DFC APPEALS

WHAT NOW?



DAYS OF FUTURE PAST

THE 2010 DISCUSSION OF THE TWDB ROLE IN DFC'S

TWDB'S ROLE IN THE APPEAL OF DESIRED FUTURE CONDITIONS

Adventures in Neverland



WHAT ~~IS~~ WAS THE ROLE?

- TWDB created 16 "GMAs" encompassing the major aquifers
- 96 GCDs, not one of which encompasses a major aquifer
- No coordination between GCDs
- § 36.108 passed to require coordination

PRIOR DFC APPEALS

- Was not a contested case hearing—by rule
- Was not litigation
- Was not an adjudicative hearing
- Did not determine the legal rights, duties or privileges of a party
- Did not invoke the substantial evidence rule in any subsequent suit challenging the DFC

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Hot Topics in Water Law: Amenity Ponds, Prior Appropriation, Desired Future Conditions and the Bush Report

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2016 Texas Water Law Institute session
"Desired Future Conditions: Will Process Changes Increase Accountability?"