

LANDOWNER APPEAL OF DENIAL OF PARTY STATUS

(Prepared for the public by Environmental Stewardship and Neighbors for Neighbors)¹

Three individual landowners and Environmental Stewardship (collectively, Landowners) have filed an appeal in State District Court in Bastrop. They are asking State Judge Carson Campbell to reverse state Administrative Law Judge Michael O'Malley's denial of standing to the Landowners to participate in the End Op contested case hearing. The Landowners seek to have another formal contested case hearing before Judge O'Malley to protest the negative effects of End Op's proposed pumping of 46,000 ac-ft per year on their (groundwater) property rights.

If that hearing were held, the Landowners' cases would not be restricted or limited by AQUA and End Op's settlement agreement. The Landowners would dispute End Op's evidence on which O'Malley based his recommendation that Lost Pines grant the full 46,000 ac-ft permit. His denial of party status to Landowners and the issues that would come before him in such a hearing are very important and would affect *all landowners' private property rights in their groundwater*.

Environmental Stewardship (ES), a Bastrop-based, 501(c)(3) organization, has been in the forefront of keeping the public informed about actions taken by the District. Its *primary* mission is to advocate for the conservation and protection of our state's surface waters, especially the Colorado River, and our groundwater. ES actively participates in the regional DFC process in Groundwater Management Area 12, which includes the Lost Pines District, to assure that the critical connection between our groundwater and our surface waters --- and the dependence of our rivers on groundwater to supplement their flow --- is recognized and integrated into the "desired future conditions" process. The amount of groundwater production directly affects the health of our rivers. Over-pumping risks turning a "gaining" river into a "losing" river with many environmental, economic and social impacts.

In response to the appeal, as well as the groundwater and property rights issues facing our counties, several Lee and Bastrop county landowners formed the **Lost Pines Water Defense Fund (LPWDF)**, a non-profit corporation which intends to seek 501(c)(3) status. Environmental Stewardship and LPWDF are each conducting fundraising to assist defraying Environmental Stewardship's and the other Landowners' respective costs in carrying a combined appeal of the End Op decision.

¹ This information sheet was prepared as a public service by the two organizations and is not guaranteed for accuracy.

Donations to ES are also encouraged to assist its important work of assuring the sustainability of our water resources. Donations to LPWDF will enable LPWDF to continue its mission of protecting *all* landowners' private property rights concerning their groundwater. Neighbors for Neighbors, a local 501(c)(3) non-profit organization, has agreed to accept contributions for the benefit of LPWDF, pending confirmation of LPWDF's 501(c)(3) status.

When you support your neighbors, you support the rights of all landowners!

For more information contact: Environmental Stewardship, Steve Box, Executive Director, 512-300-6609, Steve.Box@att.net or Neighbors for Neighbors, Michele Gangnes, Vice President, 512-461-3179, mggangnes@aol.com