

## **LOST PINES GROUNDWATER CONSERVATION DISTRICT**

### **A RESOLUTION OF THE LOST PINES GROUNDWATER CONSERVATION DISTRICT AUTHORIZING SUPPORT FOR LEGISLATIVE CHANGES RELATING TO THE PROCEDURAL RULES FOR MOTIONS FOR REHEARING**

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; and

WHEREAS, the Texas Supreme Court opined in *Edwards Aquifer Authority vs. Day* that “districts have broad statutory authority” under the Tex. Water Code § 36.101(a), whereby “A district may make and enforce rules, including rules limiting groundwater production based on tract size or the spacing of wells, to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater and to carry out the powers and duties provided by this chapter;”

WHEREAS, the District Board of Directors (“Board”) is responsible for the management of all the affairs of the district pursuant to Texas Water Code §36.057(a);

WHEREAS, the Lost Pines Groundwater Conservation District is authorized under Chapter 8849 of the Special District Local Laws Code to serve a public use and benefit where “[a]ll land and other property included in the district will benefit from the works and projects accomplished by the district”;

WHEREAS, Texas Government Code, Section 2001.146(c) provides that a state agency shall act on a motion for rehearing not later than the 55th day after the date the decision or order that is the subject of the motion is signed or the motion for rehearing is overruled by operation of law;

WHEREAS, the Third Court of Appeals opined in *End Op, L.P. and Lost Pines Groundwater Conservation District v. Meyer* that administrative appeals of Groundwater Conservation District decisions are governed by Chapter 2001 of the Government Code;

WHEREAS, procedural uniformity between the Water Code and the Government Code is in the best interest of groundwater conservation districts, as such, the Board of Directors of the Lost Pines Groundwater Conservation District hereby support the draft legislation to modify the deadline for a groundwater conservation district to act upon a motion for rehearing.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Lost Pines Groundwater Conservation District:

- 1) The District will support legislation modifying the deadline for a groundwater conservation district to act upon a motion for rehearing to be consistent with the Government Code.
- 2) A copy of this resolution shall be posted on the District's website.
- 3) The General Manager, Governance Committee, and Legislative Counsel are authorized to take any and all reasonable action necessary to implement this resolution.

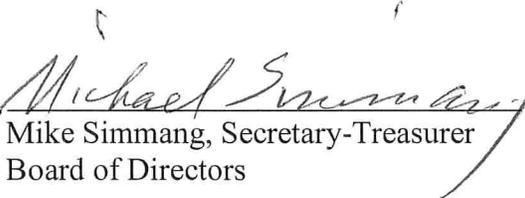
PASSED AND ADOPTED ON Jan. 15, 2025

LOST PINES GROUNDWATER CONSERVATION DISTRICT

ISSUED:

By:   
Elvis Hernandez, President  
Board of Directors

ATTEST:

By:   
Mike Simmang, Secretary-Treasurer  
Board of Directors