Exhibit "D"

NUNC PRO TUNC ORDER OF THE LONE STAR GROUNDWATER CONSERVATION DISTRICT RELATING TO PUBLICATION OF NOTICE OF HEARING UNDER THE DISTRICT'S RULES

THE STATE OF TEXAS §
§
COUNTY OF MONTGOMERY §
§
LONE STAR GROUNDWATER CONSERVATION DISTRICT §

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);

WHEREAS, pursuant to said Act, § 5 (a), the initial directors of the District have 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 the Texas Water Code;

WHEREAS, the District has published the rules as prescribed by law;

WHEREAS, the District has noticed and conducted public hearings on the rules as prescribed by law and has conducted additional hearings on the rules to solicit greater public participation and comment;

WHEREAS, on August 26, 2002, the District adopted the rules;

WHEREAS, District Rule 10.2(a)(4) requires notice of a permit hearing to be published by the applicant at least once in a newspaper of general circulation in the District, such publication date to be not less than five calendar days prior to the date of the hearing;

WHEREAS, the District has determined that the requirement in Rule 10.2(a)(4) that notice of a hearing on a permit matter be published not less than five calendar days prior to the date of the hearing, when read in context with other provisions in Rule 10.2 and 10.4, contains a typographical error and should in fact require such publication not less than ten, rather than five, days prior to the date of the hearing;

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

The requirement in Rule 10.2(a)(4) in the District Rules adopted by the District on August 26, 2002, that notice of a hearing on a permit matter be published not less than five calendar days prior to the date of the hearing shall be interpreted to require the applicant to

publish notice of a hearing permit matter not less than ten calendar days prior to the date of the hearing, and that such provision of Rule 10.2(a)(4) shall be so construed beginning on August 26, 2002, and continuing until it is amended.

AND IT IS SO ORDERED.

PASSED AND ADOPTED this 15th day of October, 2002.

LONE STAR GROUNDWATER CONSERVATION DISTRICT

By: Richard Tramm
Richard Tramm, President

ATTEST:

Paula Jean Hargis
Paula Jean Hargis, Secretary/Treasurer