

CHAPTER 950

H.B. No. 2418

An Act relating to the creation, administration, powers, duties, operation, and financing of the Coke 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 Coke 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, Chapters 51 and 52, Water Code, and other laws of this state relating to underground water conservation districts.

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

SECTION 3. DISTRICT BOUNDARY. The district includes all of the area in Coke County, Texas, and the boundaries of the district are coterminous with the boundaries of that 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. (a) The district has the powers, rights, privileges, responsibilities, and functions provided by Chapters 51 and 52, Water Code, and the authority provided by this section.

(b) The board of directors may adopt and enforce rules to provide for conserving, preserving, protecting, recharging, and preventing waste of the water from the underground water reservoirs. Those rules may be enforced by injunction, mandatory injunction, or other appropriate remedies in a court of competent jurisdiction.

(c) The board of directors may require permits for the drilling, equipping, and completion of wells in the underground water reservoir and issue permits subject to terms and provisions relating to drilling, equipping, and completion of wells that are necessary to prevent waste or conserve, preserve, and protect underground water.

(d) The board of directors may provide for the spacing of wells producing from the underground water reservoirs 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. The owner of the land, his heirs, assigns, and lessees may not be denied a permit to drill a well on the land and the right to produce underground water from that well subject to rules adopted under this Act.

(e) The board of directors may require records to be kept and reports to be made of the drilling, equipping, and completion of wells into any underground water reservoir and the taking and use of underground water from those reservoirs and may 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.

(f) The district may acquire land for the erection of dams and for the purpose of draining lakes, depressions, and draws and may construct dams, drain lakes, depressions, draws, and creeks and install pumps and other equipment necessary to recharge an underground water reservoir.

(g) The district may have registered professional engineers make surveys of the underground water of any underground water reservoir 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.

(h) The district may develop comprehensive plans for the most efficient use of the underground water of any underground water reservoir and for the control and prevention of waste of that underground water. The plans shall specify in the amount of detail that may be practicable any act, procedure, performance, and avoidance necessary to effect those plans.

(i) The district may 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.

(j) The district may collect and preserve information regarding the use of the underground water and the practicability of recharge of any underground water reservoir.

(k) The board of directors may publish plans and information, bring them to the notice and attention of the users of the underground water within the district, and encourage their adoption and execution.

(l) The district may contract for, sell, and distribute water from a water import authority or other agency.

SECTION 6. ADMINISTRATIVE PROCEDURES. Except as otherwise 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) Arch Mathers;
- (2) Otis Smith;
- (3) Horace Scott;
- (4) Billy Tounget; and
- (5) Royce Lee, at large and chairman.

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

SECTION 8. CONFIRMATION OF DISTRICT. (a) The legislature finds that 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) Not sooner than the 120th day and not later than the 180th day 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. The election may not be held sooner than the 30th day nor later than the 120th day after the date on which the election is ordered.

(c) The propositions to be voted on shall include the question of whether or not the establishment of the district is confirmed, the question of levying, assessing, and collecting an ad valorem tax throughout the district, and any other propositions required by this Act or by the initial board of directors.

(d) The ballot also shall provide for election of the board of directors.

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

(f) 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.

(g) Returns 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.

(h) Hearings may not be held to determine whether or not any land included within the boundaries of the district should be excluded.

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

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

SECTION 11. ANNEXATION. Additional territory may be added to the district under Subchapter O, Chapter 51, Water Code. The directors shall determine to which precinct the annexed land shall 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 21 years of age.

(c) One director shall be elected from each county commissioners precinct in Coke County and one director shall be elected at large.

(d) To be qualified for election as a director from a precinct, a person must reside in the precinct from which he is elected.

(e) The three directors receiving the highest number of votes at the confirmation election shall serve as directors until the three persons elected at the second regular election of directors have qualified, and the other two directors shall serve until the two persons elected at the first regular election of directors have qualified. After the second election of directors, an election shall be held each year on the first Saturday in April with two directors elected one year and three the next year in continuing sequence.

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 Chapter 51, Water Code, and Chapter 52, Water Code, Chapter 52 controls. If there is a conflict between this Act and any other laws, this Act controls.

SECTION 14. 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 May 2, 1985, by a non-record vote; and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. 2418 was transmitted to the Governor on April 4, 1985, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on May 22, 1985; passed by the Senate on May 17, 1985, by the following vote: Yeas 30, Nays 0.

Approved: June 15, 1985

Effective: August 26, 1985