

SLR Property I, LP
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VIA EMAIL

Mr. Alan M. Day – Brazos Valley GCD
Mr. David Van Dressar – Fayette County GCD
Mr. Elvis Hernandez – Lost Pines GCD
Mr. David Bailey – Mid-East Texas GCD
Mr. Gary Westbrook – Post Oak Savannah GCD

Re: Comments on Desired Future Conditions before April 27, 2026 GMA 12 Meeting

Dear Groundwater Management Area 12 Members:

SLR Property I, LP (“SLR”) appreciates this additional opportunity to comment in advance of Groundwater Management Area 12 (“GMA 12”) proposing desired future conditions (“DFCs”). SLR has commented to GMA 12, both in writing and orally, throughout the joint planning process. SLR has also provided selected comments on related topics to Post Oak Savannah Groundwater Conservation District (“POSGCD”), Lost Pines Groundwater Conservation District (“LPGCD”), and Brazos Valley Groundwater Conservation District (“BVGCD”). To aid GMA 12 in its development of DFCs, SLR specifically refers the GMA 12 members to SLR’s September 10, 2024 letter to POSGCD. In discussing potential curtailment, SLR urged POSGCD, and now urges GMA 12, to “require that any reductions in authorized production imposed on permit holders,” whether through modeling or otherwise, “be consistently and proportionately applied to *all* non-historic-use permit holders” within the region, “regardless of geographic location or” any “District-created ‘management area/zone.’” SLR also offers the comments below.

Recognizing that DFCs are policy decisions with significant implications for private property rights and the economic vitality of this region, SLR continues to hope that GMA 12 will consider the *highest practicable level of groundwater production* in developing DFCs. The Legislature requires GMAs to develop DFCs after examining and balancing nine different factors. But underpinning that exercise lies an explicit statutory mandate to weigh one factor more heavily than others: “[t]he desired future conditions proposed...must provide a balance between the *highest practicable level of groundwater production* and the conservation, preservation, protection, recharging, and prevention of waste of groundwater and control of subsidence in the management area.” Tex. Water Code § 36.108(d-2) (emphasis added). GMAs must remember this mandate when applying scientific fact, theoretical modeling, reason, policy objectives, and law to the DFC

process. Likewise, in implementing DFCs, individual Districts must remember the Legislature's stated preference for the highest practicable level of groundwater production.

SLR is concerned that GMA 12 appears poised to ignore the mandatory balancing of the highest practical level of groundwater production and will merely readopt the current DFCs, despite significant changes in key factors since the last joint planning cycle. For instance, existing, permitted groundwater production within the GMA represents at least the minimum level of highest practicable groundwater production that a DFC should accommodate. Nevertheless, certain District members of GMA 12 appear fixed—based on their own policy preferences—on planning for, and modeling, curtailment of groundwater production for failure to meet arbitrarily frozen DFC values. Based on the scale of the groundwater resources in this area, and the other statutory factors, GMA 12 should set new DFCs that accommodate present and projected groundwater production, then use existing (ample) District budgets to mitigate impacts from that production. Certain GMA 12 representatives are apparently concerned about the need for funding to mitigate impacts from permitted groundwater production. However, existing District budgets—if used properly—could already address this perceived concern.

The responsible development of groundwater resources, coupled with comprehensive and funded mitigation strategies, would address any legitimate concerns around revising the GMA 12 DFCs. Freezing DFCs, banking on curtailment, and using District funds for programs other than mitigation inverts the statutory directive. It creates artificial regulatory burdens on private property resources, with severe socioeconomic impacts for groundwater owners, counties, Districts, and the region.

SLR urges GMA 12 to follow the legislative mandates of Chapter 36 and propose DFCs that accommodate the highest practicable level of groundwater production, as balanced against the other statutory factors.

Respectfully,



Alan Gardenhire
Sr. Vice President Operations
SLR Property I, LP

cc: Tommy Hodges, SLR Property I, LP
Terry Blodgett, SLR Property I, LP