



Lost Pines Groundwater Conservation District  
908 NE Loop 230  
Post Office Box 1027  
Smithville, TX 78957  
Tax ID Number 74-2955722

512-360-5088  
FAX: 512-360-5448  
Email: [lpgcd@lostpineswater.org](mailto:lpgcd@lostpineswater.org)  
Web Site: [www.lostpineswater.org](http://www.lostpineswater.org)

**James Totten, General Manager**

Comments from the LPGCD Board of Directors to GMA 12 regarding the process for developing Desired Future Conditions.

As a starting principle consider that the development of Desired Future Conditions (DFC) for the aquifers within Groundwater Management Area (GMA) 12 should recognize the responsibility to maintain aquifers in a sustainable manner in perpetuity. The sustainable management of the groundwater resources within GMA 12 is directly related to the ecological health of the region and its terrestrial and aquatic habitats. Additionally, the impacts of permitted pumping on artesian pressure and the impacts of diminished artesian pressure on both private property rights and the local economy should be considered as part of the sustained health of counties within the GMA. Based on these principles the Board of Directors of the Lost Pines Groundwater Conservation District (LPGCD) submits the following comments regarding the process and procedures used by GMA 12 in the development of DFCs. These comments are submitted by the District Board's Management Committee at the direction of the Board at its August 17, 2022 Board meeting.

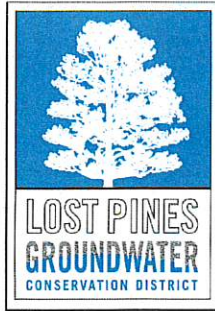
*Process:*

The Board of Directors of the Lost Pines Groundwater Conservation District would like to see a more balanced consideration of the nine factors that are required by Chapter 36 of the state water code. Specifically, the Board feels that factors regarding surface water interactions with groundwater, socio-economic impacts, and private property rights with regard to groundwater ownership and takings are in need of more consideration in the current planning cycle. Specifically:

1. Recognize that preserving spring flows and groundwater / surface water interactions are necessary to preserve the water resources within GMA 12, and adopt DFCs that do so.
2. Recognize and elaborate the socioeconomic impacts to be expected within the Districts as the primary way to consider Factor 6 in planning future DFCs. This will likely require more in-depth research and funding for socioeconomic impacts to local communities.
3. Take as imperative the fact that groundwater is a vested private property right, and that the regulatory "taking" of groundwater violates this right.

Board of Directors

Sheril Smith President, Kay Rogers Vice-President, Elvis Hernandez Secretary-Treasurer  
Thomas Arsuffi, Melissa Cole, Herbert Cook, Phil Cook, Larry Schatte, Billy Sherrill, Michael Simmang



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Regarding the definitions of terms found in chapter 36.108, “shall consider” should be defined to mean that equal importance and weight should be given to each of the nine criteria considered. Similarly, the interpretations of reasonable and its derivatives when applied to such criteria should not be limited to evaluation within the fifty-year planning horizon but should be viewed through the balancing directives to conserve, preserve and maintain the aquifers within the District in perpetuity.

Additionally, the LPGCD Board strongly encourages the member Districts of the GMA to develop a consensus regarding the critical assumptions used in the planning process. Specifically the role that computer modeling can and should play in the planning process. The LPGCD Board of Directors feels that the DFC process has become overly reliant on the use of the GAM for developing DFCs rather than as a tool for evaluating proposed DFCs and ensuring feasibility of the DFCs between Districts. If the use of outside mediation would help advance those discussions and lead to a resolution of this question then the District would support that process.

*Procedure:*

The LPGCD Board of Directors has tracked the expenses associated with the development of DFCs for the GMA during the last planning cycle and is concerned about the lack of formal planning for cost sharing and distribution of labor for the upcoming planning cycle. This issue is further highlighted by the costs of creating a shared database for groundwater data within the GMA. The LPGCD Board would like to suggest that GMA 12 develop a series of interlocal agreements (ILA) and resolutions that specifically address cost sharing and labor distribution between the Districts in the GMA not only for the current planning cycle but for future planning cycles as well. These ILAs and resolutions could then be considered and hopefully approved by the Boards of Directors of the member districts to provide better financial guidance to the representatives and consultant who are engaged in the development of the DFCs on behalf of the member Districts.

Along with formalizing the details of cost and labor sharing the LPGCD Board of Directors would recommend developing formal bylaws, or some other governing document, incorporating the requirements of chapter 36, as well establishing procedures governing voting, planning and scheduling of meetings and speaker and other activities necessary to the efficient conducting of GMA 12 business. Subject to statutory authority, among the bylaws governing voting LPGCD would like to see provisions to allow for voting on DFCs for each formation individually on a

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simple majority vote before developing a formal resolution which would require a two thirds majority for adoption per Chapter 36. Additionally, the District would request that bylaws be enacted such that member Districts are formally recused from initial voting on DFCs for formations and aquifers that are non- relevant in their District.

The Lost Pines Groundwater Conservation District Board of Director's thanks you for the opportunity to supply these comments and appreciates your consideration.

  
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Sheril Smith, President

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