

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER
CHAPTER 8875. COMAL TRINITY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8875.001. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Commissioners court" means the Comal County Commissioners Court.

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

(5) "District" means the Comal Trinity Groundwater Conservation District.

(6) "Retail public utility" means a retail public utility as defined by Section 13.002, Water Code, that is providing service in the district.

Added by Acts 2015, 84th Leg., R.S., Ch. 656 (H.B. 2407), Sec. 1, eff. June 17, 2015.

Sec. 8875.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Comal County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Added by Acts 2015, 84th Leg., R.S., Ch. 656 (H.B. 2407), Sec. 1, eff. June 17, 2015.

Sec. 8875.003. INITIAL DISTRICT TERRITORY. The initial boundaries of the district are coextensive with the boundaries of Comal County, Texas, except that the district does not include any territory that is included in the boundaries of the Trinity Glen Rose Groundwater Conservation District.

Added by Acts 2015, 84th Leg., R.S., Ch. 656 (H.B. 2407), Sec. 1, eff. June 17, 2015.

Sec. 8875.004. CONFLICTS OF LAW. This chapter prevails over any provision of general law, including a provision of Chapter 36, Water Code, that is in conflict or is inconsistent with this chapter.

Added by Acts 2015, 84th Leg., R.S., Ch. 656 (H.B. 2407), Sec. 1, eff. June 17, 2015.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8875.051. COMPOSITION OF BOARD. The district is governed by a board of seven appointed directors.

Added by Acts 2015, 84th Leg., R.S., Ch. 656 (H.B. 2407), Sec. 1, eff. June 17, 2015.

Sec. 8875.052. TERMS AND APPOINTMENT OF DIRECTORS.
(a) Directors serve staggered four-year terms. Directors are appointed by the commissioners court as follows:

(1) three directors shall be appointed from the incorporated areas of Comal County; and

(2) four directors shall be appointed with one director appointed from each of the four commissioners court precincts.

(b) To be appointed under this section, a person:

(1) must be a registered voter of Comal County; and

(2) to the extent practicable, should be familiar with the use of water by industry and commerce, municipal and rural utilities, agriculture, and private wells.

Added by Acts 2015, 84th Leg., R.S., Ch. 656 (H.B. 2407), Sec. 1, eff. June 17, 2015.

Sec. 8875.053. 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 8875.052.

Added by Acts 2015, 84th Leg., R.S., Ch. 656 (H.B. 2407), Sec. 1, eff. June 17, 2015.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8875.101. 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 2015, 84th Leg., R.S., Ch. 656 (H.B. 2407), Sec. 1, eff. June 17, 2015.

Sec. 8875.102. CONTRACTS. The district may contract with a state agency or political subdivision, including a municipality, a county, a river authority, or another district, to carry out any function of the district.

Added by Acts 2015, 84th Leg., R.S., Ch. 656 (H.B. 2407), Sec. 1, eff. June 17, 2015.

Sec. 8875.103. BEST MANAGEMENT PRACTICES. (a) The district may participate in the development and implementation of best management practices for water resource management in the district and may engage in and promote the acceptance of best management practices through education efforts sponsored by the district.

(b) Development and implementation of best management practices must address water quantity and quality practices such as brush management, prescribed grazing, recharge structures, water and silt detention and retention structures, plugging of abandoned wells, rainwater harvesting, and other treatment measures for the conservation of water resources.

(c) The district may not adopt or implement a best management practice that is in conflict with or duplicative of a best management practice adopted by another groundwater conservation district whose territory covers any part of Comal County.

Added by Acts 2015, 84th Leg., R.S., Ch. 656 (H.B. 2407), Sec. 1,

eff. June 17, 2015.

Sec. 8875.104. LIMITATIONS ON DISTRICT POWERS. (a) The district may not:

(1) require the owner of a well exempt from permitting to install a meter or measuring device on the well; or

(2) assess and collect a production fee on wells exempt from permitting.

(b) 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 2015, 84th Leg., R.S., Ch. 656 (H.B. 2407), Sec. 1, eff. June 17, 2015.

Sec. 8875.105. PRODUCTION LIMITS AND PERMITS FOR CERTAIN WELLS. (a) In this section:

(1) "Maximum production capacity" means the rated capacity of a well that is measured in gallons per minute of production as certified by the driller of the well or a professional geologist or engineer.

(2) "Trinity Aquifer" means the Trinity group of aquifers, including the:

(A) Upper Trinity, consisting of the Upper Glen Rose Limestone;

(B) Middle Trinity, consisting of the Lower Glen Rose Limestone, the Hensall Sand, and the Cow Creek Limestone; and

(C) Lower Trinity, consisting of the Sligo Limestone and the Hosston Sand.

(b) Notwithstanding Section 36.117(j), Water Code, the district shall issue to an applicant a permit for a well that is not exempt from permitting and that was drilled into or through the Trinity Aquifer on or before the effective date of the Act enacting this chapter that authorizes the production of the well at an amount not less than the maximum production capacity of the well.

(c) Notwithstanding Section 36.117(j), Water Code, a well that is not exempt from permitting and that was drilled into or through the Trinity Aquifer after the effective date of the Act enacting this chapter requires a permit from the district.

Added by Acts 2015, 84th Leg., R.S., Ch. 656 (H.B. 2407), Sec. 1, eff. June 17, 2015.

Sec. 8875.106. WELL EXEMPTION. A well is exempt from the requirement to obtain a withdrawal permit provided that the well:

(1) is used solely for domestic use or for providing water for livestock or poultry regardless of land lot size and is drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day;

(2) is not capable of producing more than 10,000 gallons of water a day; or

(3) is metered and does not produce more than 10 acre-feet of water in a calendar year.

Added by Acts 2015, 84th Leg., R.S., Ch. 656 (H.B. 2407), Sec. 1, eff. June 17, 2015.

Sec. 8875.107. MEASURING DEVICES. (a) The owner of a nonexempt well shall install and maintain a water well meter, or alternative measuring device or method approved by the district, designed to indicate the flow rate and cumulative amount of water withdrawn by that well, on each individual well no later than 36 months after the effective date of the Act enacting this chapter.

(b) A well owner is responsible for the costs of installing, operating, and maintaining measuring devices.

Added by Acts 2015, 84th Leg., R.S., Ch. 656 (H.B. 2407), Sec. 1, eff. June 17, 2015.

Sec. 8875.108. NO EMINENT DOMAIN. The district may not exercise the power of eminent domain.

Added by Acts 2015, 84th Leg., R.S., Ch. 656 (H.B. 2407), Sec. 1, eff. June 17, 2015.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8875.151. FEES. (a) The district may set a reasonable fee for administrative management on a per well basis. The district may set a fee for administrative management on:

(1) a well used solely for domestic or livestock purposes in an amount not greater than \$15 per well, per year; and

(2) a well that is exempt from permitting and that is not used solely for domestic or livestock purposes in an amount not greater than \$50 per well, per year.

(b) The district may impose reasonable production fees on each well that is not exempt from permitting based on the amount of water actually withdrawn from the well. The district may not impose a production fee under this subsection in an amount greater than:

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

(2) \$40 per acre-foot for groundwater used for any other purpose.

Added by Acts 2015, 84th Leg., R.S., Ch. 656 (H.B. [2407](#)), Sec. 1, eff. June 17, 2015.