RESOLUTION NO. #21-002

RESOLUTION OF THE BOARD OF DIRECTORS OF THE LONE STAR GROUNDWATER CONSERVATION DISTRICT TO EXTEND PERMIT TERMS

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

WHEREAS, the Lone Star Groundwater Conservation District ("District") was created by the Texas Legislature through the enactment of House Bill 2362, Chapter 1321, Acts of the 77th Legislature, Regular Session, 2001 (the "Act"), pursuant to the authority of Article XVI, Section 59 of the Texas Constitution, as a groundwater conservation district operating under Chapter 36 of the Texas Water Code, Section 59, Article XVI of the Texas Constitution, and the Act;

WHEREAS, the Act and Chapter 36 of the Texas Water Code assign certain duties, rights, powers, privileges, authorities, and functions to the District;

WHEREAS, Section 36.101 of the Texas Water Code authorizes the District, after notice and hearing, to adopt and enforce rules to carry out the powers and duties provided by Chapter 36 of the Texas Water Code;

WHEREAS, following publication of notice and public hearing, the District's Board of Directors ("Board") adopted amended District Rules on September 8, 2020 effective September 8, 2020 ("Effective Date");

WHEREAS, District Rule 2.11 requires the District to reissue existing Historic Use Permits and Operating Permits as soon as practicable after the Effective Date using a process similar to what the District has used for annual renewals and shall issue such permits for a perpetual term;

WHEREAS, District Rule 2.11 requires the permit to include a Maximum Allowable Pumping Rate for each well and identify the Aquifer of the District from which pumping is occurring, among other terms and conditions;

WHEREAS, the existing Historic Use Permits and Operating Permits were issued under the previously adopted rules that included a one-year permit term and were set to expire on December 31, 2020;

WHEREAS, the District Board of Directors took action at its December 8, 2020 board meeting to approve Resolution #20-010 to extend the 2020 permit terms of all 2020 permits not in enforcement and for which a 2021 renewal form was completed timely to the earlier of sixty days (60 days or March 1, 2021) or until the permit is reissued for a perpetual term;

WHEREAS, District staff have continued to work diligently to reissue existing permits not in enforcement for a perpetual term along with all other permit requirements using a process similar to what the District has used for annual renewals but have not yet completed the process for those permits where certain well data (e.g., the Maximum Allowable Pumping Rate for each well and the Aquifer of the District from which pumping is occurring) was not part of the District's records and/or has not been provided by the permit holder;

WHEREAS, to ensure those permits with well data still undetermined remain in effect and do not lapse, the Board hereby extends the terms of all 2020 permits not yet reissued and/or not in enforcement to the earlier of sixty additional days (60 days or May 1, 2021) from the date of this Resolution or until the permit is reissued for a perpetual term; and

WHEREAS, the prior resolution and this resolution do not extend the term of any permits in enforcement and/or for which a 2021 renewal form was not completed timely.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF THE LONE STAR GROUNDWATER CONSERVATION DISTRICT THAT:

1. The above recitals are true and correct;

2. The Board of Directors hereby extends the terms of all 2020 permits not yet reissued and/or not in enforcement to the earlier of sixty additional days (60 days or May 1, 2021) from the date of this Resolution or until the permit is reissued for a perpetual term;

3. The Board of Directors hereby declares that this resolution does not, nor does any prior resolution, extend the term of any permit in enforcement and/or for which a 2021 renewal form was not completed timely; and

4. The District's Board, its officers, District staff, and legal counsel are further authorized to take any and all actions necessary to implement this Resolution.

AND IT IS SO ORDERED.

PASSED AND ADOPTED on this 9th day of February 2021.

LONE STAR GROUNDWATER CONSERVATION DISTRICT

By: _____
Board President

ATTEST:

_____
Board Secretary