



CITY of SIMONTON

February 27, 2013

Marvin Marcell, Chairman and Board Members
Fort Bend Subsidence District
P.O. Box 427
Richmond, Texas 77469-0427

RRR No. 7011 0110 0000 6349 5226

Re: Request for scientific study into Electro Purification water drilling application submitted to Bluebonnet Groundwater Water Conservation District.

Dear Chairman Marcell and Board Members:

Electro Purification, LLC, submitted a permit application to the Bluebonnet Groundwater Conservation District that represents Austin, Waller, Grimes and Walker counties. Fort Bend County is not a member of this district. All parties to this application including the Bluebonnet Groundwater Conservation District have agreed publicly Fort Bend County will be impacted by an affirmative conclusion of the permitting process.

Approximately 40 percent of the water subject to this application will be drawn from directly below Fort Bend County. Since the permit application seeks to drill ten, 20-inch wells into the Evangeline Aquifer and withdraw up to 20 million gallons-a-day from the aquifer underneath Fort Bend County, Fort Bend Subsidence District should have been brought in on this process. However, it is my understanding that neither the Fort Bend Subsidence District nor Fort Bend County Commissioner's Court has been asked to advise, review or comment regarding this application that could negatively impact Fort Bend County.

The City of Simonton believes further scientific study should be performed to ensure that Fort Bend County, and specifically, the City of Simonton, will not be negatively impacted by the issuance of this permit and the resulting withdrawal of tens of millions of gallons of water a day associated with such permit issuance. It is understood that Electro Purification and Bluebonnet have each provided some level of engineering data to support their own processes; however, that data is not designed or intended to serve or protect the interests of Fort Bend County, the Fort Bend Subsidence District or the City of Simonton and its residents. The City of Simonton believes that the process that is currently in the final

days of the protest and comment period fails to adequately take into account the potential negative impact to Fort Bend County and to the City of Simonton and its residents.

Although the City of Simonton has a number of concerns beyond the scope of this particular request, the issue of greatest immediate concern to Simonton residents, as indicated by the attached letter, is that any level of subsidence in our area and beneath the City of Simonton cannot be tolerated. Most of Simonton residents are already at risk for flooding because of the City of Simonton's proximity to the Brazos River and the City's Base Flood Elevation as documented by current and proposed FEMA Flood insurance rate maps, which I am sure you have available to review.

The Fort Bend Subsidence District, having been established by the will of the Legislature and signed by the Governor of the State of Texas, has an obligation to study, control and mitigate the factors which contribute to subsidence throughout Fort Bend County.

As the Mayor of the City of Simonton, I am requesting that the Fort Bend Subsidence District immediately take any actions it sees fit, including legal action to enjoin the current application process if necessary, so that the Fort Bend Subsidence District can be allowed to perform a complete review of all application documents, including, but not limited to the application by Electro Purification, all engineering data that accompanied the application, as well as the supporting data that may be in the possession of the Bluebonnet Groundwater Conservation District.

Further, to accomplish the aforementioned review and thereby confirm the accuracy of the assumptions in the current application, I request that Fort Bend Subsidence District hire an independent consulting hydrological engineering firm or an expert with equivalent credentialing, training, knowledge and ability to assess the risks to the Simonton area for 1. subsidence and 2. consider the level of risk of possible depletion of available water in both the Chicot and the Evangeline aquifers as well as other factors that the Fort Bend Subsidence District feel are necessary.

The actions I am requesting must be done so that the Fort Bend Subsidence District may be afforded time to adequately prepare a proper protest if one is deemed necessary after an independent scientific review of the application and supplemental engineering data.

Time is of the essence. March 6, 2013, is the deadline for protest and comment for this application. As the close of this period is fast approaching, I urge you to act without delay.

If you or any of your board members would like to discuss this matter with me, I am generally available at all hours of the day. I can be reached at 832-377-7203 or via email: daniel@danmcjunkin.com.

Thank you for your time and attention to this matter.

Respectfully,



Daniel McJunkin, Mayor
City of Simonton, Texas

DMJ/sp

Cc: General Land Office, State of Texas
Texas Commission of Environmental Quality
Environmental Affairs Committee, State of Texas
Rail Road Commission, State of Texas
Olson & Olson, LLP
Fort Bend County Commissioner Andy Meyers
City of Rosenberg
City of Richmond
Honorable Glenn Hegar
Honorable John Zerwas
Honorable Glen Beckendorff