

Item 6 – Amendment to the FY2022 Fee Schedule Resolution

Below is wording contained in the District’s Enabling Act relating to fees:

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8835.151. FEES.

(c) In addition to the fee authorized under Subsection (b), 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 for each thousand gallons for water used.

The District currently uses the term “Transfer Fee” to define the combination of the production and export fees. The FY2022 Fee Schedule needs to be amended to properly use the word “export” in the definition of Transfer Fee.

In addition to the above suggested amendment, the General Manager requests that an application fee for a Transport permit be added at a rate of \$100/well contained in the application.

It is further recommended that all categories of applications be clearly defined as all wells requested within a single permit application are each subject to a \$100 application fee.

It is the recommendation by the General Manager that the FY 2022 Fee Scheduled be amended to properly identify the definition of “Transfer Fee” as the combination of the applicable production fee and adopted export fee, add \$100/well “Transport permit” application, and clearly defined that all wells within any category of permit applications are each subject to the \$100 application fee.



**A RESOLUTION OF THE
BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT
ADOPTING ITS 2022 FEE SCHEDULE
No. 11-11-21.6**

WHEREAS, the Brazos Valley Groundwater Conservation District (“District”) is charged by the Texas Legislature with providing for the conservation, preservation, protection, and prevention of waste of groundwater, and of groundwater resources in Brazos and Robertson counties, Texas, under §36.0015, Tex. Water Code;

WHEREAS, the District is authorized to make and enforce fair and impartial rules to manage groundwater resources as scientifically necessary to conserve and protect groundwater resources in the area under §36.101, Tex. Water Code;

WHEREAS, pursuant to the District’s Enabling Act, adopted in 2001 by the Texas Legislature and codified in Chapter 8835, Texas Special District Local Laws Code, and District Rule 9.1, the District may impose a reasonable production fee on each District-permitted well, as well as an export fee on applicable wells, within the legal limits.

WHEREAS, the District’s Enabling Act authorized an initial production fee of \$0.25/acre-foot for agricultural use or steam electric stations, and \$0.0425 for each thousand gallons for all other water uses. The initial fee is authorized to be increased at a cumulative rate not to exceed three percent for each year, allowing for a maximum 2022 rate of \$0.355 for agricultural use and steam electric, and \$0.06035 for each thousand gallons for all other water uses. Transfer fee rate is a combination of the applicable production fee and transfer fee not to exceed \$0.17 for each thousand gallons produced.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT THAT

The District adopts the attached Fee Schedule for 2022.

PASSED AND APPROVED this the 11th day of November, 2021.

BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

Stephen Cast, President Date

Jayson Barfknecht, Secretary Date



BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

2022 FEE SCHEDULE

Production Fees

Public/Municipal/RWPS Non-Exempt	\$0.04625/1000 gallons	All Metered Production
All Other Non-Exempt	\$0.04625/1000 gallons	All Metered Production
Agriculture Use	\$0.1875/ acre foot	All Metered Production or Annual Permitted Production*
Steam Electric Generation	\$0.2941/acre foot	All Metered Production
Export	\$0.????/acre foot	Applies to Transport Permit(s)
Transfer	Applicable Production fee + Export fee	Applies to Transport Permit(s)

Application Fees

Historic Use	\$100.00	Per well within the Application
Drilling/Operating	\$100.00	Per well within the Application
Transport	\$100.00	Per well within the Application
Amendment	\$100.00	Per well within the Application
Variance	\$100.00	Per well within the Application

Other Fees

Staff Time	\$50.00	Per Hour
Returned Check Fee	\$25.00	
Copies	\$.10/copy	
Mailings	Postage	
Recording of Board Meeting on CD	\$5.00	Per CD

* If the well permitted for agricultural use is metered, then the permittee shall pay the fee based on the total annual metered groundwater production, as verified by the District. If the well permitted for agricultural use is not metered, then the permittee shall pay the fee based on the permitted annual production amount.