

SPECIAL DISTRICT LOCAL LAWS CODE  
TITLE 6. WATER AND WASTEWATER  
SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER  
CHAPTER 8865. POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8865.001. DEFINITIONS. In this chapter:

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

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8865.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Milam and Burleson Counties created under and essential to accomplish the purposes of Section [59](#), Article XVI, Texas Constitution.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8865.003. 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 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8865.004. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of Milam and Burleson Counties unless the district's territory has been modified under:

- (1) Subchapter J or K, Chapter [36](#), Water Code; or
- (2) other law.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8865.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of 10 directors.

(b) Directors serve staggered four-year terms.

(c) A director may serve consecutive terms.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8865.052. APPOINTMENT OF DIRECTORS. (a) The Milam County Commissioners Court shall appoint five directors, of whom:

(1) one must represent municipal interests in the county;

(2) one must be a bona fide agricultural producer who derives a substantial portion of the producer's income from agriculture in the county;

(3) one must be a director or employee of a rural water supply corporation in the county;

(4) one must represent active industrial interests in the county; and

(5) one must represent the interests of the county at large.

(b) The Burleson County Commissioners Court shall appoint five directors, of whom:

(1) one must represent municipal interests in the county;

(2) one must be a bona fide agricultural producer who derives a substantial portion of the producer's income from agriculture in the county;

(3) one must be a director or employee of a rural water supply corporation in the county;

(4) one must represent active industrial interests in the county; and

(5) one must represent the interests of the county at

large.

(c) On January 1 of each even-numbered year, the appropriate commissioners court shall appoint the appropriate number of directors.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8865.053. BOARD VACANCY. 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.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8865.054. 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 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8865.055. QUORUM; VOTE REQUIRED FOR BOARD ACTION. (a) A quorum exists when at least two-thirds of the directors are present.

(b) 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 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 8865.101. 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 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8865.102. GROUNDWATER WELLS UNDER JURISDICTION OF RAILROAD COMMISSION. (a) In this section, "railroad commission" means the Railroad Commission of Texas.

(b) A groundwater well drilled or operated in the district under a permit issued by the railroad commission is under the exclusive jurisdiction of the railroad commission and is exempt from regulation by the district.

(c) Groundwater produced in an amount authorized by a railroad commission permit may be used in or exported from the district without a permit from the district.

(d) To the extent groundwater production exceeds railroad commission authorization, the holder of the railroad commission permit:

(1) must apply to the district for the appropriate permit for the excess production; and

(2) is subject to the applicable regulatory fees.

(e) Groundwater produced from a well under the jurisdiction of the railroad commission is generally exempt from water district fees. However, the district may impose either a pumping fee or an export fee on groundwater produced from an otherwise exempt mine well that is used for municipal purposes or by a public utility. A fee imposed by the district under this subsection may not exceed the fee imposed on other groundwater producers in the district.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8865.103. LIMITATION ON POWER OF EMINENT DOMAIN. The district does not have the authority granted by Section [36.105](#), Water Code, relating to eminent domain.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

#### SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8865.151. 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. 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.

(b) Fees may not exceed:

- (1) 25 cents per acre-foot for water used for irrigating agricultural crops; or
- (2) 17 cents per thousand gallons for water used for any other purpose.

(c) In addition to the fee authorized under Subsection (a), 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 per thousand gallons of water used.

(d) Fees authorized by this section may be:

- (1) assessed annually; and
  - (2) used to pay the cost of operating the district.
- Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.

Sec. 8865.152. LIMITATION ON AUTHORITY TO IMPOSE TAXES. The district does not have the authority granted by Sections [36.020](#) and 36.201-36.204, Water Code, relating to taxes. Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.05, eff. April 1, 2015.