

RESOLUTION DECLARING A TEMPORARY SUSPENSION BY THE LOST PINES GROUNDWATER CONSERVATION DISTRICT ON PROCESSING AND PERMITTING NEW NON-EXEMPT OPERATING AND TRANSPORT PERMIT APPLICATIONS AND SOME APPLICATIONS TO AMEND NON-EXEMPT OPERATING AND TRANSPORT PERMITS

WHEREAS, the Lost Pines Groundwater Conservation District (the “District”) was created in 1999 by Senate Bill 1911, 76th Texas Legislature, pursuant to Section 59, Article 16 of the Texas Constitution and Article 7880-3c, Texas Civil Statutes (now Chapter 36, Texas Water Code); ratified by the 77th Texas Legislature in 2001, and confirmed by voters in Bastrop and Lee Counties in November 2002;

WHEREAS, the District was created by the Legislature to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater in regard to the aquifers within the boundaries of the District;

WHEREAS, the District was also created to protect property rights, balance the conservation and development of groundwater to meet the needs of this State, and use the best available science in the conservation and development of groundwater through rules developed, adopted, and promulgated by the district;

WHEREAS, pursuant to rulemaking authority granted to the District in Tex. Water Code 36.101 and other legal authority, the District Board of Directors has adopted rules and orders designed to regulate the use of groundwater within the District’s boundaries (“Rules”); and

WHEREAS, pursuant to Texas Water Code § 36.1071, the District is mandated to adopt a comprehensive management plan that includes the District’s Desired Future Conditions (“DFCs”) for the aquifers in the District and the Texas Water Development Board’s (“TWDB”) modeled available groundwater (“MAG”) based on the DFCs;

WHEREAS, pursuant to Texas Water Code § 36.1071(f), the District must adopt rules necessary to implement the management plan;

WHEREAS, as of October 27, 2022, the Board meeting at which this Resolution was considered, the District had not received the MAGs from the TWDB;

WHEREAS, at the October 19, 2022, Board meeting, the District adopted amendments to its Management Plan’s mission, goals, objectives, and performance standards;

WHEREAS, the Board seeks a reasonable timeframe to allow the District to (i) receive the MAGs from the TWDB; (ii) evaluate the District Rules and propose amendments to the District’s Rules to incorporate the amendments to the Management Plan; (iii) determine if any legislative actions in the upcoming 88th Session of the Texas Legislature impact the District, its

rules, or its management plan; and (iv) provide recommendations to the Board to consider amendments to the District Rules;

WHEREAS, until the District's MAGs are finalized and the upcoming legislative session has ended, the District Board finds that caution should be exercised with respect to new groundwater authorized to be produced within the District;

NOW, THEREFORE, BE IT RESOLVED that, effective immediately upon adoption of this resolution through July 1, 2023, or until the end of any special session of the Texas Legislature and further resolution of this matter by the Board, whichever occurs first ("Term"), and, in order to fulfill its obligations to regulate the groundwater in the District, the District Board of Directors hereby:

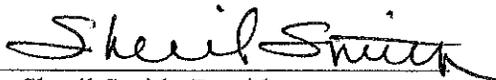
(1) directs the District, through the general manager, to cease all activities related to accepting applications for any new non-exempt operating and transport permits, and any amendments to non-exempt operating and transport permits if those amendments would result in an increase in authorized groundwater production ("Prohibited Applications"); and

(2) directs the District, through the general manager, to continue to accept, review, and process pending applications of any type already received by the District and accept, review, and process exempt well registrations, non-exempt operating permit renewals, non-exempt transport permit renewals, amendments to non-exempt permits that do not increase the authorized groundwater production amount, permit ownership transfers, and replacement wells so long as each request does not result in an increase in authorized production ("Exceptions");

(3) directs the general manager to update the Board quarterly during the Term regarding the processing of any Exceptions, as defined herein, and any TWDB and legislative updates regarding the District; and

(4) FURTHERMORE, it is the intention of the District Board of Directors that the suspension of processing Prohibited Applications only applies to the applications received on or after the effective date of this resolution and will not affect applications currently pending before the District.

PASSED, APPROVED, AND EFFECTIVE on October 27, 2022.


Sheril Smith, President

ATTEST:


Elvis Hernandez Secretary/Treasurer