RESOLUTION NO. #23-006

LONE STAR GROUNDWATER CONSERVATION DISTRICT

RESOLUTION ADOPTING TEMPORARY DROUGHT BUFFER FOR 2023

THE STATE OF TEXAS §

COUNTY OF MONTGOMERY §

WHEREAS, the Lone Star Groundwater Conservation District ("District") was created by the Legislature of the State of Texas in Acts 2001, 77th Leg., R.S., ch. 1321, p. 3246, § 1(a), as amended (the "Enabling Act"), as a groundwater conservation district operating under Chapter 36, Texas Water Code, and the Enabling Act; and

WHEREAS, pursuant to said Act, § 5(a), the District Board of Directors of the District (the "Board") has the permitting and general management powers granted under Chapter 36 of the Texas Water Code;

WHEREAS, § 36.101 of the Texas Water Code authorizes a groundwater conservation district to make and enforce rules to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence or prevent waste of groundwater and to carry out the powers and duties provided by Chapter 36 of the Texas Water Code;

WHEREAS, §36.1071 of the Texas Water Code requires the District to address drought conditions in its management plan;

WHEREAS, District Rule 4.2 of the District authorizes the Board of Directors of the District to establish by resolution a temporary drought buffer to accomplish the purposes of the District;

WHEREAS, the District staff have worked diligently to monitor the drought conditions in Montgomery County and have kept the Rules Committee and Board of Directors apprised of the ongoing drought conditions; and

WHEREAS, the entire county of Montgomery County is currently in d3 drought-extreme conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LONE STAR GROUNDWATER CONSERVATION DISTRICT AS FOLLOWS:

1. The following temporary drought buffer for all permits is hereby adopted for calendar year 2023 as follows.

    - The Annual Production Limitations for all permits is temporarily increased by 10% for calendar year 2023 (December 31, 2023); and

    - If 25% or greater of Montgomery County enters into D4 drought-exception conditions as reported by TWDB and U.S. Drought Monitor on or before the end of calendar year 2023 (December 31, 2023), the Annual Production Limitations for all permits will be temporarily increased by 15% for calendar year (December 31, 2023).

2. Any permit holder who utilizes the increased Annual Production Limitations authorized under this temporary drought buffer shall pay Water Use Fees for all amounts produced over the Annual Production Limitations.

3. Notwithstanding institution of a temporary drought buffer temporarily increasing the Annual Production Limitations for all permits for calendar year (December 31, 2023), any permit holder who exceeds the amount authorized under this temporary drought buffer shall be held in violation of District Rules.

4. The General Manager is further authorized to take any and all reasonable action necessary for the implementation of this resolution.

5. The Board of Directors of the District reserves the right to review this temporary drought buffer as needed and make changes by resolution at any time.

AND IT IS SO ORDERED.

PASSED AND ADOPTED this 28th day of August 2023.

LONE STAR GROUNDWATER CONSERVATION DISTRICT

By: _____
James Spigener, President

ATTEST:

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Janice Thigpen, Board Secretary