

GROUNDWATER MANAGEMENT AREA 13

IN RE PROPOSED DESIRED
FUTURE CONDITIONS, GMA-13
SCENARIO 26.17, AND WEBB
COUNTY CARRIZO-WILCOX
GROUNDWATER PLANNING

Before the Evergreen Underground Water Conservation District, Gonzales County Underground Water Conservation District, Guadalupe County Groundwater Conservation District, McMullen Groundwater Conservation District, Medina County Groundwater Conservation District, Plum Creek Conservation District, Uvalde County Underground Water Conservation District, & Wintergarden Groundwater Conservation District

at
meeting
of
Board
7/15/26
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LEGACY WATER SUPPLY CORPORATION'S PUBLIC COMMENT REGARDING GMA-13 SCENARIO 26.17 PROPOSED DESIRED FUTURE CONDITIONS AND WEBB COUNTY CARRIZO-WILCOX GROUNDWATER PLANNING

I. Introduction

Legacy Water Supply Corporation ("LWSC" or "Legacy") submits this Public Comment regarding the proposed Desired Future Conditions (DFCs) for Groundwater Management Area 13 (GMA-13), specifically the Scenario 26.17 Carrizo-Wilcox drawdown values and GMA-13's April 22, 2026 decision to limit the Webb County Carrizo-Wilcox Aquifer pumpage quantity to approximately 6,489 acre-feet per year—a figure that effectively excludes Legacy's Webb County Regional Water Project from GMA-13's planning framework.

This Public Comment is filed contemporaneously with, and is related to, the pending Request for Attorney General Opinion filed by Webb County, Texas on May 22, 2026 and docketed by the Office of the Attorney General of Texas as RQ-0645-KP. That Request, among other things, asks the Attorney General to construe the mandatory procedural requirements of Texas Water Code § 36.108 and the legal effect, as a matter of law, of a desired future condition or related groundwater-planning determination adopted in noncompliance with those requirements. Briefing in RQ-0645-KP is due to the Office of the Attorney General on or before June 25, 2026, with the opinion due on or before November 18, 2026. The matters raised in this Public Comment and incorporated Conditional Petition overlap substantially with the issues presented in RQ-0645-KP.

II. Parties

Legacy Water Supply Corporation is a Texas nonprofit water supply corporation and the project sponsor for the Webb County Regional Water Project, a regional wholesale water supply infrastructure project designed to establish a reliable supplemental water supply from the Carrizo-Wilcox Aquifer in Webb County for the City of Laredo, Webb County, the Legacy Municipal Management District (LMMD), and other public beneficiaries. Legacy has developed public-water infrastructure, pursued public-water-supply approvals, and secured groundwater production rights through lease arrangements involving severed groundwater rights within the LMMD area. Legacy

also participates in the Area Groundwater Utility Agency (AGUA) interlocal framework with public entities advancing regional water supply and funding objectives.

The Respondent groundwater conservation districts are Evergreen Underground Water Conservation District, Gonzales County Underground Water Conservation District, Guadalupe County Groundwater Conservation District, McMullen Groundwater Conservation District, Medina County Groundwater Conservation District, Plum Creek Conservation District, Uvalde County Underground Water Conservation District, and Wintergarden Groundwater Conservation District (collectively, the “Member Districts”). Each is a groundwater conservation district organized under Texas Water Code Chapter 36 and a participating member of GMA-13. Together, the Member Districts are collectively responsible for establishing Desired Future Conditions for GMA-13 under Texas Water Code § 36.108.

III. Procedural and Factual Background

The City of Laredo and Webb County are almost entirely dependent on the Rio Grande River for their municipal drinking water supply, serving a population of more than 300,000 residents. That dependence creates critical and escalating vulnerability: ongoing drought conditions, Mexico’s failures to honor international treaty water delivery obligations, and projected population growth all threaten the long-term reliability of the Rio Grande as the sole-source municipal supply.

The Webb County Regional Water Project (the “Project”) was developed to address this vulnerability by establishing a supplemental groundwater supply from the Carrizo-Wilcox Aquifer in central Webb County. The Project is a collaboration among Legacy Water Supply Corporation, the City of Laredo, Webb County, and the LMMD, and is designed to supply water to the City, rural Webb County including colonias currently without water service, and the LMMD. The water supply needs that the Project is designed to meet are reflected in the Rio Grande Regional Water Planning Group (Region M) planning record, and the Project responds directly to those documented needs; however, recognition of the supply quantity available from the Webb County Carrizo-Wilcox Aquifer for the Project has been constrained by the GMA-13 planning results carried forward from the 2021 joint planning cycle. Planning and hydrological engineering studies for the Project began in 2020, with initial hydrology and engineering completed in 2024. Interlocal agreements among the participating entities have been executed to advance the Project.

To date, the Project sponsors have drilled two Carrizo-Wilcox wells and two Sparta formation wells as “proof of concept” wells from which all future project well designs will be based. The constructed wells are proof that the aquifers within central Webb County can sustainably provide up to 350 gallons per minute (gpm) from the Carrizo-Wilcox and 120 gpm from the Sparta. Data from these wells has been incorporated into the GMA-13 numerical groundwater model resulting in the model’s improved representation of aquifer properties within Webb County. Based on this data and the extensive studies carried out on the Webb County aquifers as part of the Project, we have demonstrated that the aquifers can sustain at least a large portion of the planned Project water use. As future wells are drilled and additional data is gathered, improved understanding of the aquifers and the water resources of Webb County is obtained.

