

By: Hilderbran

H.B. No. 1756

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the name, administration, operations, powers, and
3 duties of the Menard County Water Control and Improvement District
4 No. 1 and the Menard County Underground Water District.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 31, Acts of the 55th Legislature, 1st
7 Called Session, 1957 (Article 7880-147z6, Vernon's Texas Civil
8 Statutes), is amended by amending Sections 1 and 1A and adding
9 Section 9 to read as follows:

10 Sec. 1. The Menard County Water Conservation [~~Control~~] and
11 Improvement District [~~No. 1~~], hereinafter called "District,"
12 situated in Menard County, Texas, organized, established and
13 created pursuant to the provisions of Article XVI, Section 59, of
14 the Constitution of Texas and of Chapter 3a of Title 128, Vernon's
15 Annotated Civil Statutes of Texas, together with all amendments
16 thereto is, in all things, hereby validated, ratified, and
17 confirmed; provided, however, that nothing herein shall prevent the
18 annexation of additional territory to said District in the manner
19 now provided by general law. Said District is described by metes and
20 bounds as follows:

21 Beginning at the Southwest corner of Menard County, the
22 Northwest corner of Kimble County, the Northeast corner of Sutton
23 County, and the Southeast corner of Schleicher County near the
24 central part of the South one-fourth of M. L. Garcia Survey 10, TWNG

1 R. R. Co. Block 16, Abstract 176, Menard County, Texas, for the
2 Southwest corner of this district;

3 THENCE North with the West line of Menard County about 23
4 miles crossing said Survey 10; also A. O. Striegler Survey West Half
5 of Survey 129; Ellen M. Hugh Survey 2; GH&SA Ry. Co. Survey 51,
6 Block A; Thomas Ball Surveys 48 and 24; GH&SA Ry. Co. Survey 21,
7 Block A, to Southwest corner of L. L. Ball Survey 12;

8 THENCE continuing North with the West line of Menard County
9 and along West line of said L. L. Ball Survey 12; West line of
10 Theodore H. Kleinmetz Survey 292 to South Bank of San Saba River;

11 THENCE continuing North with the West line of Menard County
12 crossing said river, and crossing John H. Burkhard Survey 1496; G.
13 W. Hankamer Survey 1651; John Gibson Survey 9; C. E. Treadwell
14 Survey 62; A. B. & M. Survey 13; EL & RR R. R. Co. Survey 69; W. W.
15 Treadwell Survey 24; Michael Johannes Surveys 1633 and 1634; Jos.
16 T. Callan Survey 78; Clemens Hartmann Survey 1637; Johann F.
17 Wilhelm Survey 311; TWNG R. R. Co. Survey 3; John Kennedy Surveys 18
18 and 8 to stake in North line of GH & SA R. R. Co. Survey 13 and South
19 line of Ralph Tisdale Survey 6 about 86 varas East of Northwest
20 corner of said Survey 13 for the most western Northwest corner of
21 this District;

22 THENCE East one mile with the South line of said Survey 6 to
23 its Southeast corner and Southwest corner and Southwest corner BS&F
24 Survey 5;

25 THENCE North one mile to Northwest corner said Survey 5 in
26 South line J. S. Tisdale Survey 134;

27 THENCE East about 1/12th mile to Southeast corner of said

1 Survey 134;

2 THENCE North about 5/8ths mile to Northeast corner said
3 Survey 134 and Southwest corner of J. S. Tisdale Survey 128;

4 THENCE East one mile to Southeast corner said Survey 128;

5 THENCE North about 59/64ths mile to North line of Menard
6 County for the most northern Northwest corner of this district;

7 THENCE East about 6 miles with North line of Menard County,
8 crossing EL&RR R. C. Co. Survey 127, Pink Easley Survey West Half of
9 20, J. Hughes Survey East Half of 20, Fred Speck Survey 7, N.
10 Gwatney Surveys 11 and 10, Fred Speck Survey 6, Thomas Green Surveys
11 5, 4 and 3 to stake in East line of said Survey 3;

12 THENCE South about 5/8ths mile to Southeast corner of said
13 Survey 3 in North line of H&OB R. R. Co. Survey 69;

14 THENCE East about 3/16ths mile passing Northeast corner said
15 Survey 69 to an inner Southwest corner of Thomas Green Survey 2;

16 THENCE South about 5/16ths mile with West line said Survey 2,
17 to its Southwest corner;

18 THENCE East about one mile with South line Thomas Green
19 Surveys 2 and 1, and North line Owen Baker Survey 112 to its
20 Northeast corner;

21 THENCE South one mile to Southeast corner said Survey 112 and
22 Southwest corner Hooper and Wade Survey 111 in North line W. C. Huey
23 Survey 62;

