

**Facts, perseverance, and reasonable patience.....**

I want to start by thanking all Lake Conroe residents and LCA members for their words of encouragement and their donations to support our efforts to stop the seasonal lake lowering program (SLLP). I also want to assure you that despite an initial setback in Court, as often happens in legal proceedings, we will continue to press for the opportunity to present the facts about the enormous waste of valuable water, the violations of water rights permits, and the fact that the SLLP provides no beneficial purpose.

The LCA has retained two attorneys. Erich Birch is a well-recognized and resourceful environmental attorney with experience addressing water rights law issues and the regulatory responsibilities of the Texas Commission on Environmental Quality (TCEQ) and the legal responsibilities of entities that hold water rights like the City of Houston (CoH) and the San Jacinto River Authority (SJRA). Erich is joined by Dave Ward, a veteran litigator who is very familiar with and experienced in Montgomery County Courts and with the heart of our legal claims of damages, negligence, and "takings" of property rights.

Regarding the status of the case, our attorneys say: "LCA and its lawyers believe we have standing to stop the seasonal lake lowering and that sovereign immunity does not insulate City of Houston or SJRA from their actions." Our next scheduled court date is May 7, at which time the Court will consider SJRA's claims of sovereign immunity and its request to dismiss LCA claims. In the meantime, the LCA attorneys will be filing a motion asking the Court to reconsider and reverse, based upon more complete information, its determination that the Montgomery County Court does not have jurisdiction over CoH as it relates to the damages that seasonal lowering causes. A recent ruling by the Texas Supreme Court denied an appeal by the SJRA on another matter regarding sovereign immunity and that district court jurisdiction applies – this bolsters our confidence as the basis is very similar to our case.

We are absolutely confident that the SLLP is in violation of the CoH's water rights permit, that there has been no technical study performed and published that demonstrates the SLLP is a materially-effective flood mitigation strategy, and finally that the entirety of the water released from 2018 through today due to the SLLP was not used for "municipal benefit" and instead has been fully wasted into the Gulf of Mexico. **The 37 billion gallons wasted from 2018 through 2020 is now joined by another 6-7 billion gallons released in April 2021 for absolutely no beneficial purpose.** These facts remain unchallenged by CoH and SJRA.

The wasting of water from Lake Conroe this April is occurring as CoH this week will be reviewing water rate increases for its residents. Surely someone on the CoH City Council will raise the issue – Shouldn't the CoH stop wasting valuable water before they raise residents' water rates? If I lived there, I would not let this question go unanswered.

As a close out remember the LCA is a 501(c)(3) nonprofit, and your donations are tax deductible. **Please go to our website at [www.LCATX.com](http://www.LCATX.com) for further information and donate to keep our efforts funded to stop the SLLP.**

**Kevin Lacy**