

LOST PINES GROUNDWATER CONSERVATION DISTRICT
AN ORDER ADOPTING A FINAL DECISION AND FINDINGS OF FACT AND
CONCLUSIONS OF LAW
ON THE REHEARING ON LOWER COLORADO RIVER AUTHORITY'S
APPLICATIONS FOR OPERATING AND TRANSPORT PERMITS

WHEREAS, on February 1, 2018, Lower Colorado River Authority filed applications for Operating Permits and Transport Permits with the Lost Pines Groundwater Conservation District (the "District") for eight wells in Bastrop County, Texas, seeking authorization to withdraw an aggregate of 25,000 acre-feet per year from the Simsboro Formation (the "Applications"), and on February 21, 2018, the Applications were resubmitted on different forms;

WHEREAS, on September 26, 2018, the District held a public hearing on the Applications and referred the Applications and contested case hearing requests to the State Office of Administrative Hearings (SOAH);

WHEREAS, the contested case hearing on the merits on the Applications was held October 15-22, 2019 before SOAH and briefing followed;

WHEREAS, on January 28, 2021, and July 14, 2021 the District conducted a final hearing on SOAH's Proposal for Decision (PFD);

WHEREAS, on October 12, 2021, the Board of Directors of the District (the "Board") considered the PFD and voted to grant the permits with modifications to the PFD;

WHEREAS, the Board voted, at its November 8, 2021 meeting, to approve the Final Decision with findings of fact and conclusions of law and issue to LCRA the Operating and Transport Permits for Well No. 58-55-5-0032, Well No. 58-55-5-0032, Well No. 58-55-4-0016, Well No. 58-55-4-0017, Well No. 58-55-4-0018, Well No. 58-55-4-0019, Well No. 58-55-4-0020, Well No. 58-55-4-0021 and Well No. 58-55-5-0032 (the "Permitted Wells");

WHEREAS, on November 22, 2021, LCRA filed a Motion for Rehearing (the "Motion") alleging nine points of error on the District's November 8, 2021 Final Decision on the Permitted Wells;

WHEREAS, on February 16, 2022, the Board granted LCRA's request for a rehearing on the Final Decision and directed District Staff to schedule the rehearing;

WHEREAS, the Board requested written briefing from the parties to the contested case on the points of error raised in the Motion with a briefing schedule that closed on March 25, 2022;

WHEREAS, at the Rehearing on April 4, 2022, the Board heard arguments from the parties to the contested case proceeding on the points of error raised in the Motion;


WHEREAS, at its May 18, 2022 board meeting, the Board considered the briefs submitted by the parties, the arguments made at the Rehearing, Chapter 36 of the Texas Water Code, the

District's Rules, and Board counsel's document explaining the difference between the Final Decision and the SOAH ALJs' PFD, and found that the authorizations for the Permitted Wells should be reissued as they appear in Exhibit A attached;

NOW THEREFORE, the Board APPROVES and ADOPTS the attached Final Decision with findings of fact and conclusions of law and ISSUES the associated Operating and Transport Permits for the Permitted Wells as shown in Exhibit A.

PASSED AND EFFECTIVE, this 18th day of May, 2022.

LOST PINES GROUNDWATER
CONSERVATION DISTRICT

By: 
Sheril Smith, President
Board of Directors

ATTEST:

By: 
Elvis Hernandez, Secretary-Treasurer
Board of Directors