

RESOLUTION TO PROPOSE FOR ADOPTION DESIRED FUTURE CONDITIONS FOR RELEVANT AQUIFERS IN GROUNDWATER MANAGEMENT AREA 8

THE STATE OF TEXAS §
GROUNDWATER MANAGEMENT AREA 8 §
GROUNDWATER CONSERVATION DISTRICTS §

WHEREAS, Section 36.108 of the Texas Water Code requires groundwater conservation districts located entirely or partially within a groundwater management area designated by the Texas Water Development Board (“TWDB”) to propose for adoption desired future conditions (“DFCs”) for the relevant aquifers within each groundwater management area by May 1, 2021, and every five years thereafter;

WHEREAS, House Bill 2215 passed by the 85th Texas Legislature in 2017 provides that the statutory deadline for a GMA to vote on a proposal for the adoption of DFCs under Section 36.108(d) of the Texas Water Code is May 1, 2021, and requires the DFCs to thereafter be approved by resolution of the GMA not later than January 5, 2022;

WHEREAS, the groundwater conservation districts located entirely or partially within Groundwater Management Area 8 (“GMA 8”) as of the date of this resolution are as follows: Central Texas Groundwater Conservation District, Clearwater Underground Water Conservation District, Middle Trinity Groundwater Conservation District, North Texas Groundwater Conservation District, Northern Trinity Groundwater Conservation District, Post Oak Savannah Groundwater Conservation District, Prairielands Groundwater Conservation District, Red River Groundwater Conservation District, Saratoga Underground Water Conservation District, Southern Trinity Groundwater Conservation District, and Upper Trinity Groundwater Conservation District (collectively referenced hereinafter as “GMA 8 Districts”);

WHEREAS, the GMA 8 Districts are each governmental agencies and bodies politic and corporate operating pursuant to Chapter 36 of the Texas Water Code and their specific enabling statutes;

WHEREAS, the GMA 8 Districts each desire to fulfill the requirements of Section 36.108 of the Texas Water Code through mutual cooperation and joint planning efforts;

WHEREAS, the GMA 8 Districts last adopted DFCs for the relevant aquifers within GMA 8 on January 31, 2017;

WHEREAS, the GMA 8 Districts held meetings on July 26, 2019, November 22, 2019, February 26, 2020, May 15, 2020, August 7, 2020, and October 27, 2020 in order to comply with and publicly consider all nine factors listed in Section 36.108(d) of the Texas Water Code;

WHEREAS, the GMA 8 Districts used the best available scientific and hydrogeological data to establish the proposed DFCs;

WHEREAS, the GMA 8 Districts considered multiple model runs to establish the proposed DFCs;

WHEREAS, the GMA 8 Districts considered all of the nine (9) statutory factors set forth in Section 36.108(d) of the Texas Water Code before voting to propose the DFCs for the relevant aquifers in GMA 8, including:

- aquifer uses or conditions within the management area, including conditions that differ substantially from one geographic area to another;
- the water supply needs and water management strategies included in the state water plan;
- hydrological conditions, including for each aquifer in the management area the total estimated recoverable storage as provided by the TWDB executive administrator, and the average annual recharge, inflows, and discharge;
- other environmental impacts, including impacts on spring flow and other interactions between groundwater and surface water;
- the impact on subsidence;
- socioeconomic impacts reasonably expected to occur;
- the impact on the interests and rights in private property, including ownership and the rights of management area landowners and their lessees and assigns in groundwater as recognized under Section 36.002 of the Texas Water Code;
- the feasibility of achieving the desired future condition; and
- any other information relevant to the specific desired future conditions;

WHEREAS, the GMA 8 Districts considered groundwater availability models and other data or information for GMA 8 as required by Section 36.108(d) of the Texas Water Code;

WHEREAS, the DFCs proposed by the GMA 8 Districts provide a balance between the highest practicable level of groundwater production and the conservation, preservation, protection, recharging, and prevention of waste of groundwater and control of subsidence in the management area pursuant to Section 36.108(d-2) of the Texas Water Code;

WHEREAS, the GMA 8 Districts will document in the explanatory report required under Section 36.108(d-3) of the Texas Water Code all consideration of the factors and criteria required for proposing DFCs for adoption under Section 36.108 of the Texas Water Code;

