

**A RESOLUTION OF THE LOST PINES GROUNDWATER CONSERVATION
DISTRICT AUTHORIZING SUPPORT FOR LEGISLATIVE CHANGES RELATING
TO THE AUTHORITY OF THE LOST PINES GROUNDWATER CONSERVATION
DISTRICT**

WHEREAS, the Lost Pines Groundwater Conservation District (the “District”) was created in 1999 by Senate Bill 1911, 76th Texas Legislature, pursuant to Section 59, Article 16 of the Texas Constitution and Article 7880-3c, Texas Civil Statutes (now Chapter 36, Texas Water Code); ratified by the 77th Texas Legislature in 2001; and confirmed by voters in Bastrop and Lee counties in November 2002; and

WHEREAS, the Texas Supreme Court opined in *Edwards Aquifer Authority vs. Day* that “districts have broad statutory authority” under the Tex. Water Code § 36.101(a), whereby “A district may make and enforce rules, including rules limiting groundwater production based on tract size or the spacing of wells, to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater and to carry out the powers and duties provided by this chapter;” and

WHEREAS, the District Board of Directors (“Board”) is responsible for the management of all the affairs of the district pursuant to Tex. Water Code §36.057(a);

WHEREAS, the Lost Pines Groundwater Conservation District is authorized under Chapter 8849 of the Special District Local Laws Code to serve a public use and benefit where “[a]ll land and other property included in the district will benefit from the works and projects accomplished by the district”; and

WHEREAS, since 2010, Groundwater Management Area 12, which includes the Lost Pines Groundwater Conservation District, has adopted Desired Future Conditions (DFCs) for the Carrizo-Wilcox aquifers that allow drawdown over time in the Carrizo and the Simsboro formations, among others, within the District;

WHEREAS, some portions of the District are experiencing drawdown levels attributable to production from outside of the District resulting in impacts to some wells requiring lowering the pump for the well to remain productive;

WHEREAS, the District does not regulate production occurring outside the District which may impact the DFC drawdowns;

WHEREAS, the Lost Pines Groundwater Conservation District is authorized to assess certain fees both as regulatory tools and to pay the cost of operating the District pursuant to Tex. Spec. Dist. Code 8849.151; and

WHEREAS, the Board seeks to expand the use of fees collected and supports legislation authorizing the District to use the fees collected to support groundwater well assistance for existing wells, inside the District, experiencing adverse impacts caused by groundwater production either inside, or outside the District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Lost Pines Groundwater Conservation District:

- 1) The District will support legislation authorizing the use of fees collected to provide assistance with the impacts of declining aquifer levels.
- 2) A copy of this resolution shall be posted on the District's website.
- 3) The General Manager and Gregory M. Ellis, Legislative Counsel are authorized to take any and all reasonable action necessary to implement this resolution.

PASSED AND EFFECTIVE ON THIS 20th DAY OF JULY, 2022.

LOST PINES GROUNDWATER CONSERVATION DISTRICT

ISSUED:

By: 
Sheril Smith, President
Board of Directors

ATTEST:

By: 
Elvis Hernandez, Secretary-Treasurer
Board of Directors