

# Hays County Commissioner

Precinct 3



**Lon A. Shell**

200 Stillwater, Suite 103 ▪ P.O. Box 2085 ▪ Wimberley, Texas 78676

November 8, 2019

Hays Trinity Groundwater Conservation District  
Board of Directors  
P.O. Box 1648  
Dripping Springs, Texas 78620

Subject: Recent proposed rule changes

Dear Board Members,

Thank you for the opportunity to express my opinions on your recent discussions concerning the adoption of additional rules and proposed amendments to existing rules. I will separate my thoughts on your proposed rules between those directly related to the Jacob's Well Groundwater Management Zone (JWGMZ) and those that are not directly related to the JWGMZ.

As you know, I was a member of the Stakeholder Advisory Committee regarding the development of the JWGMZ. Though most of the Committee's work focused on the science behind the creation of the zone and the development of strategies for conservation in the area of the zone, your actions are integral to ensuring the JWGMZ provides the intended protections that the Committee discussed. Personally, I believe the intent of the JWGMZ is not only to protect the flow of Cypress Creek, but also to protect the resources and property of the citizens that reside in the Wimberley Valley. For this reason, your rules should provide safeguards to over-pumping in this area in order to protect all of those that currently rely on this resource and those who plan on using this resource responsibly in the future.

I have followed both rules 15 and 16 through your process and am mostly acceptable of the latest drafts. Regarding Rule 15, I agree that curtailments should be based on an average of multiple years of production, and not just one year. I also agree with your efforts to develop a reasonable maximum drought curtailment with an understanding that these curtailments may need to be adjusted in the future. Whatever percentage you adopt for the maximum drought curtailment, it must include a commitment to collect and analyze data and evaluate the effectiveness of the curtailments on actual water use and the impacts of the curtailments to water users.

I do have some concerns regarding the allowable permits as presented in some of your drafts of Rule 15. I understand that Lower Trinity wells will be preferred, however I believe it should be clear as to the type of wells allowed in the Middle Trinity. I believe there must be a balance that allows property owners wishing to produce reasonable amounts of water for onsite use are not confused, with what is one of my main concerns, those that intend to maximize the production of our local groundwater to the detriment of our residents and local property owners. Please make sure that your actions do not negatively affect those that you are trying to protect.

Regarding Rule 16, I agree with your intent to develop a Regional Recharge Study Zone in order to gain further knowledge on this area while continuing to allow reasonable permits. This recharge area was an important topic of discussion by the Committee, and I believe further study of this area is vital to the protection of our groundwater resources. We have formed partnerships in the past related to the establishment of monitoring wells and the collection of data that is useful in water planning efforts. We must continue these efforts with a goal to have the best information possible as future decisions are made.

Regarding the other rules you have been considering for adoption or amendment, most notably Rule 13, I believe additional work is needed prior to any further consideration. Unlike the JWGMZ process, which lasted over a year, I have not seen any efforts to develop a process that results in productive dialogue with affected parties. There should be time spent to first identify goals and what problems require solutions. After that, a process can be developed that provides opportunities for the District, water supply companies, and property owners, to work towards strategies that result in improved management of our natural resources. Rulemaking cannot be done in a vacuum, input from stakeholders is essential.

Thank you for allowing me to share my thoughts on these important topics. If you have any questions, please feel free to contact me on my cell phone at 512.644.0848.

Best regards,

A handwritten signature in blue ink, appearing to read 'Lon A. Shell', with a stylized, cursive script.

Lon A. Shell  
Hays County Commissioner, Pct. 3