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### Depositions continue in lake battle

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Key players in the dispute over the need for Lake Ralph Hall have begun giving their testimony.

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.

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 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

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.

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