

Preserve Our Water, Inc.  
P.O. Box 946  
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[www.preserveourwater.org](http://www.preserveourwater.org)

Ron Zunker  
President  
Blanco-Pedernales Groundwater Conservation District  
P. O. Box 1516  
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February 12, 2007

Mr. Zunker,

During the August 15<sup>th</sup>, 2006 B-PGCD Public Hearing, District Vice-President Bobby Wilson committed to another Public Hearing when the Rockin' J permit came up for renewal. Although we have submitted a 2007 request for notification of matters pertaining to this permit, in accordance with 36.101 (d) (4) and (i) of Texas statutes, Preserve Our Water has received no notification of such a Hearing. As a result, we have to assume the District plans no Hearing in conjunction with the District meeting on Feb. 15. For the District board to consider renewing this permit absent the promised public discussion is highly objectionable to Preserve Our Water and the hundreds of citizens we represent. We call on the B-PGCD board to honor the commitment made to the public and conduct this decision making process in full view of this county's voters.

Further, the District has now adopted rules presumably consistent with Chapter 36 requirements. The District should conduct all reviews of the Rockin' J permit in conformance with the operating permit requirements found in Rules 3.4, 3.5, 4.1, 6.1, 7.8, and 8.4 through 8.6 so that all legal criteria are met in this decision-making process.

With or without the promised Public Hearing, Preserve Our Water objects to renewal of the water production permit issued to Rancho del Lago on March 16, 2006 for the Rockin' J development. In lodging this protest; Preserve Our Water and individual litigants in the matter of the original permit reserve all rights associated with that claim and this letter is not a compromise of such claims. This letter presents the most critical of our reasons for this permit renewal protest.

Paragraph 5 of the definition of "Waste" on page 11 of the B-PGCD rules specifies that allowing groundwater to run onto property not owned by the well owner constitutes waste. Preventing waste is a GCD duty found throughout Chapter 36 and in our District rules. However, Rockin' J watering programs have repeatedly resulted in significant levels of such waste. That the District, with full knowledge of these prohibited practices and has chosen not to act is itself a problem. To renew a permit for exceptionally high volume to a well owner who persistently behaves in such an irresponsible manner, particularly during drought conditions, is unthinkable.

Preserve Our Water has discussed well performance problems with numerous residents in the area of the Rockin' J, particularly those east and south of the development; those wells being "down stream" from Rockin' J wells. In every instance the owners reported that the District's General Manager told them the problems they experienced were the result of the drought and were in no way related to the high volume pumping underway at the Rockin' J. The General Manager's assertions have no basis in science.

Research commissioned by Hays/Trinity GCD during the current drought examined this very issue. That study found conclusive evidence that, indeed, high volume pumping does have a

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negative impact on adjacent wells during drought periods when compared to performance prior to such high volume pumping during earlier drought conditions and to the experience of other wells not located near such high volume production. Clearly, the B-PGCD is ignoring these findings.

In addition, the B-PGCD has accepted the notion that a ¼ mile standard for well interference is applicable in all situations in Blanco County. Curiously, this standard is not validated by any of the highly qualified hydrologists or geologists Preserve Our Water has contacted. Instead, terms like “absurd” and “inappropriate” characterize responses we have received. This scientifically unsubstantiated standard underlies the General Manager’s refusal to investigate the relationship between Rockin’ J pumping and nearby well performance. Therefore, further cause exists to believe that, indeed, the source of those problems likely relate directly to Rockin’ J practices and should be investigated thoroughly and objectively.

In addition to conducting consideration of permit renewal in full public view, with properly noticed public participation, Preserve Our Water calls on you and the rest of the Board to take the following actions:

- Deny the application to renew the production permit at any level approaching currently permitted volume, or failing the resolve to take that prudent action,
- renew the Rockin’ J permit for a period of 6 months for conducting full public hearings and contested case procedures and,
- concurrently, enter into a contract with a well qualified, independent hydrological consulting firm to evaluate the effect on wells nearby to the Rockin’ J and,
- institute measures to effectively monitor Rockin’ J practices for any future incidents of wasteful behavior and, on finding such prohibited behavior, levy fines to the full extent allowed under District rules and,
- direct the District General Manager, by Board resolution, to produce credible scientific support for his assertions of a ¼ mile zone of interference, that well failures are not attributable to Rockin’ J production, and to make such findings public.

Mr. Zunker, the District ignored or discounted considerable scientific evidence in issuing this permit. The failure to fulfill, effectively, the promise made to the public to assess and monitor the results of such high volume pumping means those legitimate concerns remains. The irresponsible conduct on the part of the Rockin’ J as it persistently allows groundwater waste makes renewal of this permit even more imprudent. Preserve Our Water urges you to avoid repeating and compounding those errors though renewal of this permit.

Best regards,

Dave Collins  
President, Preserve Our Water, Inc.  
830-868-9055

Cc: Bobby Wilson      Phil Sergeant      Tom Murrah  
    Jimmy Klepac      file