted in accordance with the provisions of the Texas Water Code and the Rules, Management Plan and Orders of the District and acceptance of the permit constitutes an acknowledgment and agreement that the permittee will comply with the Texas Water Code, the District Rules, Management Plan, Orders of the District Board, and all the terms, provisions, conditions, requirements, limitations and restrictions embodied in the permit.
2. A permit confers no vested rights in the holder, and it may be revoked or suspended, or its terms may be modified or amended pursuant to the provisions of the District rules.
3. The operation of the transportation facility must be conducted in a non-wasteful manner.
4. The permittee must keep records of the amount of groundwater produced and exported and such records shall be available for inspection by District representatives. Immediate written notice must be given to the District in the event export exceeds the quantity authorized by a permit.
5. A transportation facility must be accessible to District representatives for inspection and the permittee agrees to fully cooperate in any reasonable inspection of the transportation facility by District representatives.
6. Applications for which a permit is issued are incorporated in the permit and thus permits

are granted on the basis of and contingent upon the accuracy of the information supplied in the application and any amendments to the application. A finding that false information has been supplied is grounds for immediate revocation of a permit. In the event of conflict between the provisions of a permit and the contents of the application the provisions of the permit shall control.

7. Suspension or revocation of a permit may require immediate cessation of all activities granted by the permit.
8. Violation of the permit's terms, conditions, requirements or special provisions is punishable by civil penalties provided by the District rules.
9. Wherever special provisions in a permit are inconsistent with other provisions or District rules, the special provisions prevail.
10. Changes in the amount of water exported or the water wells associated with the transportation facility may not be made without the prior approval of a permit amendment issued by the District.
11. All transportation facilities subject to registration or permitting shall be equipped with flow monitoring devices approved by the District and shall be available at all reasonable times for inspection by District personnel. The operator of a transportation facility shall be required to keep records and make reports to the District as to the operation of the transportation facility.
12. Permittees shall submit reports to the District on a monthly basis, beginning at the time a permit is issued to operate. Monthly reports are due in the District office by the 30th day of the following month.
13. Such reports shall include the volume of water exported during the preceding month and the production for each water well associated with the transportation facility.
14. Permittee shall pay the District fees in accordance with the Amended and Restated Negotiated Export Fee Agreement, by and among the District, Alliance Regional Water Authority, and Guadalupe Blanco River Authority, dated to be effective on March 9, 2020 (see Attachment 1).
15. The owner of a transportation facility shall be responsible for the prevention of pollution and waste, and with guarding the public's health in relation to water produced from such facility as required by these rules, and by reason of operations of said facility.

Bruce Tieken, President
Gonzales County UWCD

Date

Attachments:

Attachment 1 – Amended and Restated Negotiated Export Fee Agreement, by and among the District, Alliance Regional Water Authority, and Guadalupe Blanco River Authority, dated to be effective on March 9, 2020.

Gonzales County Underground Water Conservation District

522 Saint Matthew Street
P.O. Box 1919
Gonzales, TX 78629
Phone: 830.672.1047
Fax: 830.672.1387

Aggregate Operating Permit for Public Water Supply Permit No.: 11-16-01

Permit Issued to: Canyon Regional Water Authority (CRWA)
Mailing Address: 850 Lakeside Pass, New Braunfels, TX 78130
Phone: 830.609.0543
Fax: 830.609.0740

Date Permit Amendment Filed: March 9, 2016
Date Amended Permit Approved: November 8, 2016
Date of Permit Renewal: November 8, 2021
Date Permit Renewal Granted: November 9, 2021
Date Permit Amendment Filed: March 27, 2023
Date Permit Amendment Granted:
Current Permit Expiration Date: November 9, 2026

This permit supersedes CRWA Permits 15-10-04 and 11-12-2, which are now void.

Operating Permit Provisions: Total production is limited to 8,320.05 acre-feet per year from 10 wells as depicted on the attached map (ATTACHMENT A).

