



WEST HARRIS COUNTY REGIONAL WATER AUTHORITY

May 15, 2019

Mr. Jeff Walker
Executive Director
Texas Water Development Board
1700 North Congress Avenue
P.O. Box 13231
Austin, Texas 78711-3231

RE: Lone Star Groundwater Conservation District Groundwater Management Plan

Dear Mr. Walker:

On behalf of the West Harris County Regional Water Authority (the "Water Authority") I am requesting the Texas Water Development Board (the "TWDB") reject Lone Star Groundwater Conservation District's ("Lone Star") Groundwater Management Plan adopted on March 12, 2019 (the "Management Plan"), which was subsequently submitted to the TWDB for review and approval. In addition, the Water Authority requests that TWDB require Lone Star to adopt a revised management plan that includes goals and objectives consistent with achieving Lone Star's 2010 desired future conditions ("DFCs") unless and until Lone Star adopts new DFCs through the joint planning process.

Because of the Water Authority's proximity to Lone Star, Lone Star's regulation of groundwater withdrawal in Montgomery County impacts groundwater availability and subsidence in northern Harris County, including in the Water Authority. Additionally, the Water Authority is an "affected person" as defined in Section 36.1083, Texas Water Code. As a result, the Water Authority has a discernable interest in ensuring that Lone Star's Management Plan complies with the requirements of Chapter 36.

Lone Star's Management Plan fails to comply with Chapter 36, Texas Water Code because it fails to contain "goals and objectives consistent with achieving the DFCs...adopted during the joint planning process".¹ The joint planning process requires DFCs be approved by a two-thirds vote of all groundwater district representatives in the groundwater management area (the "GMS").² In addition, this joint process allows for appeal of DFCs by an "affected person" within 120 days after adoption.³

¹ Section 36.1085.

² Section 36.108(d-2), (d-4).

³ Section 36.1083.

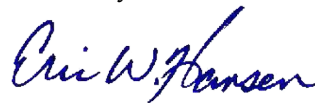
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Lone Star adopted DFCs in 2010 and attempted to adopt revised DFCs in 2016. However, certain affected persons filed timely appeals of the 2016 DFCs, which resulted in Lone Star adopting a final order declaring the DFCs “no longer reasonable.”⁴ Subsequently, Lone Star unsuccessfully attempted to convince the GMA to approve other DFCs. As a result, Lone Star argues in the Management Plan that because of the appeal of and final order regarding the 2016 DFCs and because it could not subsequently persuade the GMA to approve other Lone Star preferred DFCs that “the DFCs that apply to Lone Star remain unresolved.”⁵ To the contrary, neither the appeal of the 2016 DFCs nor the GMA declining to approve different DFCs impacts the validity of the 2010 DFCs. As a result, in order to comply with Chapter 36, Lone Star’s Management Plan must contain goals and objectives consistent with achieving the 2010 DFCs unless and until Lone Star successfully completes the joint planning process for new DFCs.

The Management Plan contains no goals or objectives consistent with achieving any DFCs. The Management Plan acknowledges its failure as such by stating that “when Lone Star and the GMA successfully adopt DFCs that are deemed reasonable, then Lone Star will update the Management Plan.”⁶ As a result, the Water Authority requests that the TWDB reject the Management Plan for its failure to comply with the requirements of Chapter 36, Texas Water Code, and require any future Lone Star management plan contain goals or objectives consistent with achieving the most recent validly-adopted DFCs, which are currently the 2010 DFCs.

Thank you for your attention to this matter.

Sincerely,



Eric Hansen
President

⁴ Management Plan, Section 7. Desired Future Conditions & Modeled Available Groundwater (pg. 10).

⁵ *Id.*

⁶ *Id.*