

CHAPTER 439

S.B. No. 1525

AN ACT

relating to the creation, administration, powers, duties, operations, fiscal procedures, annexation authority, bond and taxing authority, and the exercise of eminent domain by the Lipan-Kickapoo Water Conservation District.

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

SECTION 1. DEFINITIONS. In this Act:

- (1) "District" means the Lipan-Kickapoo Water Conservation District.
- (2) "Board" means the district's board of directors.

SECTION 2. CREATION OF DISTRICT; PURPOSE. (a) Subject to approval at an election required by Section 13 of this Act, the Lipan-Kickapoo Water Conservation District is created under the authority of Article XVI, Section 59, of the Texas Constitution.

(b) The district is created to provide for the conservation, preservation, protection, recharge, and prevention of waste and pollution of the underground and surface water of the district consistent with the objectives of Article XVI, Section 59, of the Texas Constitution, and Chapters 51 and 52, Water Code.

SECTION 3. LEGISLATIVE FINDINGS. The legislature finds that:

- (1) the creation of the district is feasible and practicable;
- (2) the district will be a benefit to the land contained within the boundaries of the district;
- (3) there is a public necessity for the district; and
- (4) the district will provide a benefit and utility to the public.

SECTION 4. BOUNDARIES. The district shall include all of the territory in Tom Green and Concho counties contained within the following described area:

BEGINNING in Tom Green County, Texas at the point of intersection of U. S. Highway 277 with the South Tom Green County Line, situated in the West part P. W. McNeise, Survey 3 for a POINT OF BEGINNING;

THENCE in a Northerly direction along the East right-of-way line of said U. S. Highway 277 to a point in the North boundary line of said Section P. W. McNeise, Survey No. 3;

THENCE following the meanders of U. S. Highway 277 from the South boundary line of Section 1131, C&MRyCo to a point of intersection in the North boundary line of said Section 1131 and being the South boundary line of W. B. Hunter Survey 1130;

THENCE from said point of intersection in the Northerly direction along the East right-of-way line of said U. S. Highway 277 to the North boundary line of said W. B. Hunter Survey No. 1130 and the South boundary line of P. S. Wendall Survey No. 1886;

THENCE in a Northerly direction along the East right-of-way line of said U. S. Highway 277 to a point in the North boundary line of said P. S. Wendall Survey No. 1886 and being in the most Northerly South boundary line of Survey No. 1009, HE&WTRyCoSurvey;

THENCE in a northerly direction along the East right-of-way line of U. S. Highway 277 to the North boundary line of said Survey No. 1009, HE&WTRyCoSurvey and being the South boundary line of the J. F. Fuchs Survey No. 955;

THENCE in a Northerly direction along the East right-of-way line of U. S. Highway 277 to a point in the North boundary line of said J. F. Fuchs Survey 955 and being in the South boundary line of the C. Stahl Survey No. 954;

THENCE in a Northerly direction along the East right-of-way line of said U. S. Highway 277 to a point in the North boundary line of the C. Stahl Survey No. 954 and being in the South boundary line of the J. Ennert Survey No. 953;

THENCE in a Northerly direction following the East right-of-way line of said U. S. Highway 277 to a point of intersection in the North boundary line of said J. Ennert Survey 953 and being the South boundary line of J. Ennert Survey No. 952;

THENCE in a Northerly direction along the East right-of-way line of U. S. Highway 277 to a point the North boundary line of said J. Ennert Survey No. 952 and in the South boundary line of C. Gleisner Survey No. 1833;

THENCE in a Northeasterly direction along the East right-of-way line of U. S. Highway 277 to a point of intersection in the North boundary line of the C. Gleisner Survey No. 1833 and being in the South boundary line of the C. Gleisner Survey No. 1831;

THENCE in a Northeasterly direction along the East right-of-way line of U. S. Highway 277 to a point in the North boundary line of C. Gleisner Survey No. 1831 and in the South boundary line of C. A. Clark Survey No. 70;

THENCE in a Northeasterly direction along the East right-of-way boundary line of U. S. Highway 277 to a point of intersection in the North line of C. A. Clark Survey No. 70 and being in the South Boundary line of L. Straus Survey No. 1829;

