

SPECIAL DISTRICT LOCAL LAWS CODE  
TITLE 6. WATER AND WASTEWATER  
SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER  
CHAPTER 8825. BLUEBONNET GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8825.001. DEFINITIONS. In this chapter:

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

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

Sec. 8825.002. NATURE OF DISTRICT. (a) The district is a groundwater conservation district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(b) The purpose of this chapter is to create a locally controlled district to:

- (1) protect and recharge groundwater;
- (2) prevent pollution or waste of groundwater;
- (3) control subsidence caused by withdrawal of water from the groundwater reservoirs in the area; and
- (4) regulate the transport of water out of the district.

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

Sec. 8825.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section 59, Article XVI, Texas Constitution.

Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec.

1.05, eff. April 1, 2011.

Sec. 8825.004. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of Austin, Grimes, Walker, and Waller Counties, unless the district's territory has 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.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8825.051. COMPOSITION OF BOARD. The district is governed by a board of not fewer than 8 or more than 20 directors appointed as provided by Section 8825.053.

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

Sec. 8825.052. TERMS. (a) Directors serve staggered four-year terms.

(b) A director may serve consecutive terms.

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

Sec. 8825.053. APPOINTMENT OF DIRECTORS. (a) The commissioners courts of the counties in the district, if the district has two to five counties, shall each appoint four directors, of whom:

- (1) one must represent municipal interests;
- (2) one must represent agricultural interests;
- (3) one must represent industrial interests; and
- (4) one must represent rural water suppliers'

interests.

(b) If the district consists of one county, the commissioners court of that county shall appoint eight directors, of whom:

(1) two must represent municipal interests;  
(2) two must represent agricultural interests;  
(3) two must represent industrial interests; and  
(4) two must represent rural water suppliers' interests.

(c) Every two years after the date on which all initial directors qualified as required by Section 36.055, Water Code, the appropriate commissioners courts shall each appoint the appropriate number of directors.

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

Sec. 8825.054. BOARD VACANCY. (a) If there is a vacancy on the board, the commissioners court that appointed the director who vacated the office shall appoint a director to serve the remainder of the term.

(b) In making the appointment, the commissioners court shall appoint a director to represent the interest of the director who vacated the office.

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

Sec. 8825.055. COMPENSATION; EXPENSES. (a) A director is not entitled to receive compensation for serving as a director.

(b) A director may be reimbursed for actual reasonable expenses incurred in discharging official duties.

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

Sec. 8825.056. VOTE REQUIRED FOR BOARD ACTION. A majority vote of a quorum of the board is required for board action. If there is a tie vote, the proposed action fails.

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. 8825.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as otherwise provided by this chapter, the district has the rights, powers, privileges, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

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

Sec. 8825.102. LIMITATIONS ON DISTRICT POWERS. The district does not have the authority granted by:

(1) Section 36.105, Water Code, relating to eminent domain; and

(2) Sections 36.020 and 36.201-36.204, Water Code, relating to taxes.

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

Sec. 8825.103. REGISTRATION, EQUIPMENT, AND MAINTENANCE OF EXEMPTED WELLS; APPLICABILITY OF FEES. (a) A well exempted under Section 36.117(a) or (b), Water Code, may be:

(1) registered in accordance with rules adopted by the district; and

(2) equipped and maintained in accordance with Section 36.117(h)(2), Water Code.

(b) The district may require the driller of a well exempted as provided by Subsection (a) to file the drilling log with the district.

(c) Groundwater withdrawn from an exempted well and subsequently transported outside the boundaries of the district is subject to all applicable production and export fees imposed under Sections 8825.105 and 8825.106.

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

Sec. 8825.104. CERTAIN PERMIT DENIALS PROHIBITED. The district may not deny the owner of a tract of land, or the owner's

lessee, who does not have a well equipped to produce more than 25,000 gallons each day on the tract, either a permit to drill a well on the tract or the privilege to produce groundwater from the tract, subject to any rules of the district.

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

Sec. 8825.105. PERMIT FEES. (a) The board by rule may impose a reasonable fee on each well that is not exempt from regulation by the district and for which a permit is issued by the district.

(b) The fee may be based on:

- (1) the size of column pipe used by the well; or
- (2) the actual, authorized, or anticipated amount of water to be withdrawn from the well.

(c) The fee may not exceed:

- (1) \$1 for each acre-foot payable annually for water used for agricultural use; or
- (2) 17 cents for each thousand gallons for water used for any other purpose.

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

Sec. 8825.106. ADDITIONAL FEE; SURCHARGE. In addition to a fee imposed under Section 8825.105, the district may impose a reasonable fee or surcharge for an export fee using one of the following methods:

- (1) a fee negotiated between the district and the transporter; or
- (2) a combined production and export fee not to exceed 17 cents for each thousand gallons for water used.

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

Sec. 8825.107. ANNUAL ASSESSMENT AND USE OF FEES. A fee imposed under Section 8825.105 or 8825.106 may be:

- (1) assessed annually; and

(2) used to fund the costs of district operations.  
Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8825.108. MITIGATION ASSISTANCE. In addition to the authority granted by Chapter 36, Water Code, the district may assist in the mediation between landowners regarding the mitigation of a loss of existing groundwater supply of exempt domestic and livestock users due to the groundwater pumping of others.  
Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Sec. 8825.109. COORDINATION WITH OTHER ENTITIES. The district may:

(1) coordinate activities with the Central Carrizo-Wilcox Coordinating Council and appoint a nonvoting representative to the Central Carrizo-Wilcox Coordinating Council; and

(2) coordinate activities with the Harris-Galveston Subsidence District or other groundwater conservation districts to manage portions of the Gulf Coast Aquifer.  
Added by Acts 2009, 81st Leg., R.S., Ch. 1139 (H.B. 2619), Sec. 1.05, eff. April 1, 2011.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 18.015, eff. September 1, 2013.