

May 23, 2018

Honorable Chairman Lyle Larson and Members of the House Natural Resource Committee:

The Hill Country Alliance respectfully submits the following written testimony on the interim charge to *evaluate the status of groundwater policy in Texas, including the following: Emerging issues in groundwater and surface water interaction, in particular in areas of increasing competition for scarce resources.*

During a time of unparalleled pressure on water resources across the state, the lack of groundwater protection in some areas of Texas is undermining important areas of law and policy, from property rights and natural resource protection, to groundwater management and regional water planning. The presence of a Groundwater Conservation District, does not always guarantee effective management of groundwater resources, protection of spring flow and its impact on surface water, or even the protection of all private property rights. Texas's approach to groundwater policy fails to protect the property rights of those communities impacted by decreased spring flow, and of the landowners who wish to conserve their groundwater in place.

Groundwater accounts for about 60% of total water use in Texas, and careful management of this resource is critical to the health of the economy. Flows from aquifer seeps and springs maintain the baseflow of rivers and contribute to reservoirs in many parts of the state. Withdrawal of groundwater for use by cities, agriculture, and industries must be balanced against the need to protect the natural contribution of groundwater to surface water bodies.

Hill Country Alliance respectfully recommends that -- in the absence of an integration of surface and groundwater policy -- this Committee consider the following policy recommendations in order to minimize the adverse effects caused by the disconnect between surface and groundwater law in Texas.

- **Provide additional funding for state agencies to expand efforts to characterize and model the interaction of surface and groundwater.** While some research and model development has been carried out by the Texas Water Development Board to characterize ground water and surface water interaction, much more modeling needs to be done on a local watershed level to equip decision-makers with sound science in order to effectively manage our limited water resources and protect localized springflow.
- **Protect groundwater recharge quality and quantity.** Aquifers in the Hill Country are partially recharged by surface water flows and provide millions of people with clean drinking water. In order to protect our aquifers, this Committee should support legislation that prohibits the direct discharge of treated sewage into waterways on the Edwards Aquifer Contributing Zone. Additionally, new surface water rights permits should be reviewed to insure that they not negatively impact aquifer recharge.

- **Recognize the impact that groundwater-surface water interaction has on private property rights.** In the Hill Country surface and groundwater may pass from one realm to the other many times along a river's course. Surface and groundwater management should be conducted on an integrated basis in order to limit the negative impacts of over-withdrawal.
- **Protect current Groundwater Conservation District management authority.** The *Day* and *Bragg* case rulings directed Groundwater Conservation Districts to protect the resource as required by the state constitution. The Legislature must ensure that districts maintain their ability to review and adjust permits based on changing hydrologic conditions, and ensure that districts have the ability to withstand legal pressure and its financial implications.
- **Pass Legislation that protects the private property right to conserve groundwater in place.** Many land owners have investment backed expectations that require future groundwater development. Future groundwater production should come with a legislated guarantee of future resource availability.
- **Authorize the TCEQ to enforce illegal underflow pumping.** State law defines riverine underflow as surface water, yet wells are producing that water without surface water right permits. The Legislature should authorize and fund the TCEQ to define underflow hydrologic parameters and protect downstream surface water rights through enforcement.

The Hill Country Alliance is a regional nonprofit with over 9,000 supporters -- and a mission to grow an ever-expanding alliance of groups and individuals throughout the Texas Hill Country with the long-term objective of protecting our open spaces, water supply, water quality, and unique character.

We appreciate your consideration of our written testimony and would be happy to answer any follow-up questions. Our contact information can be found at the bottom of this document.

Thank you,

Charlie Flatten
Water Policy Program Manager
Hill Country Alliance
15315 Highway 71 West
Bee Cave, Texas 78738