THENCE in a Northeasterly direction along the East right-of-way line of U. S. Highway 277 and crossing the South Concho River to the north bank thereof situated in the J. Zerbach Survey No. 1827;

THENCE continuing in a northerly direction and along the East right-of-way line of U.S. Highway 277 to a point of intersection situated on the North bank of the South Concho River and in the North boundary line of the J. Zerbach Survey No. 1827 and being a point in the South boundary line of the J. Eldridge Survey No. 73 and being a point in the South boundary of the Tom Green County Water Supply District #2;

THENCE with the north or northeast bank of the South Concho River South 51° East 200 feet; South 67° East 300 feet to the confluence of McKettric Creek with the South Concho River;

THENCE with the north and northwest bank of McKettric Creek North 38° East 235 feet; North 21° East 327 feet, crossing the East line of Block No. 2, Voss Addition to the Town of Christoval and Rudd Road, and following the south and southwest lines of Willie McCutchan tract to a point in the north or northeast bank of McKettric Creek;

THENCE North 13 feet to a 1 ½ inch G.I. pipe marked "N.L. 3—" and set in concrete in the east side of Rudd Road set for the Northwest corner of Block No. 3, Voss Addition to the town of Christoval;

THENCE along the southwest line of said Block 3 and being along the northeast line of Texas F.M. 2084 South 27° 52' 39" East following a curve to the left in said road and passing a concrete right-of-way marker to a ½" iron pipe set for the most southerly corner of the Tom Green County Water Supply District No. 2 and being on the northeast right-of-way of Texas F.M. 2084;

THENCE North 62° 04' 45" East 2,116.73 feet to a ½" iron pipe set for the Southeast corner of said Tom Green County Water Supply District No. 2;

THENCE North 0° 21' 12" East 815.37 feet with the east line of Block No. 10, Voss Addition to the town of Christoval to the southeast corner of the Original Town of Christoval as shown by plat recorded in Volume 65, Page 566, Tom Green County Deed Records, to which plat and its record reference is here made for all pertinent purposes, and being at the intersection of the south line of Voss Street and the east line of Ninth Street;

THENCE North 2,249.88 feet to the most eastern northeast corner of the Original Town of Christoval and being the northeast corner of Block No. 34 Original Town of Christoval;

THENCE North 89° West along the north boundary line of the town of Christoval to the northwest corner of Block No. 35, Original Town of Christoval;

THENCE North with a northerly projection of the West line of said Block No. 35 244.05 feet to a corner in the west line of said Block No. 35;

THENCE West along a projection of the most northerly north line of Block No. 37, Original Town of Christoval to the northeast corner of Lot No. 4, Block No. 37, Original Town of Christoval;

THENCE North 1° East with the east line of the Original Town of Christoval to the northeast corner of the Original Town of Christoval and a point in the north line of Holland Street, said northeast corner being due North of the northeast corner of said Lot No. 4, Block No. 51, Original Town of Christoval;

THENCE West with the north line of Holland Street to the southwest corner of the 10-acre tract conveyed to George Atkins by G. W. Lewis by deed dated December 15, 1927, recorded in Volume 137, Page 446, Tom Green County Records, the same being 60 feet north of the northwest corner of Block No. 52, Original Town of Christoval;

THENCE North with the west line of the Lewis 10-acre tract 628.03 feet to an iron pipe set for the northeast corner of the Tom Green County Water Supply District No. 2 and being in the West line of the said Lewis 10-acre tract;

THENCE South 82° 34' 47" West 184.04 feet to a 2" iron pipe fence corner post for a corner;

THENCE South 54° 11' 08" West with a fence 64.98 feet to a 2" iron pipe fence angle post for a corner;

THENCE South 40° 46' 39" West with a fence 365.48 feet to a 2" iron pipe fence angle post;

THENCE South 34° 59' 00" West with a fence 353.32 feet to a point which is 676.46 feet West of the Southwest corner of the above described Lewis 10-acre tract;

THENCE West along the north line of Holland Street to a stake in the north line of Holland Street at a point due North of the northwest corner of Lot No. 1, Block No. 54, Original Town of Christoval;

THENCE North 314 feet to a stake for the most northern northeast corner of the Tom Green County Water Supply District No. 2;

