



Kyle Dannhaus General Manager

Board of Directors:

William Jackson, President

Mark Key, Vice President

Rex Miller, Secretary/Treasurer

Travis Crow, Director

Jimmy Skipton, Director

January 2, 2020

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

Re: Comments of Dripping Springs Water Supply Corporation
to proposed New Rule 15

Dear Directors:

These comments are hence filed on behalf of Dripping Springs Water Supply Corporation (DSWSC) regarding the Hays Trinity Groundwater Conservation District (District) proposed new Rule 15. It is our understanding from your website that the comment deadline date was extended to Thursday, January 2, 2020, therefore, we request that you accept these comments as part of your review process.

As you are aware, DSWSC takes great pride in being a good steward of the Trinity Aquifer, the natural resource we all share in Hays County. Additionally, we respond to drought declarations as part of our responsibility not just as the local area water utility, but as a society, we depend on this supply of water for future times and needs. As our community continues to grow, managing the demand for "growth" is vital to our sustainability, a goal and an objective we work hard to achieve.

We present the following matters concerning your proposed new Rule 15 and wish that you take the time necessary to make positive changes to your drafted proposed rule. Further, we ask that you place yourselves in your operating permit holders' position and attempt to recognize all the difficulties to implement and enforce any and all District rules.

Rule 15.1.1

We understand the importance of providing detailed information within your rules, however, you clearly state within your proposed rule a map of the Jacobs well groundwater management zone (JWGMZ) exhibit as attached within your rules. Unfortunately, there is neither a map nor an exhibit one (1) shown within your rules for the public to review or to respond to properly as would be expected from a political subdivision of the State of Texas.

Rule 15.1.2 (4)

This drafted rule states that increases in annual production totals for any existing non-exempt use well, Tier 2 or Tier3, would neither be allowed nor approved. We believe that this proposed rule would clearly impact and take away the right from a business owner or a landowner to grow or develop their plans for future growth or improvements to their own land. Further, this would force undue and higher operating costs to the landowner to drill deeper to the Lower Trinity plus higher costs to treat the less desirable Lower Trinity water. Hauling in water is a reasonable response, but unfortunately, the reality of hauling in water from a reliable water provider is simply producing the same Middle Trinity Aquifer resource downstream and hauling it upstream, resulting in no water savings to the Middle Trinity.



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Rule 15.1.3 (1)

We can appreciate a well written rule that looks ahead when applying certain conditions to our customers similarly to this proposed drafted rule. Unfortunately, the District Board of Directors granting a waiver when encountering opposition specifically due to a taking claim shows frailty in your rule making decisions and thought process. We believe that this proposed rule states that the District recognizes their inherent overstepping of authority seen during rule making process and shall allow for the production of wells from the Middle Trinity. This side-skirting of policy is not only arbitrary and capricious, but clearly demonstrates that the District is dysfunctional in its rulemaking and enforcement efforts.

Rule 15.1.5

The District would overstep its authority by imposing such a specific distance criterion from abandoned or deteriorated wells. We believe that a landowner should be free and without District judgment to drill anywhere within their rightful property as distance should have no bearing on the matter.

Rule 15.1.5

In the matter of replacing a well to the same production zone, clearly this proposed rule does not consider nor account for all factors and facets of well drilling scenarios. Lowering a well's depth to locate usable water may indeed require altering the production zone selection and availability.

Rule 15.2.1

The matter of the District posting the current drought curtailment percentages to a particular month on the first day of the month in itself leaps off the page as lacking in the authority given to the District by the State to preserve and protect the Trinity Aquifer. This proposed rule is wholly flawed as a reasonable amount of time required to successfully furnish awareness to end-users is not obtainable. Further, meter reading accounting is accumulated at the end of the month, therefore, accounted for production is after the fact.

Rule 15.2.2

The District's attempt to average past metered production tallied during the years 2017 through 2019 to account for actual use today is flawed and requires further consideration and modification. This logic fails to meet the needs of its permit holders each with its own unique set of circumstances and water needs. Growth in DSWSC's case is a constant element if not perpetual. The requirement of a specific 2017- 2019 production accounting is unreasonable and encourages waste of water with a "use it or lose it" philosophy, again this ideology goes against the District's mission to conserve.

Rule 15.2.2 (3)

The caveat to enlist permit holders who result in 10% or greater demand reduction clearly favors one permit holder, Wimberley Water Supply, which is a stakeholder in the process. This shows that preference has been given to a few when rules should be written and applied to all equally and fairly. The



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District should make available the mechanics of proof to enact an amendment of monthly baseline production so that all permit holders may take advantage of your rules as a group and not singularly.

Rule 15.2.4

Lastly, your proposed rule regarding drought curtailments based on a running 10-Day average of Jacobs well lacks much needed and required data. As drafted, the rule fails to provide procedures by which the District will declare a drought or the manner in which the District will announce drought declarations to operating permit holders. We find no evidence regarding how confirmation from its operating permit holders will be acknowledged or recorded as received. This proposed rule, as written, forces undue demands and pressures on all operating permit holders to seek out and speculate when or if the District will make drought declarations, when clearly it is the responsibility of the District to be vigilant.

In conclusion, we ask that the District continue the rule-making process and further amend the proposed Rule 15, for the reasons and in the manner discussed above.