RESOLUTION #08-002

RESOLUTION AMENDING ADOPTED RULES FOR THE LONE STAR GROUNDWATER CONSERVATION DISTRICT AND ADOPTING PHASE II (A) OF THE DISTRICT REGULATORY PLAN AS RULE OF THE DISTRICT

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), as amended ("the Act"), as a groundwater conservation district operating under Chapter 36, Texas Water Code, and the Act;

WHEREAS, the District is charged with managing and conserving the groundwater resources of Montgomery County, and the District faces significant challenges generated by the increasing water demands of the growing population of Montgomery County;

WHEREAS, the District believes that a regulatory framework for the District which can be established through the different phases of a District Regulatory Plan is beneficial to enable the District to responsibly plan for its current and future regulatory activities.

WHEREAS, the District's Staff and Surface Water Conversion Task Force Committee worked to draft and develop the attached Phase II (A) of the District Regulatory Plan;

WHEREAS, Phase II (A) of the District Regulatory Plan, along with the District Rules, details the regulatory actions the District will take to manage the groundwater resources of Montgomery County, which includes, but not limited to, among other things that certain groundwater users in Montgomery County prepare and submit a Water Resources Assessment Plan (WRAP) that identifies future water demands, alternative water supplies to meet those demands and reduce groundwater production, cost and financing information regarding alternative water supplies, and related water supply and demand information; requiring the WRAP to be signed and sealed by a registered professional engineer in the State of Texas; providing deadlines for WRAP submission; and providing penalties, including civil penalties, for failure to timely submit a WRAP.

WHEREAS, the District is adopting Phase II (A) of the District Regulatory Plan as a rule of the District, and notice and hearing requirements set forth by Texas Water Code §36.101 have been met regarding the amendment of the District Rules, specifically the District Board provided notice of a rulemaking hearing in compliance with §36.101(d) and §36.101(e), Water Code, and with the District Rules;

WHEREAS, after considering all of the requirements of Chapter 36, Water Code, and the District Rules, the Board finds that this amendment of the District Rules is merited to support

the District's efforts to manage the groundwater located within the District, and that the amendment to the District's existing rules is supportable under Texas law.

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

1. Phase II (A) of the District Regulatory Plan, attached as Attachment "A," is hereby incorporated into this resolution and into the District Rules by reference.

2. Phase II (A) of the District Regulatory Plan is a rule of the District for all purposes.

3. The Board of Directors and/or General Manager are further authorized to take any and all action necessary to implement this resolution.

4. Phase II (A) of the District Regulatory Plan and the amendment of the District Rules are effective as of the date of adoption of this resolution by the Board of Directors.

AND IT IS SO ORDERED.

PASSED AND ADOPTED on this 12th day of February, 2008.

LONE STAR GROUNDWATER CONSERVATION DISTRICT

By: _____
Orval R. Love, President

_____
Sam W, Baker, Secretary