

CHAPTER 408

H.B. No. 2382

An Act relating to the creation, administration, powers, duties, operation, and financing of the Martin County Underground Water Conservation District.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. CREATION OF DISTRICT. Under Article XVI, Section 59, of the Texas Constitution the Martin County Underground Water Conservation District is created as a governmental agency and body politic and corporate, authorized to exercise the powers essential to the accomplishment of the purposes of that constitutional provision and to exercise the rights, powers, duties, privileges, and functions provided by this Act and by Chapters 51 and 52, Water Code, and by other laws of this state relating to underground water conservation districts.

SECTION 2. DEFINITION. In this Act, "district" means the Martin County Underground Water Conservation District.

SECTION 3. BOUNDARY OF DISTRICT. The district includes all of the territory located in Martin County.

SECTION 4. PURPOSE OF DISTRICT. The district is created to provide for the conservation, preservation, protection, recharge, and prevention of waste of the underground water reservoirs located under district land consistent with the objectives of Article XVI, Section 59, of the Texas Constitution and Chapters 51 and 52, Water Code.

SECTION 5. POWERS AND DUTIES OF DISTRICT. The district may exercise the powers, rights, privileges, and functions permitted by Chapters 51 and 52, Water Code, and may:

- (1) make and enforce rules to provide for conserving, preserving, protecting, recharging, and preventing waste of the water from the underground water reservoirs;

(2) enforce its rules by injunction, mandatory injunction, or other appropriate remedies in a court of competent jurisdiction;

(3) require permits for the drilling, equipping, and completion of wells in the underground water reservoirs in the district and issue permits that include terms and provisions with reference to the drilling, equipping, and completion of the wells that are necessary to prevent waste or conserve, preserve, and protect underground water;

(4) provide for the spacing of wells producing from the underground water reservoirs in the district and regulate the production from those wells to minimize as far as practicable the drawdown of the water table or the reduction of the artesian pressure, provided, the owner of the land, his heirs, assigns, and lessees are not denied a permit to drill a well on their land and the right to produce underground water from that well subject to rules adopted under this Act;

(5) require records to be kept and reports to be made of the drilling, equipping, and completion of wells into any underground water reservoir in the district and the taking and use of underground water from those reservoirs and require accurate driller's logs to be kept of those wells and a copy of those logs and of any electric logs that may be made of the wells to be filed with the district;

(6) acquire land for the erection of dams and for the purpose of draining lakes, draws, and depressions; construct dams, drain lakes, depressions, draws, and creeks; and install pumps and other equipment necessary to recharge any underground water reservoirs in the district;

(7) have made by registered professional engineers surveys of the underground water of any underground water reservoir in the district and of the facilities for the development, production, and use of that underground water and determine the quantity of the underground water available for production and use and the improvements, developments, and recharges needed for those underground water reservoirs;

(8) develop comprehensive plans for the most efficient use of the underground water of any underground water reservoir in the district and for the control and prevention of waste of that underground water, with the plans to specify in the amount of detail that may be practicable, the acts, procedure, performance, and avoidance that are or may be necessary to carry out those plans, including specifications;

(9) carry out research projects, develop information, and determine limitations, if any, that should be made on the withdrawal of underground water from any underground water reservoir in the district;

(10) collect and preserve information regarding the use of the underground water and the practicability of recharge of any underground water reservoir in the district;

(11) publish plans and information, bring them to the notice and attention of the users of the underground water in the district, and encourage their adoption and execution;

(12) contract for, sell, and distribute water from a water import authority or other agency; and

(13) contract with other districts that have powers similar to those of the district to achieve common goals.

SECTION 6. ADMINISTRATIVE PROCEDURES. Except as provided by this Act, the administrative and procedural provisions of Chapters 51 and 52, Water Code, apply to the district.

SECTION 7. INITIAL DIRECTORS. (a) The members of the initial board of directors are:

- (1) Earl Dickenson;
- (2) Rufus Tom;
- (3) Kathy Knox;
- (4) James Sawyer; and
- (5) John Campbell.

(b) The initial members of the board shall serve until their successors have been elected and have qualified.

(c) If any person appointed as one of the initial directors fails to qualify for office, the commissioners court shall appoint another person to fill the position.

SECTION 8. CONFIRMATION OF DISTRICT. (a) The legislature finds that all of the land included within the boundaries of the district will be benefited and that the district is created to serve a public use and benefit.

(b) Within 30 days after the effective date of this Act and without the necessity of having a petition presented, the initial board of directors shall call an election to be held in the district for the purpose of confirming the organization of the district, provided the election is not held sooner than 60 days nor later than 90 days after the election is ordered.

(c) The ballot for the election shall be printed to provide for voting for or against the following propositions:

- (1) the creation of the Martin County Underground Water Conservation District; and
- (2) the levy and collection of a property tax in the district.

(d) The initial board of directors may include any other propositions on the ballot that it considers necessary.

(e) The ballot also shall provide for election of directors for the district. A person who desires to have his name printed on the ballot as a candidate for director shall file a petition with the initial board of directors before the 30th day preceding the date of the election. If a person is a candidate for director from a particular commissioner's precinct, he shall designate the commissioner's precinct that he desires to represent.

(f) Only qualified electors who reside in the district are qualified to vote in the election.

(g) Notice of the election shall be published at least twice in a newspaper of general circulation in the district, at least 30 days and at least 10 days respectively, before the date of the election.

(h) Returns of the result of the election shall be made to the initial board of directors of the district and the directors shall canvass those returns and declare the results of the election.

(i) No hearings may be held to determine whether any land included within the boundaries of the district should be excluded.

SECTION 9. TAXES AND BONDS. The tax and bond provisions of Chapters 51 and 52, Water Code, apply to the district.

SECTION 10. DISSOLUTION OF DISTRICT. Subchapter G, Chapter 52, Water Code, applies to dissolution of the district.

SECTION 11. ANNEXATION. Additional territory may be added to the district as provided by Chapter 51, Water Code. The board of directors shall determine to which precinct the annexed land will be added for purposes of election of directors.

SECTION 12. DIRECTOR ELECTIONS. (a) The district shall be governed by a board of directors that consists of five directors.

(b) To be qualified for election as a director, a person must be a resident of the district and be at least 18 years of age.

(c) One director shall be elected from each county commissioners precinct in Martin County and one director shall be elected from the district at large. To represent a commissioners precinct, the director must be a resident of the precinct.

(d) Directors serve staggered four-year terms.

(e) After the election of directors at the confirmation election held under Section 8 of this Act, regular elections for a portion of the board of directors shall be held in each even-numbered year. The directors elected from commissioners precincts 1 and 3 and the director elected at large at the confirmation election shall serve as directors until the first regular meeting of the board after the second regular election of directors, and the directors elected from commissioners precincts 2 and 4 at the confirmation election shall serve until the first regular meeting of the board after the first regular election of directors.

SECTION 13. STATUTORY INTERPRETATION. If there is a conflict between this Act and Chapter 51 or 52, Water Code, this Act controls. If there is a conflict between the application of Chapter 51, Water Code, and Chapter 52, Water Code, to the district, Chapter 52 controls.

SECTION 14. DISSOLUTION OF EXISTING DISTRICT. The Martin County Underground Water District No. 1, created in 1951 under Chapter 52, Water Code, is dissolved.

SECTION 15. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 25, 1985, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. 2382 was transmitted to the Governor on March 20, 1985, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on April 3, 1985; passed by the Senate on May 17, 1985, by the following vote: Yeas 30, Nays 0.

Approved: June 10, 1985

Effective: Immediately