

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER
CHAPTER 8845. IRION COUNTY WATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8845.001. DEFINITIONS. In this chapter:

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

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.002. NATURE AND PURPOSE 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:

- (1) the objectives of Section [59](#), Article XVI, Texas Constitution, and Chapter [36](#), Water Code; and
- (2) the powers and duties under Subchapters [H](#) and [I](#), Chapter [49](#), Water Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.003. LEGISLATIVE FINDINGS. The legislature finds that:

- (1) the organization of the district is feasible and practicable;
- (2) the land to be included in and the residents of the district will benefit from the creation of the district;
- (3) there is a public necessity for the district; and
- (4) the creation of the district will further the public welfare.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03,

eff. April 1, 2013.

Sec. 8845.004. DISTRICT TERRITORY. The district is composed of all the territory in Irion County unless the district's territory has been modified by:

(1) annexation under Subchapter J or consolidation under Subchapter K, Chapter 36, Water Code; or

(2) other law.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.005. DISTRICT NAME CHANGE. The name of the district may be changed if:

(1) additional territory is annexed to the district;
or

(2) the district consolidates with another district.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.006. OWNERSHIP OF GROUNDWATER AND SURFACE WATER RIGHTS. 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 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

SUBCHAPTER B. DISTRICT ADMINISTRATION

Sec. 8845.051. COMPOSITION OF BOARD; TERMS. (a) The board is composed of five directors.

(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 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.052. ELECTION OF DIRECTORS. One director is elected from the district at large. One director is elected from each county commissioners precinct.
Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.053. ELECTION DATE. Each even-numbered year, an election shall be held on the uniform election date in May or another date authorized by law to elect the appropriate number of directors.
Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. [1093](#)), Sec. 18.101(14), eff. September 1, 2013.

Sec. 8845.054. QUALIFICATIONS FOR ELECTION; ELIGIBILITY TO SERVE. (a) To be qualified for election as a director, a person must be:

- (1) a resident of the district; and
- (2) at least 18 years of age.

(b) In addition to the requirements of Subsection (a), a person who is a director from a county commissioners precinct must be a resident of that precinct unless the composition of the board changes under Section [8845.056](#).

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.055. BOARD VACANCY. If a vacancy occurs on the board, the remaining directors shall appoint a director for the unexpired term.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.056. COMPOSITION OF BOARD FOLLOWING ANNEXATION OR CONSOLIDATION. If the district annexes territory or consolidates with another district, the composition of the board shall be

determined in a manner that is:

(1) equitable for the residents of the district as provided by Chapter 36, Water Code; and

(2) otherwise in compliance with Subchapter K, Chapter 36, Water Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.057. 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 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.058. OFFICERS. (a) After each directors' election, the board shall:

(1) hold a regular meeting at the district office; and

(2) organize by electing from the directors a president, a vice president, and a secretary.

(b) A person selected to serve as president, vice president, or secretary serves in that capacity for a two-year term.

(c) The president, vice president, and secretary shall perform the duties and may exercise the powers specifically provided by this chapter or by order of the board.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.059. GENERAL MANAGER. (a) The general manager may execute a bond in the amount determined by the board, payable to the district, and conditioned on the faithful performance of the general manager's duties. The district shall pay for the bond.

(b) The general manager is entitled to receive the compensation provided by the district's budget.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.060. TREASURER AND ATTORNEY. (a) The board may

appoint a treasurer and an attorney for the district.

(b) The person appointed as treasurer shall execute a bond in the amount determined by the board, payable to the district, conditioned on the faithful performance of the treasurer's duties. The district shall pay for the bond.

(c) A person appointed under this section is entitled to the compensation provided by the district's budget.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.061. ENGINEER. The board may:

(1) appoint or contract with a competent professional engineer for the district; and

(2) determine the amount of compensation to be paid to the engineer.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.062. EMPLOYEES AND CONTRACT PERSONNEL. (a) The general manager or the board may:

(1) employ other persons necessary to properly handle the district's business and operation; and

(2) employ or contract with expert and specialized personnel who are necessary to carry out this chapter.

(b) The board shall determine the terms of employment and the compensation to be paid to employees under this section.

(c) The district shall pay for any bond that an employee of or a person under contract with the district is required to furnish under Section [36.057](#)(d), Water Code.

(d) The general manager or the board may dismiss an employee of the district.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.063. DISTRICT OFFICE. The board shall maintain an office in the district for conducting district business.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03,

eff. April 1, 2013.

Sec. 8845.064. MEETINGS. The board shall hold regular meetings at the district office on dates established by the board. Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.065. RECORDS. (a) The board shall keep a complete written account of board meetings and other proceedings and shall preserve the board's minutes, contracts, plans, notices, accounts, receipts, and other records in a secure manner at the district's office.

(b) Minutes, contracts, plans, notices, accounts, receipts, and other records are the property of the district and are subject to public inspection.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8845.101. GENERAL POWERS AND DUTIES. Except to the extent of any conflict with this chapter or as specifically limited by this chapter, the district may exercise the powers granted by, and shall exercise the duties provided by, Chapter [36](#) and Subchapters [H](#) and [I](#), Chapter [49](#), Water Code, to carry out the purpose of the district and this chapter.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.102. RULES. (a) The board may adopt rules necessary to carry out the purpose and powers under this chapter and may enforce those rules by injunction, mandatory injunction, or other appropriate remedies in court.