THENCE West 470 feet to a stake for the most northern northwest corner of the Tom Green County Water Supply District No. 2;

THENCE South 314 feet to a stake in the north line of Holland Street and being due North of the northeast corner of Block No. 56, Original Town of Christoval;

THENCE West 880.58 feet with the north line of Holland Street to a point in the west right-of-way line of U.S. Highway 277 situated within the J. Eldridge Survey No. 73 referred to hereinabove;

THENCE in a Northerly direction along the East right-of-way line of U. S. Highway 277 to a point in the North boundary line of J. Eldridge Survey No. 73 and being in the South boundary line of A. Black Survey No. 75;

THENCE in a Northeasterly direction along the East right-of-way line of said U. S. Highway 277 to a point in the North boundary line of J. Webb Survey No. 77, being in the South boundary line of E. A. McGill Survey No. 79;

THENCE in a Northeasterly direction along the East right-of-way line of U. S. Highway 277 to a point in the North boundary line of E. Smith Survey No. 81 and being in the South boundary line of J. Webb Survey No. 83;

THENCE in a Northeasterly direction along the East right-of-way line of U. S. Highway 277 to a point in the North boundary line of G. Smith Survey No. 1825 and being in the South line of C. S. Jackson Survey No. 1823;

THENCE in a Northeasterly direction following the East right-of-way line of U. S. Highway 277 to a point in the North line of C. S. Jackson Survey No. 1823 and being in the South line of M. Harrison Survey No. 89;

THENCE in a Northeasterly direction along the East right-of-way line of U. S. Highway 277 to a point in the North boundary line of M. Harrison Survey No. 89 and being in the South boundary line of R. A. Abbott Survey No. 91;

THENCE in a Northeasterly direction along the East right-of-way line of U. S. Highway 277 to a point in the North boundary line of R. A. Abbott Survey No. 91 and being in the South boundary line of J. E. Deboer Survey No. 93;

THENCE continuing in a Northeasterly direction along the East right-of-way line of U. S. Highway 277 to a point in the North line of J. E. Deboer Survey No. 93 and being the South line of D. Chandler Survey No. 1819;

THENCE continuing in a Northeasterly direction along the East right-of-way line of U. S. Highway 277 to a point in the East boundary line of D. Chandler Survey No. 1819 and being a point in the most Westerly boundary line of the J. R. Craddock Survey No. 1;

THENCE in a Northeasterly direction along the East right-of-way line of U. S. Highway 277 across the J. R. Craddock Survey No. 1, crossing the most Westerly Northwestern corner of S. Hehl Survey No. 536 and the Southeastern corner of George Smith Survey No. 1813 to a point in the Northeastern boundary line of the panhandle of the J. R. Craddock Survey No. 1 and being a point in the West boundary line of C. Gowin Survey No. 535;

THENCE in a Northeasterly direction along the East right-of-way line of U. S. Highway 277 to a point in the North boundary line of C. Gowin Survey No. 535 and being in the South boundary line of David Lloyd Survey No. 101;

THENCE in a Northeasterly direction along the East right-of-way line of U. S. Highway 277 to a point in the North boundary line of David Lloyd Survey No. 101 and being in a point in the South boundary line of the Washington County School Land Survey No. 103;

THENCE in a Northeasterly direction and following the East right-of-way line of U. S. Highway 277 to a point in the North boundary line of Washington County School Land Survey No. 103 and being a point in the South boundary line of Washington County School Land Survey No. 105;

THENCE in a Northeasterly direction along the East right-of-way line of U. S. Highway 277 to a point in the North boundary line of Washington County School Land Survey No. 105 to a point in the South boundary line of P. W. McNeise Survey No. 1;

THENCE in a Northerly direction along the East right-of-way line of U. S. Highway 277 to a point of intersection of said U. S. Highway 277 with Texas Highway Loop 306;

