

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER

For contingent expiration of this chapter, see Section 8830.003.

CHAPTER 8830. UPPER TRINITY GROUNDWATER

CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8830.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the Upper Trinity Groundwater Conservation District.

Added by Acts 2007, 80th Leg., R.S., Ch. 1343 (S.B. 1983), Sec. 1, eff. June 15, 2007.

Sec. 8830.002. NATURE OF DISTRICT; FINDINGS. (a) The district is a groundwater conservation district in Hood, Montague, Parker, and Wise Counties created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(b) The district is created to serve a public use and benefit.

(c) All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by this chapter and by Chapter 36, Water Code.

(d) Any fees imposed by the district under this chapter are necessary to pay for the costs of accomplishing the purposes of the district, including the conservation and management of groundwater resources, as provided by this chapter and Section 59, Article XVI, Texas Constitution.

Added by Acts 2007, 80th Leg., R.S., Ch. 1343 (S.B. 1983), Sec. 1, eff. June 15, 2007.

Sec. 8830.003. CONFIRMATION ELECTION REQUIRED. If the

creation of the district is not confirmed at a confirmation election held under Section 8830.023 before September 1, 2009:

(1) the district is dissolved on September 1, 2009, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred in equal amounts to Hood, Montague, Parker, and Wise Counties; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2012.

Added by Acts 2007, 80th Leg., R.S., Ch. 1343 (S.B. 1983), Sec. 1, eff. June 15, 2007.

Sec. 8830.004. INITIAL DISTRICT TERRITORY. The initial boundaries of the district are coextensive with the boundaries of Hood, Montague, Parker, and Wise Counties.

Added by Acts 2007, 80th Leg., R.S., Ch. 1343 (S.B. 1983), Sec. 1, eff. June 15, 2007.

Sec. 8830.005. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT LAW. Except as otherwise provided by this chapter, Chapter 36, Water Code, applies to the district.

Added by Acts 2007, 80th Leg., R.S., Ch. 1343 (S.B. 1983), Sec. 1, eff. June 15, 2007.

Sec. 8830.006. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to achieve the legislative intent and purposes of Chapter 36, Water Code. A power granted by Chapter 36, Water Code, or this chapter shall be broadly interpreted to achieve that intent and those purposes.

Added by Acts 2007, 80th Leg., R.S., Ch. 1343 (S.B. 1983), Sec. 1, eff. June 15, 2007.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8830.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of eight directors appointed as follows:

(1) two directors appointed by the Hood County Commissioners Court;

(2) two directors appointed by the Montague County Commissioners Court;

(3) two directors appointed by the Parker County Commissioners Court; and

(4) two directors appointed by the Wise County Commissioners Court.

(b) Directors serve staggered four-year terms, with the term of one director from each of the four counties expiring on June 1 of each odd-numbered year.

(c) A director may serve multiple consecutive terms.  
Added by Acts 2007, 80th Leg., R.S., Ch. 1343 (S.B. 1983), Sec. 1, eff. June 15, 2007.

Sec. 8830.052. DIRECTOR ELIGIBILITY; QUALIFICATION. (a) To be eligible to serve as a director, a person must be a registered voter in the appointing county.

(b) Each director must qualify to serve in the manner provided by Section 36.055, Water Code.

Added by Acts 2007, 80th Leg., R.S., Ch. 1343 (S.B. 1983), Sec. 1, eff. June 15, 2007.

Sec. 8830.053. VACANCIES. If a vacancy occurs on the board, the remaining directors shall appoint a person to fill the vacancy in a manner that meets the representational requirements of Section 8830.051.

Added by Acts 2007, 80th Leg., R.S., Ch. 1343 (S.B. 1983), Sec. 1, eff. June 15, 2007.

Sec. 8830.054. COMPENSATION; REIMBURSEMENT. (a) Notwithstanding Sections 36.060(a) and (d), Water Code, a director may not receive compensation for performing the duties of director.

(b) A director is entitled to reimbursement of actual expenses reasonably and necessarily incurred while engaging in

activities on behalf of the district.

Added by Acts 2007, 80th Leg., R.S., Ch. 1343 (S.B. 1983), Sec. 1, eff. June 15, 2007.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 8830.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as provided by this chapter, the district has the powers and duties provided by the general law of this state, including Chapter 36, Water Code, and Section 59, Article XVI, Texas Constitution, applicable to groundwater conservation districts.

Added by Acts 2007, 80th Leg., R.S., Ch. 1343 (S.B. 1983), Sec. 1, eff. June 15, 2007.

Sec. 8830.102. CONTRACTS. The district may enter into a contract with any person, public or private, for any purpose authorized by law.

Added by Acts 2007, 80th Leg., R.S., Ch. 1343 (S.B. 1983), Sec. 1, eff. June 15, 2007.

Sec. 8830.103. APPLICABILITY OF DISTRICT REGULATIONS. Groundwater regulation under this chapter applies to all persons except as exempted under Section 36.117, Water Code, or this chapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 1343 (S.B. 1983), Sec. 1, eff. June 15, 2007.

Sec. 8830.104. WELL SPACING RULES; EXEMPTIONS. (a) Except as provided by Subsection (b), the district shall exempt from the well spacing requirements adopted by the district any well that is completed on or before the effective date of those requirements.

(b) The district may provide by rule that a well may lose its exemption under this section if the well is modified in a manner that substantially increases the capacity of the well after the effective date of the well spacing requirements adopted by the district.

