



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



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: DFC Appeals: What Now?

Also available as part of the eCourse
[2016 Texas Water Law eConference](#)

First appeared as part of the conference materials for the
2016 Texas Water Law Institute session

"Desired Future Conditions: Will Process Changes Increase Accountability?"