THENCE in an Easterly direction along the South right-of-way line of said Texas Highway Loop 306 to a point of intersection in the West boundary line of Section No. 75, District 11, SPRyCoSurvey and continuing Easterly along the South boundary line of said Loop 306 crossing said Section No. 75, Section No. 74, District 11, SPRyCoSurvey, and continuing Easterly into Section No. 73, District 11, SPRyCoSurvey at which point the direction of Texas Highway Loop 306 turns Northerly and continuing in a Northerly direction along the Eastern right-of-way line of said Loop 306 crossing the North boundary line of said Section No. 73 and continuing along the East boundary line of said Loop 306 across Section No. 76, District 11, SPRyCoSurvey; crossing Section No. 95, District 11, SPRyCoSurvey, continuing in a Northerly direction along East boundary line of said Loop 306 and crossing HT&BRyCoSurvey No. 1 to a point in the South boundary line of J. G. Murphy Survey No. 2;

THENCE in a Northwesterly direction and along the East right-of-way line of said Loop 306 and crossing J. G. Murphy Survey No. 2, the Southwest corner of L. Schuchert Survey No. 160, F. Klamburg Survey No. 161 and J. Waggoner Survey No. 162 at which point the East right-of-way line of said Texas Highway Loop 306 intersects with the North boundary line of said Section No. 162;

THENCE in a Northeasterly direction and following the meanders of the Concho River and being the Northern boundaries of J. Waggoner Survey No. 162 and continuing along the North boundary lines of F. Klamburg Survey No. 161; L. Schuchert Survey No. 160; V. Horne Survey No. 159; A. Zobel Survey No. 158; V. Horne Survey No. 157; A. Bauman Survey No. 156; J. Cherry Survey No. 155 ½; J. Beekmann Survey No. 155; W. R. Housemann Survey No. 154; J. Beekmann Survey No. 153; M. Suerth Survey No. 152; M. Feller Survey No. 151; J. Faltermier Survey No. 150; M. Feller Survey No. 149; J. Schneider Survey No. 148; J. Gemblar Survey No. 147; J. Fischer Survey No. 146; P. Kellermann Survey No. 145; C. Spauring Survey No. 144; Heirs of C. Buschel Survey No.

143; J. Reichile Survey No. 142; German Emmigration Company Survey No. 575; German Emmigration Company Survey No. 574; H. Falter Survey No. 140; German Emmigration Company Surveys Nos. 573; 572; 571; 570; 569; 568; 567; 566; 565; 564; 563; 562; 561; 560; 559; 558; 557; 556; 555; 554; 553; 552; 551; 550 (the east boundary of which lays partially in Concho County, Texas); continuing in Concho County, Texas in a Northeasterly direction and following the meanders of the Concho River and being the Northern boundaries of German Emmigration Company Survey Nos. 549; 548; 547; 546; 143; 142; 141; 140; 139; 138; 137; 136; 135; 134; 133; 132; 131; 130; 129; 128; 127; 126; 125; 124; 123; 122; 121; 120; 119; 118; 117; 116; 115; 114; 113; 112; 111; 110 to a point in the Northwest corner of said Section No. 110 and being the Northeast corner of German Emmigration Company Survey No. 109;

THENCE in a Southerly direction along the West boundary line of said German Emmigration Company Survey No. 109 to the Southwest corner of said Survey No. 109, thence in an Easterly direction along the South boundary line of said German Emmigration Company Survey No. 109 to the most Southerly Northwestern corner of EL&RRRyCoSurvey No. 1, thence with the most Westerly boundary line of EL&RRRyCoSurvey No. 1 to the Southwest corner of said EL&RRRyCoSurvey No. 1;

THENCE in an Easterly direction along the South boundary line of the EL&RRRyCoSurvey No. 1 to a point and being the Northwest corner of R. T. Trail Survey No. 2;

THENCE in a Southerly direction along the West boundary line of R. T. Trail Survey No. 2 to a point and being the most Easterly Northeast corner of Section No. 7, Block No. 11, H&TCRyCoSurvey, Concho County, Texas and being the most Easterly Northeast corner of Block No. 11, H&TCRyCoSurvey;

THENCE in a Southerly direction along the Block No. 11, H&TCRyCoSurvey line of H&TCRyCoSurvey and along the East boundary lines of Sections Nos. 7, 6, 3, & 2 of said H&TCRyCoSurvey, Block No. 11, to a point in the Southeast corner of said Survey No. 2, Block No. 11, H&TCRyCoSurvey and being the Northeast corner of Section No. 1, Block No. 10, H&TCRyCoSurvey and being the Northeastern corner of Block No. 10, H&TCRyCoSurvey;