Maximum Withdrawal Rate of Wells: The maximum withdrawal rate of the wells based on fenceline spacing.

Well ID	Maximum Withdrawal Rate (gpm)
Well #1 Tommy's	3,975
Well #5 Littlefield	690
Well #8 Chickenhouse	2,910
Well #9 Camphouse	495
Well #11 Coastal Field	3,525
Well #12 Bull Trap	580
Well #13 Bond West	1,550
Well# 14 Christian West	1,065
Well #15 Bond East	1,005
Well #16 Christian East	900

The rate of production from a well or well field may vary throughout the year; however, the total

production in a calendar year beginning on January 1st and ending on December 31st shall not exceed the permitted production for that year. Individual well production rates are allowed to increase up to 150% of the permitted production rate during peak demand periods.

Aquifer Production Allocation: 1.0 acre-foot per acre from the Carrizo Aquifer

Operation and Exportation Schedule: Permittee is authorized to produce and export from the District a total annual amount of 8,320.05 acre-feet per year of groundwater in accordance with the following production schedule:

- A. Interim Stage I - During the period from November 14, 2012 through November 13, 2017, Permittee is authorized to produce and transport no more than 2,000 acre feet per year of groundwater.
- B. Interim Stage II - During the period from November 14, 2017 through November 13, 2032, Permittee is authorized to produce and transport no more than 8,320.05 acre feet per year of groundwater.

All groundwater production and exportation authorized by this permit is in addition to such amounts as are authorized by the District pursuant to other permits granted to Permittee.

The Permittee may request from the General Manager a modification of the Operation and Exportation Schedule during any Interim Stage. Permittee's request for modification of the Operation and Exportation Schedule must include an explanation for the modification. If the Desired Future Condition is not in imminent danger of not being achieved or the Desired Future Condition is being achieved, the Board shall amend the Operation and Exportation Schedule and such action shall not be subject to a contested case hearing.

Term of Production Permit: 5 years

A permittee holding a drilling and production permit due to expire shall file a written request to reissue the permit to the General Manager no later than 30 days prior to the expiration date of the permit. The permit will be administratively renewed for a period of five years in accordance to the rules in effect at the time of renewal. Requests to renew a permit shall be subject to review for substantial compliance with the rules of the District by the General Manager. The District is not required to renew a permit under this section if the applicant:

- a. is delinquent in paying a fee required by the District;
- b. is subject to a pending enforcement action for a substantive violation of a District permit, order, or rule that has not been settled by agreement with the District or a final adjudication;
or
- c. has not paid a civil penalty or has otherwise failed to comply with an order resulting from a final adjudication of a violation of a District permit, order, or rule.

An application for renewal of a permit that also requests a major amendment is subject to notice and hearing, and final approval by the Board. During consideration of a contested renewal application, the permit shall remain effective until final Board action on renewal of the permit.

Additional Conditions Applicable to Production Permit:

A. Special Provisions

This production permit was granted with the following special provisions:

1. Amended Participation Agreement in the Western Gonzales County Dedicated Mitigation Fund, by and between Canyon Regional Water Authority and the District, executed to be effective on December 17, 2012 (see Attachment 1).
2. Monitoring Well System Construction, Operation, and Maintenance Agreement, by and among the District, Alliance Regional Water Authority, Canyon Regional Water Authority, Schertz/Seguin Local Government Corporation, and Guadalupe Blanco River Authority, executed to be effective on December 30, 2016, as amended by the First Amendment to the Monitoring Well System Construction, Operation, and Maintenance Agreement, executed to be effective on October 16, 2018 (see Attachment 2).