Figure 1 below presents the modeled remaining artesian pressure within the southern portion of GMA-13 resulting from including 50,000 acre-feet/yr of pumpage from the Carrizo

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Aquifer in Webb County (including 6,490 acre-ft/year of historical pumpage for Webb County, and 44,510 acre-ft/yr for the Project). The modeling includes all other pumping requested by GMA-13 members for regions other than Webb County. As shown, a substantial portion of La Salle and Webb County show remaining pressures exceeding 60%. In contrast, Dimmit County shows a large portion of the county with fairly depleted artesian pressures. Figure 2 presents the same data, but simulating it to include 24,510 acre-feet/year for the Project. There is minimal difference between Figure 1 and Figure 2 in Dimmit and La Salle Counties, indicating that the influence of Webb County pumpage on water levels in other counties is minimal in comparison to the modeled pumpage within those counties themselves. This is especially true for pumping in Dimmit County, which imposes a large amount of drawdown in Webb County. The impact of Dimmit County pumping on Webb County is shown in Figure 3, where it becomes clear that the large pumpage in Dimmit County is responsible for the local depletion of the aquifer.

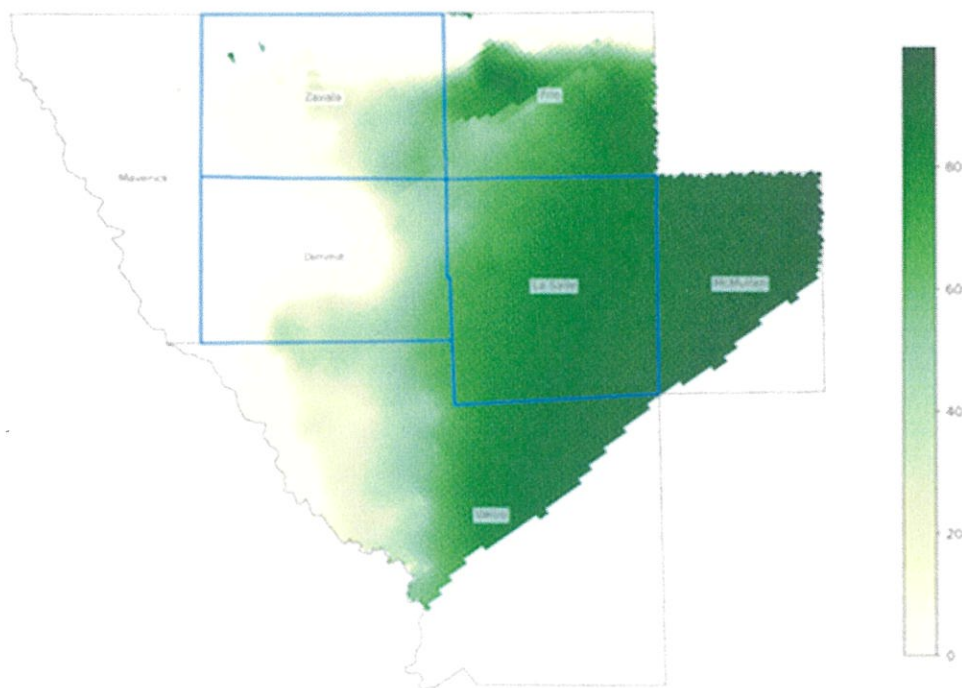


Figure 1 – 2079 Remaining Artesian Pressure in the Carrizo-Wilcox Aquifer (GMA-13 Model Layer #7) with pumping approximately 50,000 acre-feet year from the Carrizo Aquifer in Webb County.

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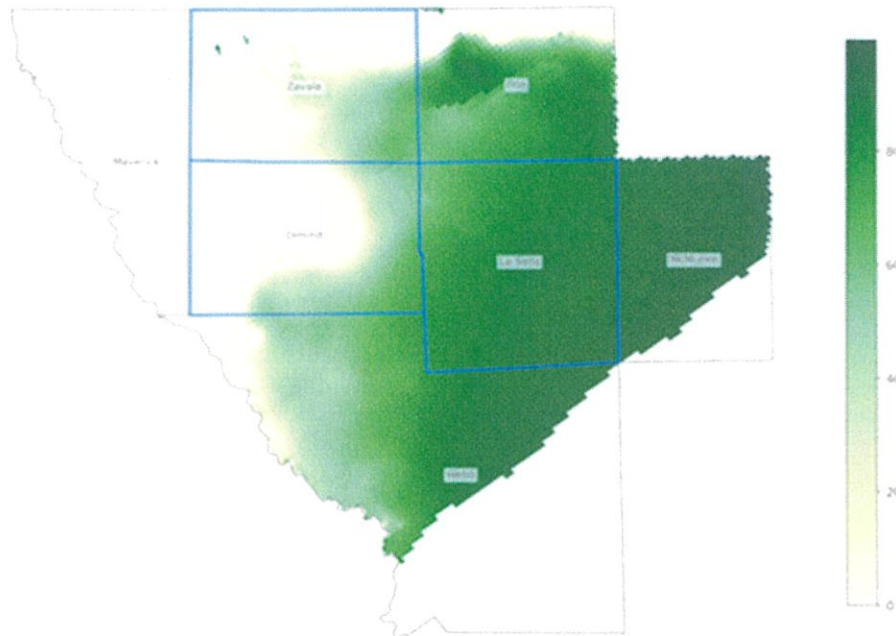


Figure 2 – 2079 Remaining Artesian Pressure in the Carrizo-Wilcox Aquifer (GMA-13 Model Layer #7) with pumping approximately 30,000 acre-feet year from the Carrizo Aquifer in Webb County.