THENCE in a Southerly direction along the Block No. 10, H&TCRyCoSurvey lines and being the East boundary lines of Sections Nos. 1, 2, 3, 4, 5 & 6 to a point and being in the East boundary line of Section No. 6, Block No. 10, H&TCRyCoSurvey, Concho County, Texas, and being the most Western Southwest corner of Henry A. Robertson Survey No. 9;

THENCE along the West boundary line of Henry A. Robertson Survey No. 9 to the most Northerly Southwest corner of said Henry A. Robertson Survey No. 9;

THENCE in an Easterly direction along the most Southerly South boundary line to a point in the most Westerly East boundary line of Henry A. Robertson Survey No. 9 and being a point in the West boundary line of Carl Schartz Survey No. 276 and being the Northeast corner of John Morris Survey No. 3;

THENCE in a Southerly direction along the East boundary line of said John Morris Survey No. 3 to a point and being the common Southwest boundary of Survey No. 157, Block No. 72, T&NORyCoSurvey and the Northwest corner of Robert Lacky Survey No. 18;

THENCE along the West boundary line of Robert Lacky Survey No. 18 to a point of intersection in the North boundary line of Survey No. 158, Block No. 72, T&NORyCoSurvey and being the Southwest corner of Robert Lacky Survey No. 18;

THENCE in a Westerly direction along the North boundary line of Survey No. 158, Block No. 72, T&NORyCoSurvey to a point for the Northwest corner of said Survey No. 158 and the Northwest corner of Block No. 72, T&NORyCoSurvey;

THENCE in a Southerly direction following the West boundary line of Block No. 72, T&NORyCoSurvey and being the West boundary lines of Sections Nos. 158, 2002, 2001, J. H. Gibson Survey No. 1, J. F. and T. J. Dodson Survey No. 2, John H. Gibson Survey No. 1, William H. Hughes Survey No. 6, Survey No. 175, H. W. Jacoby Survey No. 176, Michael Sougert Survey No. 2073, Chris Mens Survey No. 2074, continuing Southerly along the West boundary line of Block No. 72, T&NORyCoSurvey and the West boundary

line of Beaty, Seale and Forwood Survey No. 70 and the East right-of-way line of Texas Highway No. 176 and continuing Southerly along the said Western boundary of Block No. 72, T&NORyCoSurvey and the West right-of-way line of Texas Highway No. 176 crossing said Beaty, Seale and Forwood Survey No. 70, Valentine Survey Nos. 2084, Hohmann Survey No. 2083, R. L. Woodward Survey No. 2, Alexander Survey No. 2086, Sator Survey No. 2087, J. H. Johnson Survey No. 68, J. M. Pfluger Survey No. 68 ½, George B. Mayer Survey No. 2095 to a point of intersection in the City Limits of the City of Liveoak, Texas;

THENCE in an Easterly direction along the city limits of said City of Liveoak, Texas to a point in the most Northeasterly city limits lying in said Liveoak, Texas and being in George B. Mayer Survey No. 2095;

THENCE in a Southerly direction along the East boundary line of said city limits of the City of Liveoak, Texas to a point for the most Southeasterly city limits lying in George B. Mayer Survey No. 2095;

THENCE in a Westerly direction along the City Limits of the City of Liveoak situated in George B. Mayer Survey No. 2095 to a point of intersection in the Western boundary line of Block No. 72, T&NORyCoSurvey and being the West boundary line of George B. Mayer Survey No. 2095 and the East right-of-way line of State Highway 176;

THENCE in a Southerly direction along the West boundary line of Block No. 72, T&NORyCoSurvey, and being a point in the West boundary line of George B. Mayer Survey No. 2095 and in the East right-of-way line of State Highway No. 176 and crossing George B. Mayer Survey No. 2096, G. A. Ford Survey No. 2, Chris Funck Survey No. 2124, Chris Metzging Survey No. 2125 to a point for the Southwest corner of the Chris Metzging Survey No. 2125 in the Southwest corner of Block No. 72, T&NORyCoSurvey;