WHEREAS, representatives of the GMA 8 Districts convened for a meeting to take up and consider proposing for adoption the DFCs for all relevant aquifers within GMA8, which was open to the public, this day, the 27th day of October, 2020, at 10:00 a.m. and held through a

virtual meeting method authorized by the Governor's March 16, 2020 order on conducting open meetings during the COVID-19 pandemic;

WHEREAS, with voting representatives in attendance from at least two-thirds (2/3) of the GMA 8 Districts, the notice and meeting requirements set forth by Sections 36.108(e) of the Texas Water Code have been met regarding this October 27, 2020 meeting, and a true and correct copy of each of the notices required under Section 36.108(e) is included as Attachment "A" to this resolution, which is fully incorporated herein for all purposes;

WHEREAS, the GMA 8 Districts have adopted administrative procedures for the consideration, proposal, and adoption of DFCs, and the GMA 8 Districts find that the DFCs proposed by this resolution were considered and proposed in compliance with the requirements of those administrative procedures in all respects;

WHEREAS, the GMA 8 Districts find therefore that the notice and meeting requirements to take up, consider, and propose for adoption the proposed DFCs for all relevant aquifers within GMA 8 have been and are satisfied;

WHEREAS, the DFCs proposed by this resolution will be distributed by mail to the GMA 8 Districts, initiating a 90-day public comment period by which each district in GMA 8 must hold a public hearing on the DFCs proposed that are relevant to that district pursuant to Section 36.108(d-2) of the Texas Water Code;

WHEREAS, each district within GMA 8 will thereafter compile a written summary of relevant comments received at the public hearing held by the district, any suggested revisions to the proposed DFCs, and the basis for any such revisions, and will submit its summary report electronically to the GMA 8 Districts, and the GMA 8 district representatives shall reconvene to review the reports, consider any suggested revisions to the proposed DFCs, and finally adopt the DFCs for GMA 8;

WHEREAS, it is the intent and purpose of the GMA 8 Districts by adoption of this resolution to fulfill the DFC proposal requirements of Section 36.108 of the Texas Water Code; and

WHEREAS, the GMA 8 Districts find that the proposed DFCs for adoption in GMA 8 are in each instance merited and necessary to support the management of groundwater resources within the boundaries of the GMA 8 Districts in a manner consistent with the requirements of Chapter 36, Texas Water Code.

NOW, THEREFORE, BE IT RESOLVED BY THE REPRESENTATIVES OF THE GROUNDWATER CONSERVATION DISTRICTS WITHIN GROUNDWATER MANAGEMENT AREA 8:

- 1) Each of the affirmations and recitals set forth above are true and correct and fully incorporated into this resolution.

- 2) No less than two-thirds (2/3) of the authorized voting representatives of the GMA 8 Districts hereby propose the desired future conditions for the relevant aquifers within GMA 8 as those set forth in Attachment "B" to this resolution, which is fully incorporated herein for all purposes.
- 3) The GMA 8 Districts and their agents and representatives, individually and collectively, are further authorized to take any and all actions necessary to implement this resolution, including but not limited to the additional actions required for adoption of the desired future conditions in accordance with Section 36.108 of the Texas Water Code.

AND IT IS SO ORDERED.

PASSED AND ADOPTED on this 27th day of October, 2020.

Replace this page with individual District signed
signature pages

ATTEST:

Central Texas Groundwater Conservation District

Clearwater Underground Water Conservation District

Middle Trinity Groundwater Conservation District

North Texas Groundwater Conservation District

Northern Trinity Groundwater Conservation District

Post Oak Savannah Groundwater Conservation District

Prairielands Groundwater Conservation District

Red River Groundwater Conservation District

Saratoga Underground Water Conservation District

Southern Trinity Groundwater Conservation District

Upper Trinity Groundwater Conservation District

ATTACHMENT A

**NOTICE OF OCTOBER 27, 2020 GMA 8 MEETING
PROVIDED BY EACH OF THE GMA 8 DISTRICTS**

ATTACHMENT B

DESIRED FUTURE CONDITIONS PROPOSED FOR ADOPTION