

SPECIAL DISTRICT LOCAL LAWS CODE  
TITLE 6. WATER AND WASTEWATER  
SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER  
CHAPTER 8886. SUTTON COUNTY UNDERGROUND WATER CONSERVATION  
DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8886.001. DEFINITIONS. In this chapter:

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

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. 2803), Sec. 1.04, eff. April 1, 2019.

Sec. 8886.002. NATURE 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 of the groundwater reservoirs located under district land, consistent with the objectives of Section 59, Article XVI, Texas Constitution, and Chapters 36 and 51, Water Code.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. 2803), Sec. 1.04, eff. April 1, 2019.

Sec. 8886.003. FINDINGS OF PUBLIC USE AND BENEFIT. 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 2017, 85th Leg., R.S., Ch. 869 (H.B. 2803), Sec. 1.04, eff. April 1, 2019.

Sec. 8886.004. CONFLICTS OF LAW. (a) Except as otherwise provided by this chapter, if there is a conflict between this chapter and Chapter 49, 51, or 36, Water Code, this chapter controls.

(b) If there is a conflict between Chapter 49 or 51, Water Code, and Chapter 36, Water Code, Chapter 36 controls.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. 2803), Sec. 1.04, eff. April 1, 2019.

#### SUBCHAPTER B. TERRITORY

Sec. 8886.051. DISTRICT TERRITORY. The boundaries of the district are coextensive with the boundaries of Sutton County, unless the district's territory has been modified under:

(1) Section 8886.052 or 8886.053 of this chapter or their predecessor statutes, former Section 11 or 14, Chapter 377, Acts of the 69th Legislature, Regular Session, 1985; or

(2) other law.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. 2803), Sec. 1.04, eff. April 1, 2019.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 497 (H.B. 4705), Sec. 1, eff. September 1, 2019.

Sec. 8886.052. LAND EXCLUSION. Land may be excluded from the district in accordance with the procedures prescribed in Sections 49.303-49.308, Water Code.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. 2803), Sec. 1.04, eff. April 1, 2019.

Sec. 8886.053. ANNEXATION OF TERRITORY. (a) Territory may be added to the district as provided by:

(1) Subchapter J, Chapter 49, Water Code; or

(2) Subchapter O, Chapter 51, Water Code.

(b) If the district annexes territory, the board shall determine the precincts to which annexed territory is added for the

purpose of electing directors.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. [2803](#)), Sec. 1.04, eff. April 1, 2019.

#### SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 8886.101. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of five directors.

(b) The directors serve staggered four-year terms.  
Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. [2803](#)), Sec. 1.04, eff. April 1, 2019.

Sec. 8886.102. ELECTION OF DIRECTORS. One director is elected from each county commissioners precinct in Sutton County. One director is elected at large.  
Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. [2803](#)), Sec. 1.04, eff. April 1, 2019.

Sec. 8886.103. ELECTION DATE. The district shall hold an election to elect directors on the uniform election date in May of each odd-numbered year or another date authorized by law.  
Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. [2803](#)), Sec. 1.04, eff. April 1, 2019.

Sec. 8886.104. QUALIFICATIONS FOR OFFICE. (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) To be qualified for election as a director from a precinct, a person must be a resident of the precinct from which the person is elected.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. [2803](#)), Sec. 1.04, eff. April 1, 2019.

#### SUBCHAPTER D. POWERS AND DUTIES

Sec. 8886.151. GENERAL POWERS AND DUTIES. Except as

otherwise provided by this chapter, the district may exercise:

(1) the powers essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution; and

(2) the rights, powers, and functions provided by this chapter and Chapters 36 and 51, Water Code.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. 2803), Sec. 1.04, eff. April 1, 2019.

Sec. 8886.152. ADMINISTRATIVE PROCEDURES. Except as otherwise provided by this chapter, the administrative and procedural provisions of Chapters 36 and 51, Water Code, apply to the district.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. 2803), Sec. 1.04, eff. April 1, 2019.

Sec. 8886.153. WELL PERMITS. (a) The board may:

(1) require a permit for drilling, equipping, or completing a well in a groundwater reservoir in the district; and

(2) issue a permit that imposes terms relating to drilling, equipping, or completing a well that are necessary to prevent waste or conserve, preserve, and protect groundwater.

