

**RESOLUTION DECLARING A TEMPORARY MORATORIUM OF THE
BANDERA COUNTY RIVER AUTHORITY AND GROUNDWATER
DISTRICT ON PROCESSING NEW NON-EXEMPT PERMIT
APPLICATIONS AND SOME APPLICATIONS TO AMEND NON-EXEMPT
PERMITS**

WHEREAS, the Bandera County River Authority and Groundwater District (the “District”) was created by the Texas Legislature by Chapter 629, Acts of the 62nd Legislature, Regular Session, 1971 as the “Bandera County River Authority.” It was then merged with the newly created Springhills Water Management District by Chapter 654, Acts of the 71st Legislature, Regular Session, 1989, and then renamed the Bandera County River Authority and Groundwater District in 2003 (Enabling Act codified at Chapter 8850, Special District Local Laws Code);

WHEREAS, the District was created by the Legislature to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater regarding the aquifers within the boundaries of the District;

WHEREAS, the District was also created to protect property rights, balance the conservation and development of groundwater to meet the needs of this State, and use the best available science in the conservation and development of groundwater through rules developed, adopted, and promulgated by the District;

WHEREAS, pursuant to rulemaking authority granted to the District in Tex. Water Code 36.101 and other legal authority, the Board of Directors has adopted rules and orders designed to regulate the use of groundwater within the District’s boundaries (“Rules”);

WHEREAS, Bandera County is currently suffering through a severe to extreme drought;

WHEREAS, drought conditions compound groundwater conditions by both reducing recharge and, thereby, the available supply and increasing demand for that limited supply;

WHEREAS, processing applications for new permits or amendments to increase existing permits during this drought will further complicate an already dire situation.

NOW, THEREFORE, BE IT RESOLVED that effective immediately upon adoption of this resolution until lifted by action of the Board, in order to fulfill its obligations to regulate the groundwater in the District, the Board of Directors hereby:

(1) directs the District, through the General Manager, to cease all activities related to accepting applications for any new non-exempt permits and any amendments to non-exempt permits if those amendments would result in an increase in authorized groundwater production (“Prohibited Applications”); and

(2) directs the District, through the General Manager, to continue to accept, review and process pending applications of any type already received by the District, including previously drilled test wells as part of the permitting process and projects with water availability studies underway (even if an application is not yet filed), that the District has been notified of prior to enacting the moratorium and accept, review, and process exempt well registrations, non-exempt permit renewals, amendments to non-exempt permits that do not increase the authorized groundwater production amount, permit ownership transfers, and replacement wells so long as each request does not result in an increase in authorized production (“Exceptions”);

(3) directs the General Manager to accept and process applications to permit wells existing prior to the adoption of this resolution, that require a permit under the District rules;

(4) directs the General Manager to update the Board quarterly regarding the processing of any Exceptions; and

(5) directs the General Manager to update the Board on drought conditions and make recommendations on when to repeal this resolution.

(6) FURTHERMORE, the Board of Directors intends that the moratorium on Prohibited Applications only applies to applications received on or after the effective date of this resolution and will not affect applications currently pending before the District.

PASSED, APPROVED, AND EFFECTIVE on August 15, 2024.



Don Sloan, President

ATTEST:



Ernest DeWinne, Secretary/Treasurer