

LONE STAR GROUNDWATER CONSERVATION DISTRICT

Order No. 09-009

AN ORDER OF THE BOARD OF DIRECTORS OF THE LONE STAR GROUNDWATER CONSERVATION DISTRICT INSTITUTING A TEMPORARY MORATORIUM ON THE ISSUANCE OF CERTAIN PERMITS

- A. The District shall recognize this temporary moratorium prohibiting the issuance of any permit for the production of groundwater that authorizes the discharge of produced groundwater into a surface impoundment, as that term is defined by the District Rules.
- B. The District may authorize an exception to this moratorium only in instances where the applicant can demonstrate to the satisfaction of the District that:
 - 1. the inability to obtain a permit otherwise prohibited by this moratorium will interrupt a project already under development on or before August 11, 2009:
 - a. that included written engineering plans or architectural design that existed prior to that date that included a surface impoundment to be filled by groundwater, and
 - b. for which no feasible alternative exists for design of the project such that failure to grant an exemption to this moratorium would create an unreasonable economic hardship on the applicant in the Board's sole discretion; or
 - 2. the applicant proposes to impound produced groundwater:
 - a. only for purposes of accommodating a subsequent beneficial use that requires temporary discharge of the groundwater into and subsequent withdrawal of the groundwater from the surface impoundment; and
 - b. where direct application of the groundwater to the subsequent intended purpose of use, or the use of an alternative source of water, is not economically feasible.
- C. Recognizing the importance of implementing this reasonable conservation standard at a time when Montgomery County is experiencing increased pressures on limited water supplies, a trend that is only exacerbated by the current drought conditions plaguing Montgomery County and much of the state of Texas, this temporary moratorium is hereby adopted by the Board to become effective immediately.
- D. This moratorium shall be understood to apply only to the issuance of new groundwater production permits or amendments that would authorize the discharge of produced groundwater into a surface impoundment where the District had not already authorized such

activity or such activity had not already occurred in good faith prior to the adoption of this order. This moratorium should not be understood to limit or otherwise impair the ability to develop and impound alternative sources of water, including surface water and reclaimed water, for such purposes.

- E. The moratorium set forth herein will remain in effect until a subsequent order of the Board provides otherwise.

AND IT IS SO ORDERED.

PASSED AND ADOPTED on this 11th day of August, 2009.

LONE STAR GROUNDWATER CONSERVATION DISTRICT

By: _____
Richard J. Tramm, Board President

ATTEST:

Sam W. Baker, Board Secretary