(c) Except as provided by this section and notwithstanding Section 8830.103, the district may require any well or class of wells exempt from permitting under Chapter 36, Water Code, to comply with the well spacing requirements adopted by the district. The district shall apply well spacing requirements uniformly to any well or class of wells based on the size or capacity of the well and without regard to the type of use of the groundwater produced by the well.

Added by Acts 2007, 80th Leg., R.S., Ch. 1343 (S.B. 1983), Sec. 1, eff. June 15, 2007.

Sec. 8830.105. REGISTRATION AND REPORTING REQUIREMENTS FOR CERTAIN EXEMPT WELLS. The district may adopt rules that require the owner or operator of a well or class of wells exempt from permitting under Section 36.117, Water Code, to register the well with the district and, except for a well exempt from permitting under Subsection (b)(1) of that section, to report groundwater withdrawals from the well using reasonable and appropriate reporting methods and frequency.

Added by Acts 2007, 80th Leg., R.S., Ch. 1343 (S.B. 1983), Sec. 1, eff. June 15, 2007.

Sec. 8830.106. ENFORCEMENT. (a) The district may enforce this chapter in the manner provided by Chapter 36, Water Code. In lieu of a remedy available to the district under Section 36.102, Water Code, or in addition to those remedies, the district may impose a fee in addition to a fee assessed under Section 8830.152 on a person producing groundwater in violation of a rule of the district, including the failure or refusal to comply with any order or rule of the district to reduce or cease groundwater usage. The purpose of a fee authorized under this subsection is to serve as a disincentive to producing groundwater except as authorized by the district.

(b) A fee imposed under Subsection (a) may not exceed an amount equal to 10 times the amount of a fee assessed under Section 8830.152.

Added by Acts 2007, 80th Leg., R.S., Ch. 1343 (S.B. 1983), Sec. 1,

eff. June 15, 2007.

Sec. 8830.107. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

Added by Acts 2007, 80th Leg., R.S., Ch. 1343 (S.B. 1983), Sec. 1, eff. June 15, 2007.

#### SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8830.151. TAXES PROHIBITED. The district may not impose a tax. Sections 36.020(a) and 36.201-36.204, Water Code, do not apply to the district.

Added by Acts 2007, 80th Leg., R.S., Ch. 1343 (S.B. 1983), Sec. 1, eff. June 15, 2007.

Sec. 8830.152. DISTRICT REVENUES. (a) The district by rule, resolution, or order may establish, amend, pledge, encumber, expend the proceeds from, and assess to any person production fees based on the amount of groundwater authorized by permit to be withdrawn from a well or on the amount of water actually withdrawn, to enable the district to fulfill its purposes and regulatory functions as provided by this chapter. The district may use revenues generated by fees it assesses for any lawful purpose.

(b) Notwithstanding any provision of general law to the contrary, a fee authorized by Subsection (a) may not exceed:

(1) \$1 per acre-foot annually for groundwater used for agricultural purposes; or

(2) 30 cents per thousand gallons annually for groundwater used for nonagricultural purposes.

(c) Notwithstanding any provision of general law or this chapter to the contrary, if any, the district may assess a production fee under this section for groundwater produced from a well or class of wells exempt from permitting under Section 36.117, Water Code. A production fee assessed by the district under this subsection must be based on the amount of groundwater actually withdrawn from the well and may not exceed the amount established by the district for permitted uses under Subsection (b)(2).

(d) Notwithstanding Section [36.1071\(f\)](#), Water Code, the district by rule, resolution, or order before the adoption of its management plan may:

(1) establish, assess, and enforce the collection of production fees under this section; and

(2) establish and enforce metering and reporting requirements, except for a well exempt from permitting under Section [36.117\(b\)\(1\)](#), Water Code.

(e) The district by rule may establish a temporary or permanent discounted fee rate for persons who prepay production fees to the district under this section on or before the dates established by district rule.

Added by Acts 2007, 80th Leg., R.S., Ch. 1343 (S.B. [1983](#)), Sec. 1, eff. June 15, 2007.

Sec. 8830.153. EXEMPTION FROM PRODUCTION FEES FOR GROUNDWATER USED FOR CERTAIN EMERGENCY PURPOSES. (a) In this section, "involved entity" means:

(1) a fire department or emergency services district that uses groundwater produced within the boundaries of the district; or

(2) a person that provides groundwater produced within the boundaries of the district to a fire department or emergency services district.

(b) Groundwater produced within the boundaries of the district for use by a fire department or emergency services district solely for emergency purposes is exempt from the assessment of any production fees that would otherwise be required under a district rule, resolution, or order adopted under Section [8830.152](#).

(c) For purposes of this section, emergency purposes include the use of groundwater:

(1) to fight fires, manage chemical spills, and otherwise address emergency public safety or welfare concerns; and

(2) for training exercises conducted in preparation for responding to fires, chemical spills, and other emergency public safety or welfare concerns.

(d) The district may adopt rules to implement this section that require each involved entity to report to the district using reasonable and appropriate reporting methods established by the district:

(1) the total quantity of groundwater produced or used, as applicable, for all purposes by the involved entity during each month of the reporting period;

(2) the quantity of groundwater produced or used, as applicable, for emergency purposes during each month of the reporting period; and

(3) the quantity of groundwater produced or used, as applicable, for any purpose other than for emergency purposes during each month of the reporting period.

(e) The production fee exemption provided by Subsection (b) does not apply to groundwater produced for a purpose other than for emergency purposes.

Added by Acts 2009, 81st Leg., R.S., Ch. 390 (H.B. [1664](#)), Sec. 1, eff. June 19, 2009.