(b) The board may not deny an owner of land, or the owner's heirs, assigns, and lessees, a permit to drill a well on that land or the right to produce groundwater from that well, subject to rules adopted under this chapter.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. 2803), Sec. 1.04, eff. April 1, 2019.

Sec. 8886.154. WELL SPACING AND PRODUCTION. To minimize as far as practicable the drawdown of the water table or the reduction of the artesian pressure, the board may provide for spacing wells that are producing water from a groundwater reservoir in the district and may regulate the production from those wells.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. 2803), Sec. 1.04, eff. April 1, 2019.

Sec. 8886.155. LOGS. The board may require that:

(1) accurate driller's logs be kept of wells in any groundwater reservoir in the district; and

(2) a copy of driller's logs and of any electric logs that are made of the wells be filed with the district.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. [2803](#)), Sec. 1.04, eff. April 1, 2019.

Sec. 8886.156. AVAILABLE GROUNDWATER. The board shall determine the quantity of the groundwater available for production and use and the improvements, developments, and recharges that will be necessary for any groundwater reservoirs in the district.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. [2803](#)), Sec. 1.04, eff. April 1, 2019.

Sec. 8886.157. SURVEYS. The board may have a licensed engineer survey the groundwater of any groundwater reservoir in the district and the facilities for the development, production, and use of groundwater from any reservoir in the district.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. [2803](#)), Sec. 1.04, eff. April 1, 2019.

Sec. 8886.158. RESEARCH AND DETERMINATIONS REGARDING GROUNDWATER WITHDRAWAL. The district may carry out research projects, develop information, and determine limitations, if any, that should be placed on the withdrawal of groundwater.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. [2803](#)), Sec. 1.04, eff. April 1, 2019.

Sec. 8886.159. COLLECTION AND PRESERVATION OF INFORMATION. The district may collect and preserve information regarding the use of the groundwater and the practicability of recharge of a groundwater reservoir in the district.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. [2803](#)), Sec. 1.04, eff. April 1, 2019.

Sec. 8886.160. CONTRACT FOR SALE AND DISTRIBUTION OF WATER. The district may contract for, sell, and distribute water

from a water import authority or other agency.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. 2803), Sec. 1.04, eff. April 1, 2019.

Sec. 8886.161. ACQUISITION OF LAND. The board may acquire land to:

- (1) erect a dam;
- (2) drain a lake, draw, depression, or creek; and
- (3) install pumps and other equipment necessary to recharge a groundwater reservoir in the district.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. 2803), Sec. 1.04, eff. April 1, 2019.

Sec. 8886.162. ELECTIONS. The district shall conduct elections in the manner provided by Chapter 51, Water Code.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. 2803), Sec. 1.04, eff. April 1, 2019.

#### SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 8886.201. TAX AND BOND PROVISIONS. (a) Except as otherwise provided by this chapter, the tax and bond provisions of Chapters 36 and 51, Water Code, apply to the district.

(b) On approval of the majority of the voters in an election called for that purpose, the district may impose an ad valorem tax to pay the principal of and interest on bonds and to maintain the district. The tax approved under this subsection may not exceed five cents on each \$100 of assessed valuation.

(c) At a regular meeting of the board, if the board determines that the tax imposed under Subsection (b) is no longer sufficient for the purposes stated in that subsection, the board may call an election to be held to approve the imposition of an ad valorem tax in excess of the limitation provided by Subsection (b). If a majority of the voters approve the imposition of taxes in excess of the limitation provided by Subsection (b), the district may impose taxes in the amount approved by the voters at the election called and held under this subsection.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. [2803](#)), Sec. 1.04, eff. April 1, 2019.

#### SUBCHAPTER F. DISSOLUTION OF DISTRICT

Sec. 8886.251. DISSOLUTION OF DISTRICT. The district may be dissolved as provided by Chapter [36](#), Water Code.

Added by Acts 2017, 85th Leg., R.S., Ch. 869 (H.B. [2803](#)), Sec. 1.04, eff. April 1, 2019.