THENCE East along the South boundary line of Block No. 72, T&NORyCoSurvey and the common South boundary line of Chris Metzging Survey No. 2125, Block No. 72, T&NORyCoSurvey line to a point in said South boundary line for a corner and being the most South Northeasterly corner of FL&RR RyCoSurvey No. 143;

THENCE in a Southerly direction along the East boundary line of said FL&RR RyCoSurvey No. 143 to the Southeast corner of said Section No. 143 and being the Northeast corner of Survey No. 108 and continuing in a Southerly direction along the East boundary line of said Section No. 108 to a point of intersection in the South boundary line of Concho County, Texas;

THENCE in a Westerly direction along the South boundary line of the Concho County-Menard County boundary lines to a point of intersection with the Tom Green County boundary line and being the Southwest corner of Concho County, the Northwest corner of Menard County and the Southeast corner of Tom Green County;

THENCE from said common corner in a Westerly direction along the South boundary line of Tom Green County, Texas to the point of intersection where the East right-of-way line of U.S. Highway 277 intersects with the South boundary line of the Tom Green County county line and being situated in P. W. McNeise Survey No. 3 for the POINT OF BEGINNING.

**SECTION 5. APPLICATION OF CHAPTERS 50 AND 52, WATER CODE; GENERAL POWERS AND DUTIES.** Except to the extent of any conflict with this Act or as specifically limited by this Act, the district is governed by and subject to Chapters 50 and 52, Water Code, and may exercise all of the powers contained in these chapters, including the powers to issue bonds and levy and collect taxes and the power of eminent domain. The district shall exercise all of the duties provided by Chapters 50 and 52, Water Code.

**SECTION 6. TEMPORARY DIRECTORS.** (a) On the effective date of this Act, the following persons are designated as temporary directors of the district:

- (1) Michael Hoelscher;
- (2) James Ripple;
- (3) Gregory Phinney;
- (4) Harvey Williams;

- (5) F. G. Brown;
- (6) Joe Brosig; and
- (7) A. H. Denis III.

(b) If a vacancy occurs in the office of temporary director, the remaining temporary directors shall select a person with the qualifications as provided by Section 7 of this Act.

(c) The temporary directors shall select from their members persons to serve as chairperson, vice-chairperson, and secretary.

(d) The temporary directors shall serve until their successors are elected and have qualified.

**SECTION 7. QUALIFICATIONS OF BOARD MEMBERS.** (a) To be qualified for election as a director, a person must be:

- (1) a resident of the district or proposed district;
- (2) at least 18 years of age; and
- (3) not otherwise disqualified by Section 50.026, Water Code.

(b) In addition to the requirements of Subsection (a) of this section, a director from a county area must be a resident of that county.

**SECTION 8. COMPOSITION OF BOARD OF DIRECTORS.** (a) The board of directors of the district is composed of seven members, three directors from Tom Green County, three directors from Concho County, and one director from the district as a whole, who shall be elected by a majority vote of the qualified voters residing in the area of each portion of a county included in the district.

(b) If a vacancy occurs in the office of director, the remaining directors shall select a person with the qualifications as provided by Section 7 of this Act. The person selected serves until the next directors' election. If the position is not regularly scheduled to be filled at that election, the person elected serves for the remainder of the unexpired term.

**SECTION 9. ELECTION OF DIRECTORS.** (a) Beginning in the second year following the creation election, an election shall be held on the third Saturday in May every second year to elect the appropriate number of directors to the board.

(b) A director takes office at the first regular meeting of the board following election to the board.

**SECTION 10. TERM OF OFFICE.** (a) Except for the initial directors of the district, directors shall serve for terms of four years.

(b) The four initial directors receiving the highest number of votes at the confirmation election shall serve as directors until the four persons elected at the second regular election of directors have qualified, and the other three initial directors shall serve until the three persons elected at the first regular directors' election have qualified. After the second regular directors' election, three directors shall be elected at one election and four at the next election in continuing sequence.

**SECTION 11. COMPENSATION.** A director is entitled to receive for his services an amount not to exceed \$25 a day for each day actually engaged in duties for the district.

