

**Minutes of the Headwaters Groundwater Conservation District Board of Directors Rules Hearing on Wednesday June 15, 2022 at 1:30p.m. at the Guadalupe Basin Natural Resources Center – Boardroom 125 Lehmann Dr., Kerrville, TX.**

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1. **Call to Order and Roll Call, Certification of Quorum in Compliance with Texas Open Meetings Law.**

[RECORDS MGMT.](#)

PERMANENT DOCUMENT

Directors Present: John Elliott – At-Large, President  
Tom Jones – Precinct 1, Vice-President  
Ann Peay – Precinct 3, Secretary/Treasurer  
Chris Childs – Precinct 2  
Jeepers Ragsdale – Precinct 4

Staff Present: Gene Williams, Monica Thibodeaux, Deneise Harris, Michael Mann

Other: Richard Mosty, HGCD Attorney

2. **The Headwaters Groundwater Conservation District Board of Directors will receive public comments regarding the proposed changes to Rule 8 of the HGCD District Rules titled “District Rules Revised June 15, 2022”. Comments may be submitted in writing until June 8, 2022, or orally at the hearing.**

**Written Comments received through June 8, 2022:**

**From:** sheila stiles <[sascpt@yahoo.com](mailto:sascpt@yahoo.com)>  
**Sent:** Wednesday, June 1, 2022 8:20 PM  
**To:** Gene Williams <[gene@hgcd.org](mailto:gene@hgcd.org)>  
**Cc:** Tom Jones <[tjones@cmjckerrcounty.com](mailto:tjones@cmjckerrcounty.com)>; [mrshonto@kctc.com](mailto:mrshonto@kctc.com); Ann Peay <[annpeay@gmail.com](mailto:annpeay@gmail.com)>; John Elliott <[johnelliott@hctc.net](mailto:johnelliott@hctc.net)>; [jeeper@campstewart.com](mailto:jeeper@campstewart.com)  
**Subject:** District Rule Changes June 15<sup>th</sup>

Hello again. As a homeowner in CenterPoint, more importantly in your proposed East Kerr Management Zone, I want to again thank all of you at HWCD for all your dedication, time & relentless work protecting our precious groundwater/aquifer. As I have in the past, I will be attending your June 15<sup>th</sup> public hearing to support your proposed district rules revision.

Thank you again,  
Sheila Stiles

**From:** Ed Story <[estory@pharos.energy](mailto:estory@pharos.energy)>  
**Sent:** Wednesday, June 1, 2022 6:18 PM  
**To:** [gene@hgcd.org](mailto:gene@hgcd.org)  
**Cc:** [tjones@cmjckerrcounty.com](mailto:tjones@cmjckerrcounty.com); [mrshonto@kctc.com](mailto:mrshonto@kctc.com); [AnnPeay@gmail.com](mailto:AnnPeay@gmail.com);  
[johnelliott@hctc.net](mailto:johnelliott@hctc.net); [jeeper@campstewart.com](mailto:jeeper@campstewart.com)  
**Subject:** HWCD Proposed Eastern Kerr County Rules Changes

Dear Gene,

I am writing to you and your Board members in my capacity on the Center Point Committee for Growth and Progress, as a substantial property owner in Eastern Kerr County and an owner in several commercial enterprises that I believe will significantly improve the economic outlook of our community.

Accordingly, I would like to commend you and your Board of Directors on your recent efforts to protect our groundwater. I and, everyone, I know in our area are most supportive of your proposed rules changes which are critical to the future.

Unfortunately, I will be out of the country on June 15 but would be happy to lend a hand in the future anytime one might be helpful.

Thank you all for your support! Ed



**From:** [bettacssl@juno.com](mailto:bettacssl@juno.com) <[bettacssl@juno.com](mailto:bettacssl@juno.com)>  
**Sent:** Monday, June 6, 2022 12:19 PM  
**To:** [gene@hgcd.org](mailto:gene@hgcd.org); [AnnPeay@gmail.com](mailto:AnnPeay@gmail.com); [tjones@cmjckerrcounty.com](mailto:tjones@cmjckerrcounty.com);  
[mrshonto@kctc.com](mailto:mrshonto@kctc.com); [johnelliott@hctc.net](mailto:johnelliott@hctc.net); [jeeper@campstewart.com](mailto:jeeper@campstewart.com)  
**Subject:** Proposed new rules

Dear Gentlemen and Lady,

After being able to review your proposed changes the HDGW rules, I believe you have made very prudent, reasonable changes that will make our water resources more sustainable for the long run. After seeing Mr. Beach's presentation, it is clear that the limits that have been in place for so many years are not forward looking for our future. I can say that the presentation made very clear that action was necessary and I wished more people had been there to see it. The trend lines are frightening as we see more growth in the area of eastern Kerr County. Setting East Kerr County off due to the recharge losses is a very important first step. For those of us residing there, it presents no hardship and encourages us to practice good conservation of our limited resources.