B. General Conditions

Acceptance of the permit by the person to whom it is issued constitutes acknowledgment of and agreement to comply with all of the terms, provisions, conditions, limitations, and restrictions of these rules including, but not limited to, the following:

1. Permits are granted in accordance with the provisions of the Texas Water Code and the Rules, Management Plan and Orders of the District, and acceptance of the permit constitutes an acknowledgment and agreement that the permittee will comply with the Texas Water Code, the District Rules, Management Plan, Orders of the District Board, and all the terms, provisions, conditions, requirements, limitations and restrictions embodied in a permit.
2. A permit confers no vested rights in the holder, and it may be revoked or suspended, or its terms may be modified or amended pursuant to the provisions of the District's Rules.
3. The operation of a well for the authorized withdrawal must be conducted in a non-wasteful manner. In the event the groundwater is to be transported a distance greater than one-half mile from the well, it must be transported by pipeline to prevent waste caused by evaporation and percolation.
4. The permittee must keep records of the amount of groundwater produced and exported and the purpose of the production, and such records shall be available for inspection by District representatives. Immediate written notice must be given to the District in the event production exceeds the quantity authorized by a permit, or the water well is either polluted or causing pollution of the aquifer. Reports of withdrawal amounts shall be filed annually by any permittee with authorized withdrawal up to 3,000 acre feet per year. Reports of monthly withdrawal amounts shall be filed within thirty (30) days of the end of each month.
5. A well site and transportation facility must be accessible to District representatives for inspection, and the permittee agrees to fully cooperate in any reasonable inspection of the well, well site, and

transportation facility by District representatives.

6. Applications for which a permit is issued are incorporated in the permit and thus permits are granted on the basis of and contingent upon the accuracy of the information supplied in the application and any amendments to the application. A finding that false information has been supplied is grounds for immediate revocation of a permit. In the event of conflict between the provisions of a permit and the contents of the application, the provisions of the permit shall control.

7. Suspension or revocation of a permit may require immediate cessation of all activities granted by the permit.

8. Violation of a permit's terms, conditions, requirements or special provisions is punishable by civil penalties provided by the District's Rules. Where ever special provisions in a permit are inconsistent with other provisions or District Rules, the special provisions prevail.

9. In order to preserve and protect the aquifer(s) of the District, water wells connected or to be connected to a common gathering/transportation piping system capable of producing greater than or equal to 3,000 acre-feet of groundwater from permitted wells per calendar year, shall be required to assess the effects of the project on the aquifer(s). Water quality sampling and analysis shall be conducted by the well field owner/operator annually in at least two production wells to assess any changes in water quality that may be attributed to the large-scale pumping project. Samples shall be collected and analyzed by a laboratory, acceptable to the District, for major cations (sodium, potassium, calcium, magnesium) and anions (chloride, sulfate, carbonate, bicarbonate) and total dissolved solids. In addition, specific conductance, pH, and temperature measurements shall be made in the field during each annual sampling event. The sampling results shall be submitted to the District annually.

C. Change of Ownership

A drilling or production permit may be transferred to another person through change of ownership of the well provided all permit conditions remain in compliance with District Rules and the District is notified, in advance, of the proposed change in ownership. The General Manager is authorized to effectuate the permit transfer.

D. Penalties

Failure to comply with District rules may subject the permittee to a civil penalty to be determined by the Board not to exceed \$10,000 per day of violation, and each day of continued violation constitutes a separate violation.

Bruce Tieken, President
Gonzales County UWCD

Date

Attachments:

ATTACHMENT A – Well Location Map

Attachment 1 – Amended Participation Agreement in the Western Gonzales County Dedicated Mitigation Fund, by and between Canyon Regional Water Authority and the District, executed to be effective on December 17, 2012.

Attachment 2 - Monitoring Well System Construction, Operation, and Maintenance Agreement, by and among the District, Alliance Regional Water Authority, Canyon Regional Water Authority, Schertz/Seguin Local Government Corporation, and Guadalupe Blanco River Authority, executed to be effective on December 30, 2016, as amended by the First Amendment to the Monitoring Well System Construction, Operation, and Maintenance Agreement, executed to be effective on October 16, 2018.