**SECTION 12. QUORUM.** A majority of the members of the board constitutes a quorum for the transaction of business of the district, but an official action of the board is not valid without the affirmative vote of a majority of the members of the board.

**SECTION 13. CREATION ELECTION.** (a) Not later than the 90th day after the effective date of this Act, the temporary directors shall meet and shall call an election to be held not later than the 180th day after the effective date of this Act within the boundaries of the proposed district to approve the creation of the district.

(b) Subsection (a), Section 41.001, Election Code, does not apply to an election called under this section.

(c) In the order calling the election, the temporary directors shall designate county area places and the at-large position and polling places for the election.

(d) The propositions to be voted on shall include the question of whether the establishment of the district is confirmed and the election of the board of directors. The election may also include the question of levying, assessing, and collecting an ad valorem tax throughout the district.

(e) The temporary directors shall publish notice of the election two times in one or more newspapers of general circulation within the boundaries of the proposed district. The notice must be published not later than the 30th day and the 10th day preceding the date of the election.

(f) Returns of the election shall be made to the temporary directors who shall canvass the returns and declare the results of the election.

(g) If the creation of the district is defeated, all of the propositions relating to the district are defeated, and another election may not be called and held during the 12-month period immediately following the date on which the most recent election on the proposition or propositions was held. If the district is not created within five years after the effective date of this Act, this Act expires.

(h) Except as specifically provided by this section, an election under this Act is governed by the Election Code.

**SECTION 14. ADDITIONAL RIGHTS AND POWERS.** (a) The board may enter into contracts as provided by Chapter 51, Water Code, and those contracts shall be executed by the board in the name of the district.

(b) The board may adopt a seal for the district.

(c) If the district regulates production of underground water by permit as provided by Chapter 52, Water Code, the board may not deny a permit to drill a well to the owner of land, his heirs, assigns, and lessees on his land and the right to produce water from that well under rules adopted by the district.

(d) The district may control, store, and preserve the storm water and floodwater in the district and the water of rivers and streams in the district for irrigation of arid land, prevention of floods and flood damage in the district, and domestic, agricultural, and industrial use.

(e) The district may reclaim land within the district and may construct the necessary works, facilities, and improvements to accomplish this purpose.

(f) The district may construct and maintain terraces and other structures on land in the district and may engage in and promote land treatment measures for soil conservation and improvement.

(g) The district may construct or acquire and improve and maintain works, facilities, and improvements necessary to carry out the purposes, powers, and plans of the district.

(h) The district may construct and acquire works, facilities, and improvements in the manner provided by Chapter 51, Water Code.

(i) The district may acquire by gift, grant, devise, lease, purchase, or condemnation any land or other property necessary to carry out this Act.

(j) Subject to this Act and Chapters 51 and 52, Water Code, the district may sell or otherwise dispose of land and other property of the district that the board determines is not necessary to carry out the purposes or powers of the district.

(k) The district may not enter into any contract or engage in any action to supply underground water or surface water inside or outside the district.

(l) The district through the members of the board or its general manager may appear before the Railroad Commission of Texas and present evidence and information relating to any pending permit application for an injection well to be located within the district.

(m) The district may borrow money for any purpose authorized by this Act.

(n) Except to the extent of any conflict with this Act or as specifically limited by this Act, the district may exercise the powers granted and shall perform the duties under Subchapters D, O, and P, Chapter 51, Water Code.



SECTION 15. SUPERVISION OF DISTRICT. The district is subject to the continuing right of supervision by the state, to be exercised by the Texas Water Commission.

SECTION 16. PROTECTION OF WATER RIGHTS. The ownership and rights of the owner of land, his lessees, and assigns in underground water and any surface water rights are recognized and this Act does not deprive or divest the owner, his lessees, or assigns of those ownership rights.

SECTION 17. NOTICE, ETC. The legislature finds that proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and laws of this state, including the Governor of Texas, who has submitted the notice and Act to the Texas Water Commission. Also, the legislature finds that the Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives, within the required time. All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 18. 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 the Senate on May 23, 1987, by the following vote: Yeas 30, Nays 0. Passed the House on May 29, 1987, by the following vote: Yeas 147, Nays 0, one present not voting.

Approved June 17, 1987.

Effective June 17, 1987.