24 THENCE East one mile with said Survey 62 to its Northeast
25 corner;

26 THENCE South one mile to its Southeast corner and Southwest
27 corner H. & W. Survey 101;

1 THENCE East one mile with South line said Survey 101 to its
2 Southeast corner;

3 THENCE North one mile with East line said Survey 101 and West
4 line P. C. Baird Survey 102 to its Northwest corner;

5 THENCE East 2 miles with North line said Survey 102 and North
6 line of H. & W. Survey 103 to its Northeast corner;

7 THENCE South one mile with East line said Survey 103 to its
8 Southeast corner and Southwest corner of A. B. & M. Survey 9;

9 THENCE East 2 miles along South line said Survey 9 and A. B. &
10 M. Survey 7 to its southeast corner, the Northeast corner of A. B. &
11 M. Survey 5;

12 THENCE South about 1/16th mile to stake in East line said
13 Survey 5;

14 THENCE East at 1/8th mile to Southwest corner A. B. & M.
15 Survey 37, Northwest corner A. B. & M. Survey 25;

16 THENCE East 4 miles with North line A. B. & M. Survey 25,
17 William J. Smith Survey 28, R. J. Godfrey Survey 30, and A. B. & M.
18 Survey 29 to its Northeast corner and Southeast corner of John B.
19 Callan Survey 32;

20 THENCE North 15/16ths mile to stake in East line said Survey
21 32;

22 THENCE East 1/8th mile to the Northwest corner of BS&F Survey
23 17;

24 THENCE East 2 miles with North line said Survey 17 and North
25 line BS&F Survey 15 to its Northeast corner;

26 THENCE South 2 miles with East line said Survey 15 and East
27 line of R. J. Godfrey Survey 14 to its Southeast corner and

1 Southwest corner BS&F Survey 11;

2 THENCE East 3 miles with South lines of said Survey 11 and R.
3 R. Russell Survey 10 and BS&F Survey 5 to its Southeast corner and
4 Northeast corner BS&F Survey 1;

5 THENCE South one mile to Southeast corner said Survey 1 and
6 Northwest corner V. Sippel Survey 40;

7 THENCE East about 5 and 15/16ths miles with the North line of
8 said Survey 5 and the North line of BS&F Survey 3, H. Heynemann
9 Survey 89, S. C. Pittman Survey 2 1/2, Ernest Raven Survey 91, C.
10 Von Carlowitz Survey 741 to the East line of Menard County, the West
11 line of McCulloch County for the middle Northeast corner of this
12 district;

13 THENCE South with the East line of Menard County and West line
14 of McCulloch County about 4 and 10/16ths miles crossing C. Von
15 Carlowitz Survey 741, heirs of Adam Bicking Survey 92, heirs of
16 Johann Bicking Survey 93, J. F. Wilhelm Survey 102; Adolph Schultze
17 Survey 99 and Daniel Holloway Survey 1 to the Southwest corner of
18 McCulloch County located in said Daniel Holloway Survey 1 about
19 1200 varas South of its North line, and about 250 varas West of its
20 East line for inner corner of this district;

21 THENCE East about 7 mile with the South line of McCulloch
22 County and a North line of Menard County crossing the East part of
23 Daniel Holloway Survey 1, North part of George Junke Survey 126;
24 H&TC Ry. Co. Survey 25, North part of Wolfgang Fochs Survey 145,
25 IRRR Co. Survey 27, North part of John Berring Surveys 158 and 159,
26 North part J. C. Harper Survey 72, North part Johann Mechels Surveys
27 244 and 245 to the most southern Northeast corner of Menard County,

1 and the most southern Northeast corner of this district and the
2 Northwest corner of Mason County;

3 THENCE South about 8 miles with the East line of Menard
4 County, and the West line of Mason County, crossing said Johann
5 Mechels Survey 245, J. B. Kerr Survey 46, Louis Brumme Survey 250,
6 San Saba River, F. Doebbler Surveys 72 and 13, H & G N R. R. Co.
7 Survey 939, Heinrich Frosch Survey 456, J. C. Harper Survey 70,
8 HE&WT R. R. Co. Survey 123 to North line Fisher and Miller Survey 31
9 for the most northern Southeast corner of this district;

10 THENCE West about one and 5/8ths miles with the North line of
11 said F. & M. Survey 31, W. Steinberg Survey 93, G. Weidemann Survey
12 70 to its Northwest corner;

13 THENCE South one mile to Northeast corner Heinrich Langkopf
14 Survey 123;

15 THENCE West 6 miles with the North line of H. Langkopf Surveys
16 123 and 124, Eugene Ohlenburgers Surveys 2 and 20, Seth Mabry Survey
17 8, TT R. R. Co. Survey 7, C. C. French Survey 29 to its Northwest
18 corner and Northeast corner G. W. Littlefield Survey 14;

19 THENCE South one mile to Southeast corner said Survey 14 and
20 Northeast corner E. Ohlenburger Survey 24;

21 THENCE West one mile with North line of said Survey 24 to its
22 Northwest corner;

23 THENCE South one mile with West line of said Survey 24 to its
24 Southwest corner and the Northeast corner of T&NO R. R. Co. Survey
25 9;

26 THENCE West one mile to Northeast corner W. Grams Survey 217;

27 THENCE South one mile with the East line of W. Grams Survey

1 217 to its southeast corner and North east corner F. L. Banowsky
2 Survey 10;