(b) In addition to the rules adopted under Subsection (a), the board may:

(1) adopt and enforce rules as provided by Chapter [36](#), Water Code; and

(2) adopt rules necessary for the exercise of district powers and duties under Subchapters H and I, Chapter 49, Water Code. Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.103. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain to acquire a fee simple or other interest in property in the district if the property interest is necessary to the exercise of the authority conferred by this chapter.

(b) The district must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, but the district is not required to deposit in the trial court money or a bond as provided by Section 21.021(a), Property Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.104. CONTROL, STORAGE, AND PRESERVATION OF STORM WATER AND FLOODWATER. Subject to obtaining the permits required by law, the district may control, store, and preserve the storm water and floodwater in the district and the water of the 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 uses.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.105. 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 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.106. 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 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.107. ACQUISITION OF PROPERTY. The district may acquire land or other property necessary to carry out this chapter by gift, grant, devise, lease, purchase, or condemnation.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.108. SALE AND DISPOSAL OF PROPERTY. Subject to this chapter and Chapter 36 and Subchapters H and I, Chapter 49, Water Code, the district may sell or otherwise dispose of land and other property of the district that is not necessary to carry out the purpose or powers of the district as determined by the board.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.109. IMPROVEMENTS AND FACILITIES. (a) The district may construct or acquire and improve and maintain works, facilities, and improvements necessary to carry out the purpose, powers, and plans of the district.

(b) The district shall construct and acquire works, facilities, and improvements in the manner provided by Subchapters H and I, Chapter 49, Water Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.110. INPUT WELLS. The district may drill, equip, operate, and maintain input wells, pumps, and other facilities to carry out its purpose and powers under this chapter.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.111. STUDIES AND SURVEYS. (a) The board may have

a professional engineer conduct studies and surveys of the groundwater and surface water supplies in the district and the facilities available for use in the conservation, preservation, protection, recharge, and prevention of waste and pollution of those water resources.

(b) A professional engineer may determine the quantities of groundwater and surface water available in the district.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.112. RESEARCH; INFORMATION. The district may engage in research projects and develop information to be used by the district in preparing and implementing the district's plans and in carrying out the district's powers and duties under this chapter.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.113. DISTRICT PLANS. (a) The district shall develop and implement comprehensive plans for the conservation, preservation, protection, recharge, and prevention of waste and pollution of groundwater and surface water in the district.

(b) The plans must include all works, facilities, and improvements necessary to implement the plans and the specifications for those works, facilities, and improvements.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.114. SERVICE OF PROCESS. Service of process in a suit may be had by serving the general manager.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.115. PAYMENT OF JUDGMENTS. A court of this state that renders a money judgment against the district may require the board to pay the judgment from money in the district depository that is not dedicated to the payment of any indebtedness of the district.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.116. CERTAIN PERMIT DENIALS PROHIBITED. If the district regulates production of groundwater by permit as authorized by Chapter [36](#), Water Code, the board may not deny a permit to drill a well to the owner of land or the owner's heirs, assigns, and lessees on that land that complies with rules adopted by the district.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.117. PROHIBITION: SUPPLY OF WATER. The district may not contract to or take an action to supply groundwater or surface water inside or outside the district.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8845.151. MAINTENANCE AND OPERATIONS TAX; ELECTION.

(a) The district may annually impose an ad valorem tax on property in the district for use in maintaining district facilities and paying district operating expenses.

(b) The district may not impose a maintenance and operations tax until it is approved by a majority vote of the district voters voting at an election held for that purpose.

(c) The directors shall publish notice of a maintenance and operations tax election at least one time in a newspaper or newspapers that have general circulation in the district. The notice must be published before the 30th day preceding the date of the election.

(d) The directors shall declare the result of a maintenance and operations tax election.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.152. NOTICE; HEARING; ADOPTION OF BUDGET.

(a) The board shall hold a public hearing on the annual budget.

(b) Notice of the hearing must be published in a newspaper or newspapers having general circulation in the district at least 10 days before the date of the hearing.

(c) Any district resident is entitled to be present at and participate in the hearing.

(d) At the conclusion of the hearing, the board shall act on the budget and may make changes in the proposed budget that in the board's judgment the interests of the taxpayers demand.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.153. INVESTMENT OF DISTRICT MONEY. (a) District money may be invested by the board or its authorized representative in direct or indirect obligations of the United States, the state, or any political subdivision of the state.

(b) District money may be placed in certificates of deposit of state or national banks or savings and loan associations in this state, if that money is secured in the manner provided for the security of county funds.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.154. ANNUAL AUDIT. The board shall annually have an audit made of the financial condition of the district.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.155. BORROWING MONEY. The district may borrow money for any purpose authorized by this chapter or any combination of those purposes.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.156. PROHIBITION ON BONDS. The district may not issue bonds or impose an ad valorem tax to secure the payment of

bonds.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.

Sec. 8845.157. RESTRICTION ON EXPENDITURES. Money may be spent only for an expense included in the annual budget or an amendment to the annual budget.

Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. [1147](#)), Sec. 1.03, eff. April 1, 2013.