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Rick Broun, General Manager
Hays Trinity Groundwater Conservation District
P.O. Box 1647
Dripping Springs, Texas 78620

Re: Comments on Proposed Rule 13: Drought Management

Dear Mr. Broun:

This firm represents several landowner interests and political subdivision in Hays County. After reviewing proposed rules, we offer the following comments:

As an overall statement, we believe many of the proposals exceed the District's statutory authority and would serve to impair landowners' property rights. We are also concerned about the all too familiar "unintended consequences" these rules would have. Finally, there appears to be a fundamental unfairness to the District's actions that are not warranted (not to mention not authorized) given the circumstances in this part of Hays County.

Since the deadline for Rule 13 is imminent, these comments are largely, if not solely, focused on Proposed Rule 13 (a fitting description for a proposed rule of this nature). That said, it appears to us that the proposed changes to Rule 13 impact proposed changes to Rules 10 and 15.

Concerning Proposed Rule 13, we would specifically call your attention to proposed Sections (13.1.2) "Monthly Baseline Production Amount" and Proposed Section (13.3) "Drought Stages". We believe that these proposals spawn several problems, not the least of which is the switch in Baseline to actual pumping from permitted pumping. Other objections relate to the arbitrary nature of level of Baseline curtailment and using 2017 as the relevant year for determining Baseline pumping levels. Finally, as stated, the Baseline that will affect proposed Rule 15.2 and will provide the basis for possible penalties Proposed Rule 10.1.3.

On each of the points above, it is apparent that the District did not explain, reason or provide justification for limiting property rights of the citizens within the District boundaries. This type of rulemaking is a great example of capricious regulatory bodies. In particular, there is

no explanation as to why the District chose the year 2017 or the particular percentage of curtailment.

We are relatively certain that these proposals are not well known in the community or that proposals' impact has been explained to the public. We urge the District not to adopt Rule 13. As always, we are willing to meet and discuss these matters with you.

Very truly yours,

Andrew N. Barrett