



**From: Lake Conroe Association (LCA)
LCA President Kevin Lacy**

December 11, 2025

**To: San Jacinto River Authority (SJRA)
Attention: SJRA General Manager – Aubrey Spear**

Topic: Summary of recent developments regarding the TCEQ and respectful request for SJRA Board consideration and action to conserve water supplies.

This document is prepared for use by the San Jacinto River Authority (SJRA) Directors. The LCA intent is to address two recent TCEQ decisions and why these decisions are flawed. If these decisions are not altered or overturned, they will result in allowing permanent year-round rain event-based pre-release lowering of Lake Conroe.

Multiple years of “temporary” lowering Lake Conroe for rain event flood mitigation has wasted 50 billion gallons – a claim that is well documented and undisputed due to the physical limitations at Lake Houston to divert or sequester those volumes for use.

On November 12 the LCA filed a motion to overturn (MTO) with the TCEQ regarding their approval of an **increased diversion rate from 700cfs to 2000 cfs** on the basis it is not needed for water supplies and the original application had material omissions about increased diversions for flood mitigation. The SJRA GM in October clearly stated in public that the increased rate would be used for accelerated pre rain event lowering.

The LCA July 2025 complaint to the TCEQ regarding the June 2024 Lake Conroe lowering of 5.5 inches (2.2 billion gallons diverted to Lake Houston) in violation of the existing water permit and state water law **was declined by the TCEQ** in early November. Their basis for declining the complaint conflicts with common water law, ignores the physical evidence that lowering diversions are fully wasted, and due to the obvious flaws the SJRA should not rely on this decision as definitive.

The TCEQ referenced the City of Houston (CoH) 2024 Water Use Report (WUR) that classified the diversion as “municipal use” as a basis for declining the LCA complaint. The **TCEQ fully relied on the WUR report as “evidence”** without any investigation of the LCA’s own evidence that it is physically impossible to use the water diverted. If it cannot be proven the volumes were used the **CoH WUR is a false filing** and therefore cannot not be used as a basis for confirming municipal use. Common water law confirms that if a municipal entity reports a water volume as beneficially used but the physical use outcome is different it is a clear violation of state law.

The TCEQ used a concept unheard of in water law or water use filings in that once the June 2024 diversion from Lake Conroe arrived at Lake Houston that lake is referred to as a Municipal use reservoir. This designation somehow bestows upon the Lake Conroe diversion volume of 2.2 billion gallons a designation of “municipal use”. It fully

ignores the fact that Lake Houston also serves as a flood mitigation reservoir and significantly larger volumes were being discharged as the Lake Conroe volume arrived. So how can that designation be applied arbitrarily as municipal use to the Lake Conroe diversion if it could not be sequestered and used differently than the other water volumes passing through the Lake Houston dam / spillway simultaneously?

Lastly TCEQ referenced the existing SJRA and CoH Water Conservation plans as a basis for denying any claims of waste by LCA. These plans do not address any intentional lowering for unproven and currently unauthorized flood mitigation so are not applicable to the LCA complaint of waste.

Several facts worth noting as the LCA files its response to the TCEQ ruling and awaits the TCEQ decision on the Motion to Overturn the increased diversion rate of 2000 cfs.

1. Both TCEQ and the SJRA are on the record opposing pre-release as an effective water conserving method for flood mitigation at Lake Conroe.
2. All existing technical studies do not support lowering at Lake Conroe as having a materially effective flood mitigation impact in the Lake Houston area.
3. The 2021 Regional Watershed study assessed multiple potential projects for flood mitigation – it did not mention or support Lake Conroe lowering
4. Not one of the Lake Conroe lowering diversions can be proven as having a material impact on mitigating downstream flooding compared to the normal operation of Lake Conroe levels for approximately 45 years.

As a result of the lack of responsible action by TCEQ and to insulate the SJRA from future liabilities or lawsuits from wasting water the LCA has two requests.

We are asking the SJRA Directors to request the SJRA GM and staff to address in writing two key questions by the February SJRA Board meeting.

1. Provide proof of lowering effectiveness of pre-release for downstream flood mitigation via an existing technical study. If one does not exist then no lowering should be allowed until a supporting study exists and specific authorization from the TCEQ is in place.
2. If the SJRA Board is advised CoH has the right to call for water for flood mitigation prior to a rain event then please establish requirements that the CoH would have to document the lowering request as to purpose, that the volumes will be physically used, or there exists a TCEQ authorization absolving the SJRA from any waste liabilities.

**Kevin Lacy
LCA President**