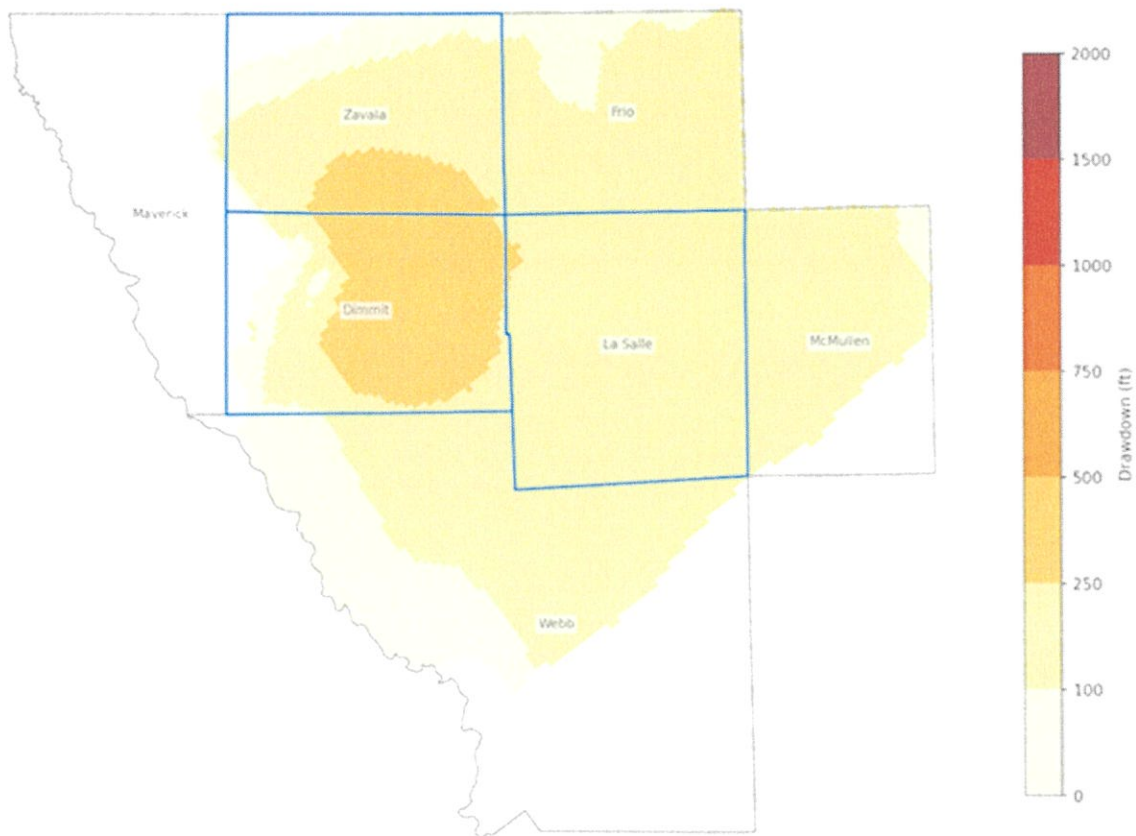


Figure 3 – 2079 Water level declines in the Carrizo-Wilcox Aquifer (GMA-13 Model Layer #7) without pumping from Webb County, showing the influence of the large modeled pumpage originating from Dimmit County.

GMA-13 modeling results, as represented in Figures 1-3, demonstrate that Webb County pumpage will impact water levels in surrounding counties, but not as the primary detractor; excessive local pumping is the true culprit. Webb County should not be relegated to insufficient pumpage when Dimmit County and the Wintergarden GCD are being excessively greedy in over allocating pumpage to themselves.

A. *GMA-13 Has Historically Underestimated Webb County's Carrizo-Wilcox Pumping*

For years, GMA-13 planning materials relied on a Webb County Carrizo-Wilcox baseline pumping figure of approximately 910 acre-feet per year (AFY). That figure did not accurately represent actual historical groundwater use in Webb County. GMA-13's own hydrogeological consultant, William R. Hutchison, Ph.D., P.E., P.G., determined through the model calibration process that the corrected 2017 historical baseline for Webb County's Carrizo-Wilcox Aquifer should be approximately 6,380 AFY—a figure reflecting actual oil and gas production water withdrawals from the Carrizo-Wilcox formation that had been omitted from prior reporting. Even this corrected figure does not capture all historical municipal, agricultural, ranch, and industrial uses in Webb County. This figure of 6,380 AFY should be the new starting point for water availability in Webb County. The 6,380 AFY is documented in GMA-13 Technical Memorandum 26-02.

B. *Hydrological Analysis of Webb County and the Project Supports Additional Pumping*

Since 2021, Legacy has retained hydrologist, Dr. Jordan Furnans, PE, PG of Windward Water Resources Engineering & Geoscience (previously with LRE Water/ Spheros Environmental), to conduct analyses of additional pumping in Webb County to determine the impact on regional groundwater availability. Dr. Furnans' most recent analysis, submitted to GMA-13, included proposed Webb County pumping locations and amounts totaling approximately 50,000 AFY from the Carrizo-Wilcox Aquifer sufficient to support the Project. His finding indicated that this additional pumpage would be available in Webb County through 2080, yet it would also lower water levels in surrounding Counties (Dimmitt, La Salle, and McMullen).

