

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER
CHAPTER 8805. LIPAN-KICKAPOO WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8805.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Lipan-Kickapoo Water Conservation District.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8805.002. NATURE OF DISTRICT. The district is created under Section 59, Article XVI, Texas Constitution, to provide for the conservation, preservation, protection, recharge, and prevention of waste and pollution of the district's groundwater and surface water, consistent with the objectives of Section 59, Article XVI, Texas Constitution, and Chapter 36, Water Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8805.003. LEGISLATIVE FINDINGS. The legislature finds that:

- (1) the creation of the district is feasible and practicable;
- (2) the district will benefit the land in the district;
- (3) there is a public necessity for the district; and
- (4) the district will provide a public use and benefit.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8805.004. DISTRICT TERRITORY. The district is

composed of the territory described by Section 4, Chapter 439, Acts of the 70th Legislature, Regular Session, 1987, as that territory may have been modified under:

- (1) Subchapter J, Chapter 36, Water Code; or
- (2) other law.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8805.005. OWNERSHIP OF GROUNDWATER AND SURFACE WATER RIGHTS NOT AFFECTED BY CHAPTER. The ownership and rights of the owner of land, the owner's lessees, and assigns in groundwater and any surface water rights are recognized and this chapter does not deprive or divest the owner, the owner's lessees, or assigns of those ownership rights.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8805.051. COMPOSITION OF BOARD; TERMS. (a) The board consists of:

- (1) an equal number of directors from each county in the district, elected by a majority vote of the voters residing in any part of the county that is included in the district; and

- (2) one director elected from the district at large.

(b) Directors serve staggered four-year terms.

(c) A director takes office at the first regular meeting of the board following the director's election to the board.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8805.052. ELECTION OF DIRECTORS. (a) Every second year, the board shall hold an election on the uniform election date in May provided by Section 41.001, Election Code, to elect the appropriate number of directors.

(b) Three directors are elected at one election and four at the next election in continuing sequence unless the number of

directors changes under Section [8805.055](#).

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8805.053. QUALIFICATIONS FOR ELECTION. (a) To be qualified for election as a director, a person must be:

(1) a resident of the district or proposed district; and

(2) at least 18 years of age.

(b) In addition to the requirements of Subsection (a), a director from a county area must be a resident of that county.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8805.054. BOARD VACANCY. (a) If a vacancy occurs in the office of director, the remaining directors shall appoint a replacement who meets the qualifications of Section [8805.053](#).

(b) The appointed replacement serves until the next directors' election.

(c) If the position is not regularly scheduled to be filled at the next election, the person elected to fill the position serves for the remainder of the unexpired term.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8805.055. COMPOSITION OF BOARD AND ELECTION OF DIRECTORS FOLLOWING ANNEXATION. (a) When the district annexes territory, the board shall change the number of directors, if necessary, so that:

(1) an equal number of directors is elected by district voters of each county; and

(2) one director is elected from the district at large.

(b) If the board changes the number of directors under Subsection (a), the board shall provide that, as nearly as possible, half of the directors are elected at each subsequent election in continuing sequence.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8805.056. VOTE REQUIRED FOR OFFICIAL BOARD ACTION. An official action of the board is not valid without the affirmative vote of a majority of the directors.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8805.101. GENERAL POWERS AND DUTIES. (a) Except to the extent of any conflict with this chapter or as specifically limited by this chapter, the district:

(1) is governed by and subject to Chapter 36 and Subchapters H and I, Chapter 49, Water Code; and

(2) may exercise the powers provided by the chapters described by Subdivision (1), including the power to issue bonds, impose taxes, and exercise eminent domain authority.

(b) The district shall exercise the duties provided by the chapters specified by Subsection (a)(1).

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8805.102. SEAL. The board may adopt a seal for the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8805.103. CONTROL, STORAGE, AND PRESERVATION OF STORM AND FLOOD WATER. The district may control, store, and preserve storm water and floodwater in the district and water of rivers and streams in the district for:

- (1) irrigation of arid land;
- (2) prevention of floods and flood damage in the district; and
- (3) domestic, agricultural, and industrial use.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8805.104. RECLAMATION. The district may:

- (1) reclaim land in the district; and
- (2) construct works, facilities, and improvements necessary to accomplish that purpose.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8805.105. SOIL CONSERVATION AND IMPROVEMENT. The district may construct and maintain terraces or other structures on land in the district and may engage in or promote land treatment measures for soil conservation and improvement.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8805.106. ACQUISITION OF PROPERTY. The district may acquire land or other property necessary to carry out this chapter by:

- (1) gift;
- (2) grant;
- (3) devise;
- (4) lease;
- (5) purchase; or
- (6) condemnation.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8805.107. SALE AND DISPOSAL OF PROPERTY. Subject to this chapter and Chapter [36](#), Water Code, the district may sell or otherwise dispose of land and other property of the district that the board determines is not necessary to carry out the purposes or powers of the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8805.108. BORROWING MONEY. The district may borrow money for any purpose authorized by this chapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.

Sec. 8805.109. APPEARANCE BEFORE RAILROAD COMMISSION. The district, through the directors or the district's general manager, may appear before the Railroad Commission of Texas and present evidence and information relating to any pending permit application for an injection well to be located in the district.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. [2619](#)), Sec. 1.05, eff. April 1, 2011.