

TEXAS WATER DEVELOPMENT BOARD



AN INTERIM ORDER concerning the interregional conflict between the 2011 North Central Texas Regional Planning Area Regional Water Plan and the 2011 North East Texas Regional Planning Area Regional Water Plan in accordance with Texas Water Code § 16.053.

On August 7, 2014, the Texas Water Development Board (Board) considered the interregional conflict between the 2011 North Central Texas Regional Planning Area (Region C) Regional Water Plan and the 2011 North East Texas Regional Planning Area (Region D) Regional Water Plan.

After considering the oral argument of the parties and the filings in this matter, the Board determined that there was inadequate analysis and quantification of the impact of the Marvin Nichols Reservoir Water Management Strategy on the agricultural and natural resources of Region D and the State.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS WATER DEVELOPMENT BOARD that:

1. Region C is directed to conduct an analysis and quantification of the impacts of the Marvin Nichols Reservoir Water Management Strategy on the agriculture and natural resources of Region D and the State, pursuant to Sections 16.051 and 16.053 of the Texas Water Code and Chapters 357 and 358 of Board rules. Region C should submit this analysis and quantification to the Board by November 3, 2014. Upon receipt of the analysis and quantification, the Executive Administrator and Region D will be given the opportunity to submit a written response to the submission, and the matter will be scheduled for Board consideration. If no submittal is received by the Board on or before November 3, 2014, this matter will set for a Board Meeting to direct the Regions to revise

their regional water plans reflecting the removal of the Marvin Nichols Reservoir Water Management Strategy from the 2011 Region C Plan, without prejudice.

2. The Executive Administrator is directed to undertake an examination of current rules and guidance pertaining to the development of regional water plans, and identify any opportunities for: ensuring that future regional and state water planning efforts include all statutorily-required analyses; and defining “interregional conflict” in a manner that is consistent with the ruling of the 11th Court of Appeals in *Texas Water Development Board vs. Ward Timber, Ltd.*, 411 S.W.3d 554 (Tex. App.-Eastland 2013, no pet.).
3. The Region C and Region D regional water planning groups are encouraged to continue to participate in the Sulphur River Basin Study.

Issue Date: August 8, 2014

TEXAS WATER DEVELOPMENT BOARD



Carlos Rubinstein, Chairman