

Flower Mound \* Highland Village \* Lewisville

## Depositions begin in lake battle

FLOWER MOUND, UPPER TRINITY STILL DIFFER ON VIEWS OF NECESSITY

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Key players in the dispute over the need for Lake Ralph Hall began giving their testimony last week.

Lake Ralph Hall, which is proposed to be located near Ladonia in Fannin County, has been a point of contention between the Upper Trinity Regional Water District and the town of Flower Mound for years.

Upper Trinity officials say the lake is needed to address the region's future water needs. Flower Mound officials claim there are less expensive ways to address that need for now.

### Lake Ralph Hall

- Located near Ladonia, Texas
- Expected to provide 30 million gallons of water per day

Depositions began last week and continued this week involving members of Flower Mound's town staff. Next week, Flower Mound's expert witnesses will be deposed. Upper Trinity staff and experts were deposed at the end of September.

During this process, each side is looking to find out what the other side may ask during

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the contested hearing, which is set to take place Jan. 15-25 in Austin.

Following the depositions, the town staff will provide written testimony, which is due Nov. 16. Upper Trinity also provided written testimony at the end of September.

The two sides will then discuss the validity of the written statements, with attorneys filing various motions to see if the Administrative Law Judge Thomas Walston will permit certain arguments.

Walston will decide whether or not to recommend to the Texas Commission on Environmental Quality (TCEQ) that a permit can be issued for the construction of the 30-million-gallon-per-day (mgd) lake.

A three-member TCEQ commission will consider the judge's proposal for a decision, but the commission typically doesn't reject the recommendation unless TCEQ's rules and policies are not properly applied in the judge's decision-making process. The commission's decision can be appealed to the Travis County District Court.

While the lake would be about 90 miles from Flower Mound, the town has an interest in the project since it is part of the 25-member Upper Trinity district, which has pushed for the lake for nearly a decade. Lewisville and Highland Village are also members of the district.

In addition to the 30 mgds, Lake Ralph Hall is also expected to provide 15 mgds of reuse to the Upper Trinity, Fannin County and Ladonia.

Officials at Upper Trinity, a district established to address the area's water supply needs, said the lake is crucial for providing enough water for the region.

## Lake: DEPOSITIONS CONTINUE ON LAKE RALPH HALL

Upper Trinity members point to the year 2060, which is when Upper Trinity is expected to have a water shortfall of 58.5 mgd.

"It's an awesome responsibility to plan 50 years ahead for water supply," said Tom Taylor, executive director for Upper Trinity. "We have persistent drought conditions, and that is motivating us to not lose sight of our responsibility."

Taylor said Denton County's growth is expected to double by 2040.

"We're encouraged by everything we're learning through the discovery and deposition process," Taylor said. "And we're encouraged by the expression of support that we've received."

Taylor said North Central Texas Council of Governments (NCTCOG) and the Regional Planning Process (Region C) has supported this permit.

Flower Mound has opposed the lake's construction, citing several concerns such as the district's financial stability. Taylor said the district's finances are sound.

Town officials have also questioned the growth statistics Upper Trinity has used to justify the lake. They contend that Upper Trinity has a history of building too much too quickly.

The cost for the lake, which will likely be comparative in size to Grapevine Lake, is expected to be \$270 million. Flower Mound officials are concerned since the town would bare the brunt of the debt service. Flower Mound is Upper Trinity's largest customer at 42 percent.

Town officials have said Flower Mound's water rates increase with Upper Trinity projects since the town is the largest customer.

"We're not against the lake, but the timing for it just isn't right," said Ken Parr, the town's director of public works. "We feel like it should be built later because there are other options that are more cost effective."

Parr also said the town would likely not receive very much of the water from the lake.

Because of the opposition, the project has been on hold even though TCEQ is ready to move forward.

On April 18, Walston ruled during a preliminary contested case hearing that Flower Mound, two environmental groups — The National Wildlife Federation and the Texas Conservative Alliance — and six property owners, whose land will be impacted by the lake, can participate in the protest.

Taylor questions Flower Mound's opposition to the lake, saying the town was part of the agreement years ago. He said the town chose to purchase extra water in 2000 from Upper Trinity instead of Dallas Water Utilities, which the town also gets water from. He said the town purchased more water than it needed, and that that's the reason for Flower Mound's increased water rates.

Various town councils in Flower Mound have supported the town's opposition to the lake, and on April 18, 2011, the council passed a resolution to reaffirm a request for a contested case hearing with TCEQ regarding the lake.

But the opposition hasn't been cheap. According to Flower Mound officials, the town's legal fees associated with this opposition has reached more than \$32,000 over the last six years.

Taylor said the town will also likely pay half of the legal fees Upper Trinity incurs.