3 THENCE West approximately two miles to Northwest corner of M.
4 Pofskey Survey 220;

5 THENCE South 1/8th mile to Northeast corner of Nancy Pierson
6 Survey 104;

7 THENCE West 3/8ths mile to Northwest corner of said Survey
8 104 in East line of J. H. Gibson Survey 81;

9 THENCE North 1/4th mile to Northeast corner said Survey 81
10 and South line E. Carlin Survey 43;

11 THENCE West one and 1/4th mile to Southwest corner A. Verite
12 Survey 44, Northwest corner E. Carlin Survey 45;

13 THENCE South one mile to Northeast corner J. J. Moore Survey
14 48;

15 THENCE West 2 miles to Northwest corner E. Carlin Survey 61,
16 Northeast corner R. B. Hubbard Survey 62;

17 THENCE South one mile to Southeast corners said Survey 62,
18 the Northeast corner of V. O. Lane Survey 60;

19 THENCE West 3 and 1/4th miles along North line of said Survey
20 60, E. Carlin Survey 69, S. L. Steen Survey 70, crossing S. P.
21 Merchant Survey 6, to Northwest corner S. L. Steen Survey 10;

22 THENCE South one mile to Northeast corner J. H. Gibson Survey
23 17;

24 THENCE West one mile to Northwest corner said Survey 17 in
25 East line T. M. Schrier Survey 26;

26 THENCE South 3/8ths mile to Southeast corner said Survey 26;

27 THENCE West at about 3/8ths mile the Northeast corner B&B

1 Survey 9, at one and 1/8th miles a stake in North line of B&B Survey
2 9 due South of Southeast corner N. H. Corder Survey 166;

3 THENCE North about 3/8ths mile to Southeast corner said
4 Survey 166;

5 THENCE West 2 and 3/8ths miles with South lines of said Survey
6 166, GC&SF Ry. Co. Survey 165 and S. Zettlemeier Survey 14 to a
7 stake due North of Northeast corner of Mrs. Mary Toliver Survey 133;

8 THENCE South 1/8th mile to Northeast corner said Survey 133;

9 THENCE West about 6 and 15/16ths miles with North lines of
10 said Survey 133, T. O. Howell Survey 8, S. Zettlemeier Survey 8, T.
11 O. Howell Survey 54, BS&F Survey 53, J. T. Cox Survey 56, TWNG R. R.
12 Co. Survey 11, and J. T. Cox Survey 2 to Northeast corner TWNG R. R.
13 Co. Survey 3;

14 THENCE South about 6/8ths mile to South line of Menard County
15 in South part of said Survey 3;

16 THENCE West about 7 and 1/2 miles crossing TWNG R. R. Co.
17 Survey 3, J. W. Murr Survey 4, TWNG R. R. Co. Survey 5, J. W. Murr
18 Survey 6, TWNG R. R. Co. Survey 7, M. L. Garcia Survey 8, TWNG R. R.
19 Co. Survey 9 and M. L. Garcia Survey 10 to Southwest corner of
20 Menard County, the place of beginning.

21 Sec. 1A. The District is governed by a board of five
22 directors [~~composed of the persons who serve as directors of the~~
23 ~~Menard County Underground Water District~~]. A [~~Each~~] director of
24 [~~the Menard County Underground Water District serves on the board~~
25 ~~of directors of~~] the Menard County Water Conservation [~~Control~~] and
26 Improvement District may also serve on the board of directors of the
27 Menard County Underground Water District, and doing so does not

1 violate the common-law doctrine of incompatibility [~~No. 1 as an~~
2 ~~additional duty of his office as director of the underground water~~
3 ~~district~~]. A director is not entitled to compensation for service
4 on either [~~the~~] board of directors but may be reimbursed as provided
5 by board rules for expenses incurred in carrying out the business of
6 the districts [~~District~~].

7 Sec. 9. (a) To protect, preserve, conserve, and aid in the
8 distribution of waters within the district, the district may
9 acquire by purchase, lease, grant, gift, donation, or other means
10 water rights for the Menard-San Saba River Water Trust for the
11 purpose of maintaining during times of drought instream flows for
12 environmental protection, irrigation, recreation, and other useful
13 purposes. The maintenance of instream flows for these purposes is a
14 beneficial use of water.

15 (b) During nondrought years the district may lease water
16 rights acquired for the trust for the use for which the original
17 permit, certified filing, or certificate of adjudication was
18 issued.

19 (c) Water rights acquired by the district for the trust
20 retain their original priority dates.

21 (d) Water rights acquired by the district for the trust are
22 not subject to forfeiture under Section 11.030, Water Code, or
23 cancellation under Subchapter E, Chapter 11, Water Code.

24 (e) The district's application for an appropriation of
25 water rights that may become available in Menard County due to
26 forfeiture or cancellation shall be given a preference over the
27 application of a person or entity that is not a resident of Menard

1 County.

2 SECTION 2. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2003.