

RESOLUTION AND ORDER NO.2026-001

OF THE NECHES AND TRINITY VALLEYS GROUNDWATER CONSERVATION DISTRICT DECLARING A TEMPORARY MORATORIUM ON PROCESSING AND PERMITTING NEW NON-EXEMPT DRILLING, OPERATING, AND TRANSFER/TRANSPORT PERMIT APPLICATIONS

WHEREAS, the Neches and Trinity Valleys Groundwater Conservation District (“District”) was created by Acts of May 28, 2001, 77th Leg, Chapter 1387 (S.B. 1821), now codified in Texas Special District Local Laws Code Chapter 8863, pursuant to Article 16, Section 59, of the Texas Constitution, and Chapter 36, Texas Water Code;

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

WHEREAS, the District is 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 Texas Water Code Section 36.101 and other legal authority, the District’s Board of Directors (“Board”) has adopted rules (“Rules”) and orders designed to regulate the use of groundwater within the District’s boundaries;

WHEREAS, pursuant to Texas Water Code § 36.1071, the District is mandated to adopt a comprehensive management plan that includes the District’s desired future conditions (“DFCs”) for the aquifers in the District and the Texas Water Development Board’s (“TWDB”) modeled available groundwater (“MAG”) based on those DFCs and to adopt rules necessary to implement its management plan;

WHEREAS, during the 89th Texas Legislature, amendments to Chapter 36, Texas Water Code were adopted requiring amendments to the Rules; and

WHEREAS, the Board seeks a reasonable timeframe to allow the District to evaluate the Rules and propose amendments to the Rules to comply with Chapter 36, Texas Water Code and to make other amendments as necessary or appropriate to the regulations and procedures embodied in the Rules in order to accomplish the purposes of the District to manage groundwater within its jurisdiction.

NOW, THEREFORE, BE IT RESOLVED that, effective immediately upon adoption of this resolution through October 1, 2026, or until final adoption of amendments to the Rules are approved by the Board, whichever occurs later, and in order to fulfill its obligations to regulate groundwater in the District, the Board hereby:

(1) directs the District, through its general manager, to cease all activities related to accepting applications for any new non-exempt drilling, operating, and transfer/transport permits, or any amendments to such permits if those amendments would result in an increase in authorized groundwater production, except as provided below; and

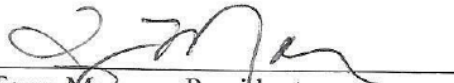
(2) directs the District, through its general manager, to continue to accept, review, and process pending administratively complete applications of any type already received by the District, and to accept, review, and process exempt well registrations, non-exempt operating permit renewals, non-exempt transport 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; and

(3) directs the general manager to update the Board quarterly regarding processing of any applications excepted from this moratorium, and any TWDB and legislative directives or updates relevant to the District; and


(4) notwithstanding the above, directs the District, through its general manager, to continue to accept an application from an existing operating permit holder to drill a replacement well for an existing permitted well only under the condition that the production capacity of the new well does not exceed the authorized production capacity of the well being replaced and the application does not seek to increase the authorized groundwater production under the current permit.

BE IT FURTHER RESOLVED, it is the intention of the Board that this moratorium only applies to applications received on or after the effective date of this resolution and will not affect administratively complete applications currently pending before the District.

PASSED, APPROVED, AND EFFECTIVE on May 21, 2026.


Terry Morrow, President

ATTEST:


Randall Chandler, Secretary