

Testimony on SB 332 and SB 667

On behalf of Coastal Bend GCD

March 1, 2011

Thank you for this opportunity. My name is Ronald Gertson. I am here as President of the Board of the Coastal Bend Groundwater Conservation District in Wharton County. I also serve on numerous other regional, water-related boards and committees including the LCRA Water Management Plan Revision Committee in which several of you have shown a keen interest.

Thank you, Chairman Fraser for enabling this important and timely discussion. I want to briefly lay out the potential impacts to the current groundwater users in my district of the provisions of SB 332.

First, though, some key figures about our district - availability is 174,000 ac-ft; annual pumpage averages about 136,000 ac-ft; 95% of our permitted volume is for irrigation. Of additional interest is the fact that an additional 130,000 ac-ft of surface water from the Colorado River is also used for irrigation in our district.

As Senators Fraser and Hegar are aware, water for irrigation from the Colorado is diminishing in availability as a result of growing upstream firm water demands. The LCRA Water Management Plan is currently being revised to account for this growth and the result will be increasing shortages of surface water for irrigation. Farmers in our area are turning to groundwater to conjunctively make up for these shortages.

This means that the remaining unused portion of our available, about 38,000 ac-ft, will likely be permitted out in the next decade. As our total pumpage reaches the cap that is placed on it, our district wants to be certain we have sound legal support for preserving the historic use that makes possible our vital agricultural industries.

Our fear is that the passage of SB 332 could force districts to redistribute groundwater from existing and historic users to new users, the end result of which would essentially be a correlative rights approach to aquifer management. While this approach works in some places, it would destroy the rice, turf, nursery and aquaculture industries so prevalent in our district. All of these industries use in excess of 4 ac-ft per acre annually in dry years.

A correlative rights approach that simply spread out our MAG of 174,000 ac-ft over the acreage in our district would yield a permittable volume of about 3 in./ac. This is 1/16 of the needed 4 ft./ac. In order to irrigate 100 acres of rice or turf grass, a producer would have to control the groundwater rights for 1600 acres. This would bankrupt our producers, devastating our second largest economic sector – second only to the oil and gas industry.

While SB 332 does not require districts to manage through correlative rights, it may be the only approach under SB 332 provisions that would offer districts a reduced likelihood of ending up in an expensive court battle. This concern compels our district to stand against the passage of SB 332 in its introduced form.

We have not taken an official stand for or against SB667. The bill seems to offer a better balance between landowner rights and the authorities districts need to responsibly manage an aquifer. However, our district has chosen to encourage that no changes be made to chapter 36 in regard to ownership at this time.

Respectfully submitted by:

Ronald Gertson, President Coastal Bend GCD Board of Directors

ronaldg@elc.net, 979-758-4670