Based on Dr. Furnans' analysis, GMA-13 hydrologist Dr. Bill Hutchison, ran the GMA-13 groundwater availability model (GAM) simulations at 10,000, 20,000, 30,000, 40,000, and 50,000 AFY of additional Webb County pumping above the corrected 6,380 AFY baseline. The results, shown in demonstrated that increased drawdown in Dimmitt, La Salle, and McMullen County will result from increased pumpage in Webb County. The results did not, however, follow any substantive discussion by the GMA-13 members as to how much drawdown was acceptable, nor how much pumpage should be simulated for Webb County. Dr. Hutchison did not make a recommendation with respect to draw down.

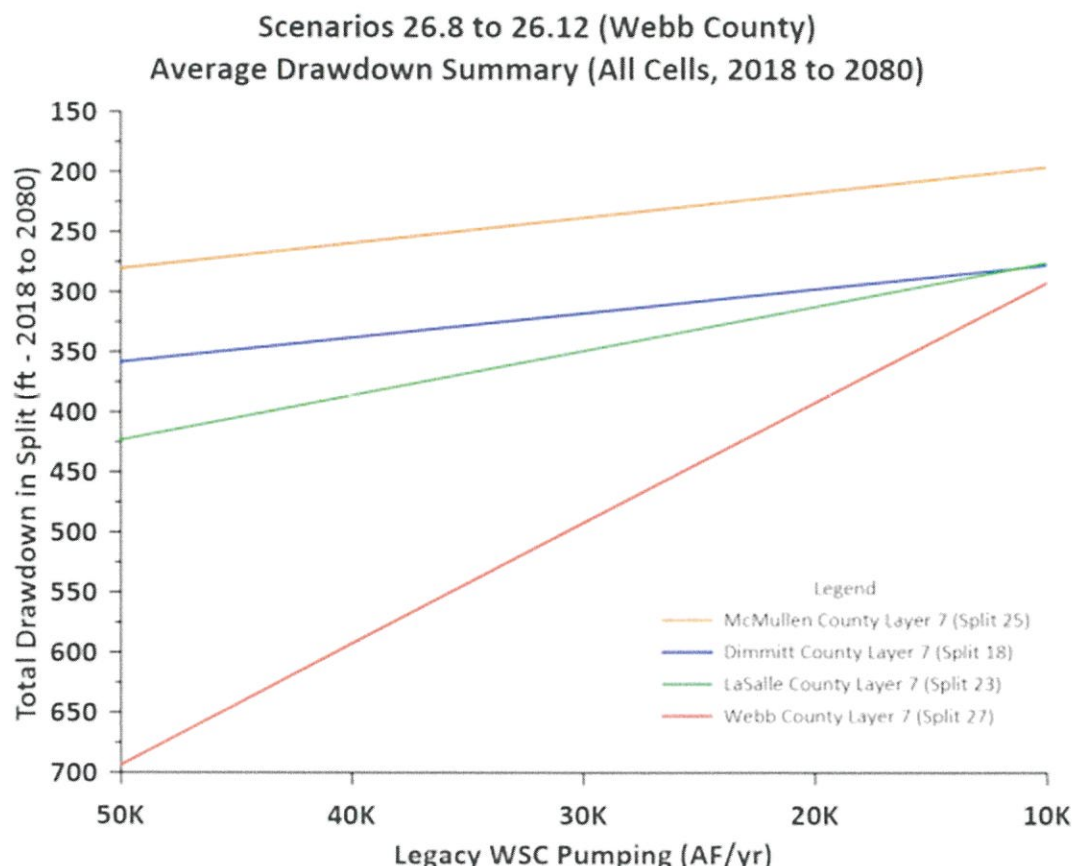


Figure 4 — March 20, 2026, drawdown comparison from scenarios with variable Project pumping in Webb County, as presented by Dr. Hutchison.

Dr. Hutchison reported that it was his understanding that Wintergarden GCD had previously authorized 20,000 acre-feet/year of pumpage for Webb County, yet that it was unclear as to whether this amount was inclusive or in addition to the 6,380 acre-feet/year of historical pumpage for the county. Dr. Hutchison did recommend (On March 20, 2026) that GMA-13 adopt 20,000 acre-feet/year of pumpage in addition to the 6,380 acre-feet/year of historical pumpage, yet this recommendation was based solely on expediency as he had already prepared a GAM simulation showing that pumpage amount. Dr. Hutchison's projections informed GMA-13 that it could incorporate 20,000 AFY of additional Legacy/Webb County pumping above the 6,380 AFY corrected baseline, for a combined Webb County planning quantity of approximately 26,380 AFY with minimal impact.

C. Wintergarden GCD Improperly Influenced GMA-13 Decision-making

At the March 20, 2026 GMA-13 joint planning meeting, Dr. Hutchison presented his simulation results and his recommendation of 20,000 AFY additional Webb County pumping. A representative of Wintergarden Groundwater Conservation District (“Wintergarden GCD”) objected to inclusion of the additional 20,000 AFY for Webb County. Rather than independently evaluating the statutory factors and Dr. Hutchison’s science-based analysis, the GMA-13 board effectively deferred the question of Webb County’s groundwater planning pumpage quantity to Wintergarden GCD—a district that has no jurisdictional authority over Webb County, which lies entirely outside Wintergarden GCD’s regulatory boundaries. Mr. Lonnie Stewart (of McMullen County GCD) completely deferred to Wintergarden GCD on this matter, even though his county is affected by pumping in Webb County.

