

RESOLUTION 2010-004

**COW CREEK GROUNDWATER §
CONSERVATION DISTRICT §**

**RELATING TO THE JANUARY 21st, 2010 RULING MADE BY THE TEXAS
WATER DEVELOPMENT BOARD REGARDING THE EDWARDS GROUP OF
THE EDWARDS-TRINITY (PLATEAU) AQUIFER IN GMA NO. 9**

WHEREAS, the Cow Creek Groundwater Conservation District (“District”) is centrally located within Groundwater Management Area no. 9 (“GMA9”), and

WHEREAS, any rulings regarding the Desired Future Conditions (“DFC”) of the aquifers within GMA9 will directly affect the District, and

WHEREAS, on January 21st, 2010, the Texas Water Development Board (“TWDB”) ruled that the DFC set by GMA9 for the Edwards Group of the Edwards-Trinity (Plateau) Aquifer was not achievable, and therefore not reasonable, and

WHEREAS, the TWDB recommended a drawdown of nine (9) feet in the Edwards Group of the Edwards-Trinity (Plateau) Aquifer in Kerr County and a classification of “non-relevant” for the Edwards Group of the Edwards-Trinity (Plateau) Aquifer in Kendall and Bandera counties to GMA9, and

WHEREAS, the TWDB cited future exempt pumpage as the reason for setting a nine (9) foot drawdown in Kerr County and historically low pumping in Kendall and Bandera counties as the reason for a “non-relevant” classification, and

WHEREAS, the Cow Creek Groundwater Conservation District takes umbrage and respectfully disagrees with the TWDB’s ruling, and

WHEREAS, the TWDB’s presumption of the inability of a groundwater conservation district to manage exempt wells serves to undermine the authority of all groundwater conservation districts as they strive to meet their responsibilities as prescribed in their enabling legislation, Chapter 36 of the Texas Water Code, and their Management Plans, and

WHEREAS, the TWDB incorrectly assumes the water needed to support future growth will come from exempt wells and fails to consider alternate sources and conservation practices, and

WHEREAS, groundwater within the boundaries of the District is a combination of the Edwards-Trinity (Plateau) and Trinity Aquifer, which is part of the much larger aquifer

systems described by the USGS as the Edwards-Trinity, Trinity, and the Edwards Aquifer system, and

WHEREAS, the District maintains the position that the Edwards Group of the Edwards-Trinity (Plateau) Aquifer contributes significantly to the baseflow of most of the creeks and streams within the District, and

WHEREAS, the water emanating from the springs in the Edwards Group of the Edwards-Trinity (Plateau) Aquifer contribute to recharge in losing stretches of the Guadalupe River and the Cibolo Creek, and

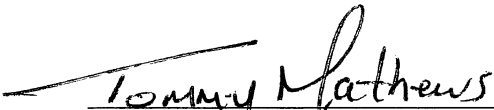
WHEREAS, the City of Boerne depends on spring flow from the Edwards Group of the Edwards-Trinity (Plateau) Aquifer to fill Boerne City Lake, which has a firm yield of 833 acre-feet annually, and

WHEREAS, the Boerne City Lake is critical to water planning in Kendall County, serving as an alternative supply thus reducing demand on groundwater,

BE IT THEREFORE RESOLVED:

1. The Cow Creek Groundwater Conservation District disagrees with the TWDB's January 21st, 2010 ruling, and
2. The Cow Creek Groundwater Conservation District maintains the position that the Edwards Group of the Edwards-Trinity (Plateau) Aquifer is a significant aquifer within Kendall County that merits management.
3. The Cow Creek Groundwater Conservation District will take the appropriate action(s) to protect this critical resource, the groundwater in Kendall County and the right to manage these resources for the citizens of our District and the environment.
4. This Resolution is effective as of the date it is signed.

SIGNED AND ENTERED THIS 8th DAY OF FEBRUARY, 2010.



Tommy Mathews
President
Cow Creek Groundwater
Conservation District

Attested by:
