

SPECIAL DISTRICT LOCAL LAWS CODE  
TITLE 6. WATER AND WASTEWATER  
SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER  
CHAPTER 8854. REFUGIO GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8854.001. DEFINITIONS. In this chapter:

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

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

Sec. 8854.002. NATURE OF DISTRICT. The district is a groundwater conservation district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

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

Sec. 8854.003. 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 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8854.004. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of Refugio County unless the district's territory has been modified under:

- (1) Subchapter J, 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.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8854.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms.  
Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8854.052. ELECTION OF DIRECTORS. (a) Directors are elected according to the commissioners precinct method as provided by this section.

(b) One director is elected by the voters of the entire district. One director is elected from each county commissioners precinct by the voters of that precinct.

(c) A person shall indicate on the application for a place on the ballot:

(1) the precinct that the person seeks to represent;  
or

(2) that the person seeks to represent the district at large.

(d) When the boundaries of the county commissioners precincts are changed, each director in office on the effective date of the change or elected to a term of office beginning on or after the effective date of the change serves in the precinct to which the director was elected for the entire term to which the director was elected, even though the change in boundaries places the person's residence outside the precinct for which the person was elected.

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

Sec. 8854.053. ELECTION DATE. On the uniform election date in November of each even-numbered year, the appropriate number of directors shall be elected.

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

eff. April 1, 2013.

Sec. 8854.054. QUALIFICATIONS FOR OFFICE. (a) To be qualified to be a candidate for or to serve as director at large, a person must be a registered voter in the district.

(b) To be a candidate for or to serve as director from a county commissioners precinct, a person must be a registered voter of that precinct, except as provided by Section 8854.052(d).  
Added by Acts 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8854.055. APPOINTMENT ON FAILURE TO QUALIFY. If a director fails to qualify for office, the commissioners court shall appoint a person to fill the vacancy.  
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. 8854.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. 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 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8854.102. AUTHORITY TO SET FEES. (a) In this section, "agriculture" includes:

- (1) cultivating the soil;
- (2) producing crops for:
  - (A) human food;
  - (B) animal feed;
  - (C) planting seed; or
  - (D) the production of fibers;
- (3) floriculture, viticulture, silviculture, and

horticulture, including the cultivation of plants in containers or non-soil media;

(4) raising, feeding, or keeping livestock or other animals for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;

(5) wildlife management;

(6) planting cover crops, including cover crops cultivated for transplantation; and

(7) leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.

(b) The district may set and collect fees for all services provided outside the boundaries of the district. The fees may not unreasonably exceed the cost to the district of providing the services outside the district.

(c) The district may assess a production fee based on the amount of water a permit authorizes to be withdrawn from a well or the amount actually withdrawn. The district may assess a production fee instead of or in conjunction with any tax otherwise imposed by the district. The district may use production fee revenue for any lawful purpose. Production fees may not exceed:

(1) \$1 per acre-foot for water used for agriculture;  
or

(2) \$10 per acre-foot annually for water used for another purpose.

(d) The district may assess a production fee under Subsection (c) for water that is:

(1) produced under an exemption under Section 36.117, Water Code; and

(2) subsequently sold to another person.

(e) Notwithstanding Section 36.117, Water Code, the district may assess a production fee under Subsection (c) of this section for any water produced for injection into a geologic formation for the recovery of oil or natural gas.

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