Subsequently, on April 8, 2026, Wintergarden GCD held a board meeting to address its position on the Webb County planning quantity. Wintergarden GCD had previously voted to authorize 20,000 acre-feet/yr of pumping from Webb County (for inclusion in the planning process). The meeting on April 8, 2026 included an agenda item to clarify whether this was 20,000 acre-feet/year in addition to the approximately 6,380 acre-feet/year of historical Webb County pumpage, or whether the total Webb County pumpage was to be authorized (for planning) at 20,000 acre-feet/year (leaving approximately 13,620 acre-feet/year of pumpage above the historical quantity for attribution to the Project).

David Earl, on behalf of Legacy, appeared and reminded the Wintergarden GCD board that it has no jurisdiction over Webb County and that the decision must be grounded in hydrological science. After receiving testimony from Dr. Furnans and Legacy’s counsel, the Wintergarden GCD board voted to include the full 26,380 AFY (6,380 AFY corrected baseline plus 20,000 AFY) for Webb County in the GMA-13 planning framework.

On April 9, 2026—one day after its vote—Wintergarden GCD posted notice of a reconsideration meeting to be held on April 16, 2026. At the April 16 meeting, without presenting any new hydrological analysis, scientific evidence, engineering data, or reasoned explanation for departing from its previous decision, the Wintergarden GCD board voted to rescind its April 8 action. The board directed its General Manager to communicate to GMA-13 that Wintergarden GCD no longer recommended inclusion of the additional 20,000 AFY for Webb County. No scientific or technical basis for this reversal appears in the record. At both the April 8th and April 16th Wintergarden GCD meetings, various board members expressed frustration that they were delegated the responsibility to decide recommended pumping from Webb County within the GMA-13 planning process.

On April 22, 2026, GMA-13 held a joint planning meeting. Consistent with Wintergarden GCD’s post-reversal position, GMA-13 approved a planning quantity for the Webb County Carrizo-Wilcox Aquifer of approximately 6,489 AFY—effectively the corrected historical baseline only, with no additional quantity that was supported by the scientific record. The action ignored Dr. Furnans’ analysis, disregarded Dr. Hutchison’s own analysis of an additional 20,000 AFY, and excluded the documented public-water needs of the City of Laredo, Webb County, the LMMD, and the colonias the Project is designed to serve.

DFCs remain proposed DFCs in a formal public-comment period running from May 4, 2026 through August 3, 2026, with the next GMA-13 joint planning meeting at which the DFCs will be adopted scheduled for September 18, 2026.

IV. GMA-13 Has a Statutory Obligation to Consider the Factors in § 36.108(d) and Establish a Balanced DFC

Texas Water Code § 36.108(d) requires GMA-13 districts, before voting on proposed DFCs, to consider groundwater availability models and other relevant data on nine enumerated factors:

- (1) aquifer uses or conditions within the management area, including conditions that differ substantially from one geographic area to another;
- (2) the water supply needs and water management strategies included in the state water plan;
- (3) hydrological conditions, including for each aquifer in the management area the total estimated recoverable storage as provided by the executive administrator, and the average annual recharge, inflows, and discharge;
- (4) other environmental impacts, including impacts on spring flow and other interactions between groundwater and surface water;
- (5) the impact on subsidence;
- (6) socioeconomic impacts reasonably expected to occur;
- (7) the impact on the interests and rights in private property, including ownership and the rights of management area landowners and their lessees and assigns in groundwater as recognized under Section 36.002;
- (8) the feasibility of achieving the desired future condition; and
- (9) any other information relevant to the specific desired future conditions.

Additionally, proposed DFCs must provide a balance between the highest practicable level of groundwater production and the conservation, preservation, protection, and prevention of waste. Tex. Water Code § 36.108(d-2). A DFC that excludes a documented, modeled, publicly-needed regional water project without evaluating each statutory factor and providing a reasoned explanation for that exclusion cannot satisfy this balancing mandate.

After final adoption, the GMA representatives must produce a DFC explanatory report that documents consideration of each § 36.108(d) factor, identifies alternative DFCs considered and the reasons alternatives were rejected, and addresses why public comments and recommendations were or were not incorporated, per Tex. Water Code § 36.108(d-3). That explanatory report must reflect genuine, documented engagement with the statutory factors—not a post-hoc ratification of a politically-influenced outcome. For these reasons, Legacy states the following grounds for its objection to the adoption of the DFCs proposed at the April 22, 2026 meeting:

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Despite this statutory requirement, GMA-13 failed to properly consider the § 36.108(d) factors. The administrative record available to Legacy does not reflect any systematic, factor-by-factor analysis applied to the Webb County Carrizo-Wilcox planning decision. The April 22, 2026 action appears to have been driven entirely by Wintergarden GCD's post-reversal position—itsself unaccompanied by any new scientific analysis—rather than by an independent evaluation of the statutory factors as applied to Webb County's specific hydrological, geographic, and socioeconomic conditions. A proposed DFC adopted without documented consideration of all nine factors, or a final DFC adopted on that record, does not comply with § 36.108(d).

A. *The Proposed DFC Fails to Consider Actual Aquifer Uses and Geographically Differing Conditions in Webb County. § 36.108(d)(1).*

The record confirms that the historical Webb County Carrizo-Wilcox figure of approximately 910 AFY did not accurately represent actual groundwater use. GMA-13's own model calibration, reflected in Technical Memorandum 26-02, established a corrected 2017 baseline of approximately 6,380 AFY—capturing actual oil and gas production withdrawals that had been systematically omitted from prior reporting. Even that corrected figure does not include all historical uses. The April 22, 2026 action perpetuates this undercounting by adopting only the corrected baseline while providing no analysis of additional uses demonstrating that the aquifer can support at least an additional 20,000 AFY over baseline.

Moreover, Webb County presents geographically distinct conditions that require independent evaluation rather than treatment as an adjunct of Wintergarden GCD's planning preferences. Webb County has no groundwater conservation district, overlies a substantial Carrizo-Wilcox Aquifer formation with distinct hydrological characteristics, hosts a large municipal population with sole-source Rio Grande River dependence, has documented oilfield water use, and is the site of a regional water supply project analyzed in some of GMA-13's own model runs. These conditions are not adequately addressed by simply capping Webb County at the corrected historical baseline.

B. *The Proposed DFCs Fail to Consider Water Supply Needs and Water Management Strategies in the State Water Plan. § 36.108(d)(2).*

Webb County's long-term supply deficit is reflected in the Rio Grande Regional Water Planning Group (Region M) planning record, and the Webb County Regional Water Project responds directly to that documented deficit. The City of Laredo and Webb County together serve a population exceeding 300,000 residents who are entirely dependent on the Rio Grande for municipal water supply. That dependence creates acute vulnerability to drought, Mexico's ongoing failures to deliver treaty water, and to long-term hydrological variability.

A GMA-13 planning pumpage quantity that excludes the Project from the MAG effectively removes the Project from the universe of fundable state-water-plan strategies and jeopardizes the City's and County's access to SWIFT and other TWDB financing programs whose eligibility is tied to the MAG derived from the DFCs. The April 22, 2026 action does not reflect any evaluation of these documented water supply needs or funding implications. Similar issues arose in 2021 when the Project concept was first presented to GMA-13, and at that time GMA-13 also voted to disregard the Project from the planning process and explanatory report.

C. *The Proposed DFCs Are Inconsistent with the Modeled Hydrological Record. § 36.108(d)(3).*

The hydrological record compiled does not support categorical exclusion of the Project. The analysis conducted by Dr. Furnans took into account how pumpage for the Project impacts the aquifer within Webb and adjacent counties. GMA-13's own hydrologist, Dr. Hutchison, reported that his analysis confirms that the Carrizo-Wilcox Aquifer can sustain an additional 20,000 AFY of pumpage or more. Technical Memorandum 26-02 documents the following results from the 20,000 AFY additional Webb County pumping scenario:

- Total Webb County aquifer storage by 2080 remains approximately 97.9 percent of 2017 storage levels.
- Storage decline attributable to increased pumping represents only approximately 15 percent of the total increased pumping amount.
- Increased Webb County pumping is partially offset by a reduction of approximately 2,400 AFY in modeled Dimmit County pumping, reflecting aquifer-wide rebalancing.

These results demonstrate that the Carrizo-Wilcox Aquifer in Webb County has recoverable storage and hydrological conditions to support the Project without material long-term impairment in Webb County. GMA-13's own modeled record supports, rather than defeats, the requested 20,000 AFY additional planning quantity. Adopting a DFC that did not include at least 20,000 AFY additional pumping (above the historical baseline) in Webb County would be inconsistent with the presented modeling.

D. *GMA-13 Does Not Identify Any Environmental Impacts or Subsidence Concerns Warranting Exclusion of the Project. §§ 36.108(d)(4), (5).*

The record available to Legacy does not identify any adverse environmental impacts or subsidence concerns associated with 20,000 AFY of additional Carrizo-Wilcox pumping in Webb County that would support excluding the Project. The modeled outcome—approximately 97.9 percent of 2017 aquifer storage remaining through 2080—is not consistent with the scale of impacts that would ordinarily justify categorical exclusion of a regionally significant public water supply project. The record reflects no analysis of environmental, or subsidence factors as applied to the Webb County planning quantity.

E. *The Proposed DFCs Fail to Consider Socioeconomic Impacts. § 36.108(d)(6).*

Section 36.108(d)(6) requires consideration of the socioeconomic impacts of proposed DFCs. The socioeconomic stakes of the Webb County Carrizo-Wilcox planning decision are substantial and well-documented:

- More than 300,000 residents of Laredo and Webb County face ongoing vulnerability to Rio Grande supply failure due to drought, treaty non-compliance by Mexico, and long-term climate variability affecting Rio Grande flows.
- The City of Laredo is the busiest land port of entry in the United States by trade volume. Water supply failure at this node would have significant national and international economic consequences.
- Webb County colonias—many of which currently lack potable water service—depend on the Project for first-time access to a reliable public water supply.

- Exclusion of the Project from the GMA-13 MAG jeopardizes the project's eligibility for SWIFT funding and other state grant and loan programs, materially increasing project costs and imposing those costs on Laredo and Webb County ratepayers.
- The failure to recognize adequate groundwater planning quantities threatens the economic viability of the Project, the City's and County's ability to diversify away from sole-source Rio Grande dependence, and the health and safety of the citizenry of South Texas.

However, the April 22, 2026, action does not reflect any documented evaluation of these socioeconomic impacts. The administrative record available to Legacy does not reflect that GMA-13 conducted any independent, documented evaluation of these socioeconomic impacts in connection with the April 22, 2026, Webb County planning decision. The statutory obligation under § 36.108(d)(6) is not satisfied by general awareness that socioeconomic factors exist; it requires that GMA-13 meaningfully consider those factors in the specific context of the proposed DFC for the Webb County Carrizo-Wilcox Aquifer. A decision to limit Webb County's planning quantity to approximately 6,489 AFY—while ignoring a documented regional water project—is contrary to the statute and rules. To the extent the final DFC explanatory report required under § 36.108(d-3) purports to address socioeconomic impacts, GMA-13 must explain specifically why the documented socioeconomic consequences identified above were rejected or discounted, and that explanation must be grounded in the administrative record, not supplied as a post-hoc rationalization of a politically-influenced outcome.