While I know that developers and some of the "pro - growth" people will be unhappy with your changes, I commend you for not just dealing with the issue today but for the future as well. I would only add that HWGW should probably do a review every 10 years, instead of 20, so that we get ahead of the problem, and aren't having to make drastic changes to solve the issues.

Let us hope that we have many others who see the wisdom of your changes and the desire to keep Eastern Kerr County a place we can all enjoy.

Yours,

Suzanne S. Bettac  
775 Target Hill Road  
Center Point, TX

From: Bob Bettac <[bob.bettac@gmail.com](mailto:bob.bettac@gmail.com)>  
Sent: Monday, June 6, 2022 5:20 PM  
To: [gene@hgcd.org](mailto:gene@hgcd.org)  
Cc: [tjones@cmjckerrcounty.com](mailto:tjones@cmjckerrcounty.com); [mrshonto@ktc.com](mailto:mrshonto@ktc.com); [AnnPeay@gmail.com](mailto:AnnPeay@gmail.com);  
[johnelliott@hctc.net](mailto:johnelliott@hctc.net); [jeeper@campstewart.com](mailto:jeeper@campstewart.com)  
Subject: Comments on District's Proposed Rules  
Mr. Williams--  
Please see the attached letter, which I am also forwarding to you by First  
Class Mail.  
Regards,  
Bob Bettac

Robert E. Bettac  
775 Target Hill Road  
Center Point, Texas 78010

Kerr Headwaters Groundwater Conservation District  
125 Lehmann Drive  
Kerrville, Texas 78028  
Dear Mr. Williams:

June 6, 2022

My wife and I have a home located within the East Kerr Management Zone to be created by the District Board's Proposed Rules dated June 15, 2022. Allow me to offer a few thoughts on why we strongly approve of the Board's proposal.

It is no secret that well-heeled developers are targeting Kerr County for the construction of several large housing subdivisions. Until now, no elected county official has shown much interest in learning whether there is enough source water to meet the unprecedented demand that will accompany the addition of hundreds, if not thousands of new households. This concern is particularly acute for residents in the Center Point area, for in recent years many of them have been forced to lower their pumps or drill new wells *in the absence of any large-scale development*.

The Board's response to this issue has been thoroughly professional: take the time necessary to collect and scrutinize detailed information on water tables in the eastern part of the county, then prescribe measures to assure that present and future users are not left literally high-and-dry. To those who might complain that the proposed rules are needlessly restrictive or too pessimistic, we would reply that it is easier to liberalize usage if future water levels trend upward--a dubious proposition--than to restore water resources that are already being overtaxed or "over-tapped" by new users.

We commend you and the Board for taking bold, decisive action on this issue. You saw a need unique to this part of the county and are addressing it without changing the rules for the western end. You are our last hedge against uncontrolled real estate development that would inevitably lead to future, critical water shortages. We suspect that you are under intense pressure not to create these new restrictions; or at a minimum, anticipate receiving "push-back" for your actions. We urge you to stand firm, for the good of all of your constituents.

I will be attending the Board meeting on June 15. I have no prepared comments, but I would like to ask a few questions of the Board if that is permissible.

Robert E. Bettac

**From:** JanetBuchert <[jcmbuchert@comcast.net](mailto:jcmbuchert@comcast.net)>

**Sent:** Tuesday, June 7, 2022 11:34 AM

**To:** [gene@hgcd.org](mailto:gene@hgcd.org)

**Cc:** [tjones@cmickerrcounty.com](mailto:tjones@cmickerrcounty.com); Childs Chris <[mrshonto@kctc.com](mailto:mrshonto@kctc.com)>; [AnnPeay@gmail.com](mailto:AnnPeay@gmail.com); [johnelliott@hctc.net](mailto:johnelliott@hctc.net); [jeeper@campstewart.com](mailto:jeeper@campstewart.com)

**Subject:** RE: Proposed rule changes and June 15 Meeting/Comments

Gene,

We would like to thank you and Headwater Groundwater Conservation District (HGCD) for your continued work and 2022 rule changes to preserve Kerr County groundwater--and in this case, East Kerr County Trinity groundwater. When we addressed HGCD last year regarding the October 2021 rules changes, we requested HGCD to consider additional changes to the rules that could be made as a result of the pending James Beach/Advanced Groundwater Solutions LLC ("Beach") groundwater study ("Study") in East Kerr County. The Study was presented to HGCD on April 13, 2022, and as residents of Center Point/East Kerr County as well as members of the Center Point Committee for Growth and Progress (CPCGP), we appreciate HGCD taking action at this time to address our concerns (and those of our neighbors) by setting forth rules to reduce the dramatic decline in the East Kerr County Trinity aquifer.

