

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER
CHAPTER 8837. TERRELL COUNTY GROUNDWATER
CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8837.001. DEFINITIONS. In this chapter:

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

(2) "Commissioners court" means the Terrell County Commissioners Court.

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

(4) "District" means the Terrell County Groundwater Conservation District.

Added by Acts 2011, 82nd Leg., R.S., Ch. 336 (H.B. [2859](#)), Sec. 1, eff. September 1, 2011.

Sec. 8837.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Terrell County created under and essential to accomplish the purposes of Section [59](#), Article XVI, Texas Constitution.

Added by Acts 2011, 82nd Leg., R.S., Ch. 336 (H.B. [2859](#)), Sec. 1, eff. September 1, 2011.

Sec. 8837.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8837.022 before December 31, 2012:

(1) the district is dissolved December 31, 2012, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Terrell County; 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, 2016.

Added by Acts 2011, 82nd Leg., R.S., Ch. 336 (H.B. 2859), Sec. 1, eff. September 1, 2011.

Sec. 8837.004. INITIAL DISTRICT TERRITORY. The initial boundaries of the district are coextensive with the boundaries of Terrell County, Texas.

Added by Acts 2011, 82nd Leg., R.S., Ch. 336 (H.B. 2859), Sec. 1, eff. September 1, 2011.

Sec. 8837.005. DISTRICT NAME CHANGE. The board may change the district's name when the district annexes territory.

Added by Acts 2011, 82nd Leg., R.S., Ch. 336 (H.B. 2859), Sec. 1, eff. September 1, 2011.

Sec. 8837.006. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT LAW. (a) Except as otherwise provided by this chapter, Chapter 36, Water Code, applies to the district.

(b) Section 36.121, Water Code, does not apply to the district.

Added by Acts 2011, 82nd Leg., R.S., Ch. 336 (H.B. 2859), Sec. 1, eff. September 1, 2011.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8837.051. COMPOSITION OF BOARD. (a) The district is governed by a board of five directors appointed by the commissioners court.

(b) Two directors must represent urban interests in the district and three must represent agricultural interests in the district.

Added by Acts 2011, 82nd Leg., R.S., Ch. 336 (H.B. 2859), Sec. 1, eff. September 1, 2011.

Sec. 8837.052. TERMS OF DIRECTORS. (a) Directors serve staggered four-year terms, with two or three directors' terms expiring April 1 of each odd-numbered year.

(b) A director may serve consecutive terms.

(c) The commissioners court shall appoint a director to succeed a serving director on or before the date the serving director's term expires.

Added by Acts 2011, 82nd Leg., R.S., Ch. 336 (H.B. 2859), Sec. 1, eff. September 1, 2011.

Sec. 8837.053. VACANCIES. If there is a vacancy on the board, the commissioners court shall appoint a person to fill the vacancy for the remainder of the term in a manner that meets the representational requirements of Section 8837.051.

Added by Acts 2011, 82nd Leg., R.S., Ch. 336 (H.B. 2859), Sec. 1, eff. September 1, 2011.

Sec. 8837.054. COMPENSATION. (a) Sections 36.060(a), (b), and (d), Water Code, do not apply to the district.

(b) A director is entitled to receive compensation of not more than \$50 a day for each day the director actually spends performing the duties of a director. The compensation may not exceed \$3,000 a year.

(c) The board may authorize a director to receive reimbursement for the director's reasonable expenses incurred while engaging in activities on behalf of the board.

Added by Acts 2011, 82nd Leg., R.S., Ch. 336 (H.B. 2859), Sec. 1, eff. September 1, 2011.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8837.101. GENERAL POWERS. Except as otherwise provided by this chapter, the district has all of the rights, powers, privileges, functions, and duties provided by the general law of this state applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

Added by Acts 2011, 82nd Leg., R.S., Ch. 336 (H.B. 2859), Sec. 1, eff. September 1, 2011.

Sec. 8837.102. PROHIBITION ON DISTRICT PURCHASE, SALE,

TRANSPORT, OR DISTRIBUTION OF WATER. The district may not purchase, sell, transport, or distribute surface water or groundwater for any purpose.

Added by Acts 2011, 82nd Leg., R.S., Ch. 336 (H.B. [2859](#)), Sec. 1, eff. September 1, 2011.

Sec. 8837.103. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

Added by Acts 2011, 82nd Leg., R.S., Ch. 336 (H.B. [2859](#)), Sec. 1, eff. September 1, 2011.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8837.151. LIMITATION ON TAXES. The district may not impose ad valorem taxes at a rate that exceeds 1.5 cents on each \$100 valuation of taxable property in the district.

Added by Acts 2011, 82nd Leg., R.S., Ch. 336 (H.B. [2859](#)), Sec. 1, eff. September 1, 2011.

Sec. 8837.152. FEES. (a) The board by rule may impose reasonable fees on each well:

- (1) for which a permit is issued by the district; and
- (2) that is not exempt from district regulation.

(b) A production fee may be based on:

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

(c) The board shall base the initial production fee on the criteria listed in Subsection (b)(2). The initial production fee:

- (1) may not exceed:
 - (A) 25 cents per acre-foot for water used for agricultural irrigation; or
 - (B) 4.25 cents per thousand gallons for water used for any other purpose; and

(2) may be increased at a cumulative rate not to exceed three percent per year.

(d) In addition to the production fee authorized under this

section, the district may assess an export fee on groundwater from a well that is produced for transport outside the district.

(e) Fees authorized by this section may be:

- (1) assessed annually;
- (2) used to pay the cost of district operations; and
- (3) used for any other purpose allowed under Chapter 36, Water Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 336 (H.B. 2859), Sec. 1, eff. September 1, 2011.

Sec. 8837.153. LIMITATION ON INDEBTEDNESS. The district may issue bonds and notes under Subchapter F, Chapter 36, Water Code, except that the total indebtedness created by that issuance may not exceed \$500,000 at any time.

Added by Acts 2011, 82nd Leg., R.S., Ch. 336 (H.B. 2859), Sec. 1, eff. September 1, 2011.