

# Lone Star Groundwater Conservation District

Town Hall Meetings

April 22<sup>nd</sup> – 25<sup>th</sup>, 2019



# Where We've Been...

- Lawsuit against the District began in 2015 – challenged the validity of the District's 30% reduction rule (part of the District's Regulatory Plan "DRP").
- District Judge found the Rule to be invalid and exceeding the District's authority.
- Previous board filed an appeal of the District Judge's decision.
- In November 2018, District went from 9-person appointed board to a 7-person **elected** board.
- When new board took office, they voted to end the expensive and protracted litigation.



# New Management Plan



## **GROUNDWATER MANAGEMENT PLAN**

*As adopted March 12, 2019*

### **Mission:**

- Afford opportunity for a fair share to every owner of each common reservoir.
- Adopt and enforce fair and impartial rules that allow for adjustments, if necessary, to achieve DFCs.
- Collect and share information so each stakeholder can make informed decisions for planning and constructing your water supplies.

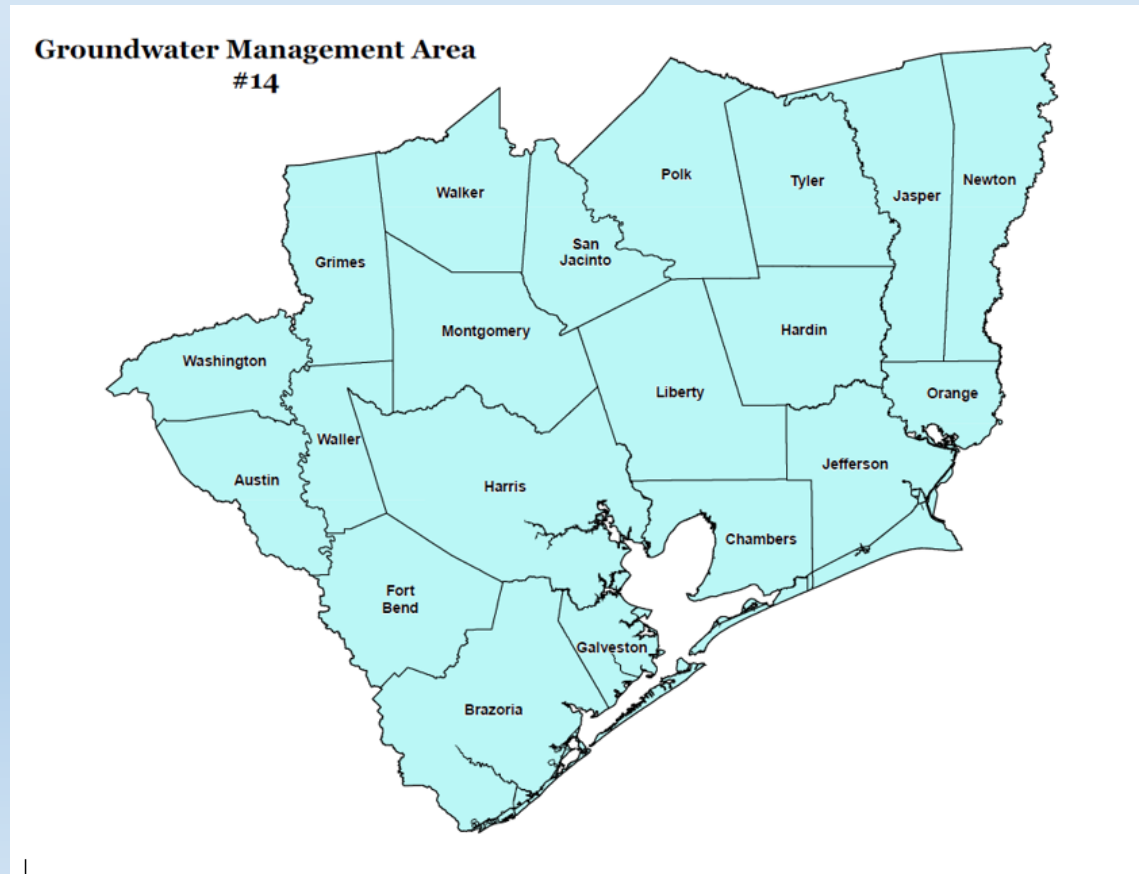
# Aquifer Management Standards

- Must be developed based on law and aquifer conditions:
  - ❖ Identify COMMON GROUNDWATER RESERVOIRS
  - ❖ Requires WHOLISTIC MANAGEMENT (across county lines)
  - ❖ Provides for FAIR AND IMPARTIAL STANDARDS
  
- These are also called Desired Future Conditions (DFCs)
  - ❖ Developed and derived in the Joint Planning Process (GMA 14)
  - ❖ Will be implemented into LSGCD Management Plan and Rules
  - ❖ GMA process defined in Chapter 36 of Texas Water Code

# GMA 14 – 3rd Round of Joint Planning

Desired Future Conditions + GAM or other tool = Modeled Available Groundwater

(9 statutory factors) (tool used by TWDB) (MAG based on DFC)



# Groundwater is Private Property Subject to Regulation

## Express Acknowledgement

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- Landowner owns groundwater as real property
- Can drill and produce without causing waste, malicious drainage or negligent subsidence
- Nothing is construed to divest ownership & rights

## Does NOT

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- Entitle landowner to capture a specific amount of water
- Prohibit a district from adopting rules for permitting, spacing & production
- Require a GCD to adopt production allocation rule

# Rulemaking

## GCD Shall

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- Consider all uses & needs
- Develop fair & impartial rules
- Consider ownership & rights
- Consider Management Plan goals
- Select method of regulation based on aquifer conditions

## GCD May

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- Regulate by well spacing
- Regulate production (quantity):
  - Limits on individual wells
  - Limits based on acreage or tract size
  - Limits for defined number of acres
  - Limits based on acre-feet per acre or gallons per min. per well per acre
  - Manage depletion or
  - Any combination of the above
- Consider service area of retail public utility when regulating based on acreage or tract size
- Preserve Historic Use or Existing Use to max extent practicable

# Contact Info



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