Last year at the HGCD rules hearing, one of our CPCGP members (Ken Bennett) reported 8 hydrographs which showed declining non-recovering wells over a 70 year period in the aquifer in and around Center Point and East Kerr County. This year, our prior fears were not only confirmed, but we were left with grave concerns as a result of the Beach Study presentation to HGCD, which showed that:

- The Middle Trinity has shown declining levels from 1997-2021. Recharge in the Middle Trinity varies by location, precipitation and water usage. There has been a 35% decline in 20 years in Eastern Kerr County, which is "a pretty significant decline" of more than 2%/year.
- The Lower Trinity also reflected declining levels of a 15% decline in 15 years, or about 1%/year, but not as significant as the Middle Trinity.
- The data shows that using actual draw-downs v. the TWDB Modeled Available Groundwater (MAG), actual available groundwater is only about 1/3 of the MAG estimates, essentially from differences in pumping and "older data" used in the MAG.
- The geologic aquifer conditions in the Center Point/East Kerr Zone with regard to hydraulic conductivity show that the GAM has overestimated the conductivity by 7 feet/day.
- The combination of underestimating pumping and overstating conductivity for East Kerr County has resulted in extremely serious problems with the use of the average HGCD water production cap of 80,000/year.

Beach recommended that HGCD consider: a management zone for East Kerr County and a reduction of the maximum production cap for such zone. Given its authority under Chapter 36 of the Water Code, and "[d]ue to historic declining aquifer levels recorded by the District's long term monitoring program; the effect of current and anticipated growth trends; and hydrogeologic information contained in the recent East Kerr Trinity Aquifer Groundwater Availability Assessment Study, the District has designated a management zone in East Kerr County...within the East Kerr Management Zone, there is a lower production cap and an increase in the minimum number of acres required to drill wells."

We wholeheartedly support HGCD's proposed rule changes to address the rapidly declining East Kerr County Trinity aquifer. Of note, the historical impacts described in the Beach Study are BEFORE any large development in process (e.g., Creekside at Camp Verde) or any new high-density development (e.g., Center Point Village concept plan) in East Kerr County. We would ask that HGCD engage Beach to update the Study in the next several years to determine if additional action is needed to address further groundwater deterioration of the aquifer from June 15, 2022--given the dramatic impacts of drought on the aquifer in East Kerr County and potential future development in the East Kerr zone.

We applaud all that HGCD has done to preserve the water/aquifer. Many years from now, someone will write up HGCD's work as being pivotal to Kerr County groundwater preservation, and their actions will be viewed as courageous for saving the groundwater in Center Point and the East Kerr zone. HGCD will be remembered for making a decision NOT to go the way of other counties that have prioritized any and all economic growth over their environment/groundwater resources—but rather making a decision to protect Kerr County's most valuable groundwater resources where strategic and balanced growth is pursued. We commend them for doing so.

We are interested in reading this letter to the Board and the public at the June 15 HGCD meeting. Please advise if we need to provide you anything else.

Best,  
Janet Buchert  
Ronnie Buchert

**Oral Comments received during the meeting include:**

Bob Bettac, 750 Target Hill Rd, Center Point: Mr. Bettac stated that the Easter Kerr County Trinity Aquifer Groundwater Availability Assessment prepared by James Beach and presented April 13, 2022 was very informative, non-biased and much appreciated. He also stated that the Revised Rules will allow for continued growth with “restricted” development to protect our resources.

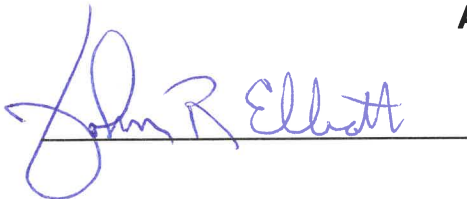
Janet & Ron Buchert, 425 Dove Valley, Center Point: Mrs. Buchert read the written letter she sent to HGCD on June 7 (see above in written comments) and reiterated the facts she stated in her letter. She also memorialized and acknowledged Ken Bennet for his enthusiasm, determination and advocacy in protecting East Kerr County Groundwater.

Rich Paces, PO Box 5030, Camp Verde: Mr. Paces read an email previously sent to Gene Williams and Board Members of the Headwaters Groundwater Conservation District.

3. **Adjournment**

Director Jones motioned to Adjourn the Rules Hearing. Director Peay seconded the motion. Director Elliott, Director Jones, Director Peay, Director Ragsdale and Director Childs all voted in favor. The Rules Hearing was adjourned.

**APPROVED:**



**John Elliott, Board of Directors  
President**



**Tom Jones, Board of Directors  
Vice President**