F. The Proposed DFCs Fail to Consider Private-Property Rights in Groundwater. § 36.108(d)(7).

Section 36.108(d)(7) specifically requires consideration of private-property rights, including the ownership interests of landowners and their lessees and assigns under § 36.002. Legacy holds leasehold and production rights in severed groundwater estates within the LMMD area—property rights recognized under Texas law—that are intended to supply the Webb County Regional Water Project. A DFC and resulting MAG that effectively strand those private groundwater rights and prevent their productive use for a public water supply project, without any documented analysis of that impact, fails to satisfy § 36.108(d)(7). The record does not reflect that GMA-13 considered the effect of the April 22, 2026 action on Legacy's or the underlying landowners' vested groundwater-property interests.

G. The Approach Led by Wintergarden GCD is Not Feasible. § 36.108(d)(8).

Section 36.108(d)(8) requires consideration of the feasibility of achieving the DFC. Technical Memorandum 26-03, prepared by Dr. Hutchison, analyzed the Wintergarden GCD scenario in which current (2021) MAG pumping quantities are applied to Dimmit, LaSalle, Webb, and Zavala counties. That analysis establishes:

- The Wintergarden GCD scenario would produce a 63 percent decrease in Wintergarden GCD pumping compared to 2017 pumping levels.
- The Wintergarden GCD scenario would produce an 86 percent decrease in Webb County pumping compared to 2017 pumping levels.
- If future pumping in the affected counties continued near historical levels, curtailments would be required to achieve the DFCs under the Wintergarden GCD approach.

Dr. Hutchison’s own analysis thus establishes that the approach underlying the April 22 Webb County planning quantity is not feasible under the conditions it purports to govern. A DFC whose achievement requires an 84 percent reduction in Webb County pumping from historical levels—and would require curtailment orders if actual use continued near historical levels—cannot satisfy the statutory balancing standard. This is not a contested point: it is documented in GMA-13’s own technical record.

H. GMA-13 Improperly Deferred the Webb County Planning Decision to Wintergarden GCD. § 36.108(d)(9).

Section 36.108(d)(9) requires consideration of “any other information relevant to the specific desired future condition.” Among the most relevant information for the Webb County DFC is the fact that GMA-13 effectively delegated—and then ratified—Wintergarden GCD’s position on a matter over which Wintergarden GCD has no regulatory authority.

Webb County has no groundwater conservation district. It therefore has no direct vote in the GMA-13 process and no local district to advocate for its groundwater interests within the GMA framework. This structural absence makes it particularly essential that GMA-13 apply independent, science-based judgment to Webb County’s situation—not defer that judgment to a neighboring district whose own pumping interests are directly affected by the planning quantity assigned to Webb County.

The record reflects a pattern of deference, not independent evaluation:

- At the March 20, 2026 GMA-13 meeting, the board deferred to Wintergarden GCD’s objection rather than independently evaluating Dr. Hutchison’s recommendation.
- Wintergarden GCD’s April 8, 2026 vote to follow the science-based recommendation was reversed on April 16, 2026 without any new scientific analysis, engineering data, or reasoned explanation.
- On April 22, 2026, GMA-13 adopted the quantity consistent with Wintergarden GCD’s post-reversal position, rather than the quantity recommended by GMA-13’s own hydrological consultant.

The Legislature did not design the GMA process to allow a district without jurisdiction over a county to effectively veto that county’s groundwater planning recognition. The absence of a Webb County GCD does not reduce the rigor of the statutory analysis required for Webb County—it demands more.

I. The proposed DFC fails to provide the balance required by § 36.108(d-2).

The proposed Webb County Carrizo-Wilcox planning quantity—limiting Webb County to approximately 6,489 AFY and excluding the Project—does not provide the balance between the highest practicable level of groundwater production and the goals of conservation, preservation, and protection that § 36.108(d-2) requires. Dr. Hutchison’s modeling establishes that 20,000 AFY of additional Carrizo-Wilcox pumping in Webb County is within the range of hydrologically acceptable impact. The statute requires a balance that gives meaningful weight to the highest practicable level of production, particularly where a documented, modeled, publicly-needed water supply project is involved. The April 22, 2026 action fails that standard.

V. Requested Relief

Legacy requests that GMA-13 and each participating district take the following actions:

1. Accept this Filing as a timely public comment under Texas Water Code § 36.108(d-2), and include this Filing and all incorporated materials in the official GMA-13 public-comment record.
2. Revise the proposed DFCs and supporting model inputs to recognize a Webb County Carrizo-Wilcox Aquifer planning quantity sufficient to support the Webb County Regional Water Project, including at minimum:
 - (a) The corrected Webb County Carrizo-Wilcox historical baseline of approximately 6,380 AFY, as reflected in GMA-13's calibrated groundwater availability model;
 - (b) An additional 20,000 AFY for the Webb County Regional Water Project (WCRWP) sponsored by Legacy (withdrawn from the Legacy well fields located within and near the Legacy Municipal Management District), as recommended by GMA-13's own hydrological consultant for a combined planning quantity of not less than 26,380 AFY for Webb County's Carrizo-Wilcox Aquifer.
3. Direct GMA-13's technical consultant to prepare revised or supplemental model simulations incorporating at minimum: (a) the 6,380 AFY corrected baseline Webb County pumping, and (b) 20,000 AFY for the Webb County Regional Water Project.
4. Prepare a documented factor-by-factor evaluation of all nine § 36.108(d) statutory factors as applied to the Webb County Carrizo-Wilcox planning quantity, conducted independently of Wintergarden GCD's position.
5. Address in the final explanatory report required by § 36.108(d-3) each of the grounds identified in this Filing, including the specific reasons why Legacy's comments, technical evidence, and proposed revisions are or are not incorporated.

