

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER

CHAPTER 8835. BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8835.001. DEFINITIONS. In this chapter:

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

Conservation District.

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

Sec. 8835.002. 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. 8835.003. 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. 8835.004. DISTRICT TERRITORY. The district's boundaries are coextensive with the boundaries of Robertson and Brazos Counties 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. 8835.051. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of eight directors.

- (b) Directors serve staggered four-year terms.
- (c) A director may serve consecutive terms.

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

Sec. 8835.052. APPOINTMENT OF DIRECTORS. (a) The Robertson County Commissioners Court shall appoint four 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; and
- (4) one must represent active industrial interests in the county.

(b) The Brazos County Commissioners Court shall appoint two directors, of whom:

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

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

(c) The governing body of the City of Bryan, with the approval of the Brazos County Commissioners Court, shall appoint one director.

(d) The governing body of the City of College Station, with the approval of the Brazos County Commissioners Court, shall appoint one director.

(e) Every two years after January 1 of the second year following the district's confirmation, the appropriate governing body shall appoint the appropriate number of directors.

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

Sec. 8835.053. BOARD VACANCY. If there is a vacancy on the board, the governing body of the entity that appointed the director who vacated the office shall appoint a director to serve the remainder of the term.

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

Sec. 8835.054. 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 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8835.055. VOTE REQUIRED FOR BOARD ACTION. 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 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8835.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as 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 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8835.102. 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 2011, 82nd Leg., R.S., Ch. 70 (S.B. 1147), Sec. 1.03, eff. April 1, 2013.

Sec. 8835.103. LIMITATION ON POWER OF EMINENT DOMAIN. The district does not have the power of eminent domain granted by Section 36.105, Water Code.

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

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8835.151. 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) The board shall base the amount of the initial fee on the amount of water to be withdrawn from the well. The initial fee:

- (1) may not exceed:
 - (A) \$0.25 for each acre-foot for water used to irrigate agricultural crops or operate existing steam electric stations; or

(B) \$0.0425 for each thousand gallons for water used for any other purpose; and

(2) may be increased at a cumulative rate not to exceed three percent for each year.

(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.

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

Sec. 8835.152. AUTHORITY TO ISSUE BONDS AND NOTES. The district may issue bonds and notes under Subchapter F, Chapter 36, Water Code, not to exceed \$500,000 of total indebtedness at any time.

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

Sec. 8835.153. LIMITATION ON AUTHORITY TO IMPOSE TAXES. The district does not have the authority relating to taxes that is granted by Sections 36.020 and 36.201-36.204, Water Code.

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