VI. Attachments

Legacy incorporates the following materials into this Filing by reference and requests that GMA 13 include them in the public-comment record, the § 36.108(d-2) summary and suggested-revision compilation, the final explanatory report:

1. Wintergarden GCD Presentation from 4/8/2026 as prepared and delivered by Jordan Furnans, PhD, PE, PG
2. Agendas, minutes, and voting records from the April 8, 2026 Wintergarden GCD meeting, the April 16, 2026 Wintergarden GCD reconsideration meeting, and the April 22, 2026 GMA-13 joint planning meeting.
3. Public comments and testimony submitted by the City of Laredo, Webb County, AGUA, elected officials, landowners, and other stakeholders at GMA-13 and Wintergarden GCD proceedings regarding the Webb County Carrizo-Wilcox planning quantity.

VII. Conditional Petition Under Texas Water Code § 36.1083

If Wintergarden GCD, GMA-13, or any participating district contends that any desired future condition affecting the Webb County Carrizo-Wilcox Aquifer has already been finally adopted under Texas Water Code § 36.108(d-4), Legacy files this conditional petition under §

36.1083(b) for a contested case hearing before the State Office of Administrative Hearings (“SOAH”) appealing the reasonableness of that DFC. Legacy acknowledges its obligation, as petitioner, to pay all reasonable administrative-review and contested-case costs lawfully assessable under Texas Water Code § 36.1083 and applicable Texas Water Development Board regulations (31 Tex. Admin. Code Chapter 356) and stands ready to tender any required deposit upon notification by the receiving District or by the Texas Water Development Board of the amount of such deposit.

In support of this conditional petition, Legacy provides the following evidence that the applicable districts did not establish a reasonable DFC for the Carrizo-Wilcox Aquifer in Webb County:

1. The challenged DFC only considers the corrected Webb County historical Carrizo-Wilcox pumping of approximately 6,380 AFY established by GMA-13’s own model calibration.
2. The challenged DFC does not reasonably consider the documented, modeled water supply need of the Legacy Webb County Regional Water Project, including the 20,000 AFY additional pumping scenario that GMA-13’s own hydrological consultant presented as feasible for the aquifer to sustain.
3. The challenged DFC does not reasonably consider the water supply needs of the City of Laredo, Webb County, the LMMD, and the colonias to be served by the Project, all of whom depend on a reliable supplemental water supply independent of the Rio Grande.
4. The challenged DFC does not reasonably consider the socioeconomic impacts of excluding the Legacy project from the GMA-13 planning framework, including loss of SWIFT eligibility, increased ratepayer costs, and the ongoing vulnerability of more than 300,000 residents to Rio Grande supply failure.
5. The challenged DFC does not reasonably consider the private-property rights of Legacy and the underlying landowners in the LMMD area holding severed groundwater rights in the Webb County Carrizo-Wilcox Aquifer.
6. The challenged DFC was materially influenced by Wintergarden GCD’s post-reversal position, which was not supported by any new hydrological analysis or scientific evidence, and was adopted by a district that has no regulatory authority over Webb County.
7. The challenged DFC does not reasonably reflect the modeled hydrological conditions of the Webb County Carrizo-Wilcox Aquifer: GMA-13’s own modeling demonstrates that 20,000 AFY of additional pumping leaves approximately 97.9 percent of 2017 aquifer storage intact through 2080.
8. The challenged DFC does not provide the balance required by Texas Water Code § 36.108(d-2) between the highest practicable level of groundwater production and the objectives of aquifer preservation and protection.
9. The challenged DFC is the product of a process in which GMA-13 failed to independently evaluate all nine statutory factors under § 36.108(d) as applied to Webb County’s distinct hydrological, geographic, and socioeconomic conditions.

Respectfully submitted,

EARL & ASSOCIATES, P.C.

By: 

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**GENERAL COUNSEL
LEGACY WATER SUPPLY CORPORATION
AND
ATTORNEY FOR THE AREA GROUNDWATER
UTILITY AGENCY**

PLEASE NOTE: The attached submittal being filed with each District contains a Conditional Petition filed under Texas Water Code § 36.1083 which may require each District to submit a copy of the Petition to the Texas Water Development Board within 10 days after it is received by the respective District.

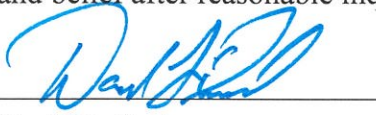


VERIFICATION

STATE OF TEXAS

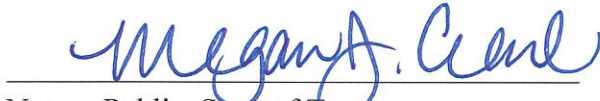
COUNTY OF BEXAR

Before me, the undersigned notary public, on this day personally appeared David L. Earl, who, being by me duly sworn, stated that he is General Counsel for Legacy Water Supply Corporation, that he is authorized to make this Filing on behalf of Legacy Water Supply Corporation, and that the factual statements in this Filing are true and correct to the best of his knowledge, information, and belief after reasonable inquiry.



David L. Earl

SUBSCRIBED AND SWORN TO before me on this 15th day of July, 2026.



Notary Public, State of Texas

My Commission Expires: 11/4/2028

