

By: Chisum

H.B. No. 1376

A BILL TO BE ENTITLED

AN ACT

relating to the name, administration, powers, and duties of the Collingsworth County Underground Water Conservation District.

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

SECTION 1. Chapter 376, Acts of the 69th Legislature, Regular Session, 1985, is amended by amending Sections 1, 3, 4, 5, and 6 and by adding Section 4A to read as follows:

Sec. 1. CREATION OF DISTRICT. Under Article XVI, Section 59, of the Texas Constitution the Collingsworth 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 Chapter 36 ~~[Chapters 51 and 52]~~, Water Code, and by other laws of this state relating to underground water conservation districts.

Sec. 3. BOUNDARY OF DISTRICT. The district includes all of the territory located in Collingsworth County and any territory annexed by the district.

Sec. 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 Chapter 36 ~~[Chapters 51~~

1 ~~and 52]~~, Water Code.

2 Sec. 4A. DISTRICT NAME CHANGE. The board by resolution may
3 change the district's name.

4 Sec. 5. POWERS AND DUTIES OF DISTRICT. The district may
5 exercise the powers, rights, privileges, and functions permitted by
6 Chapter 36 [~~Chapters 51 and 52~~], Water Code, and may:

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

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

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

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

27 (5) require records to be kept and reports to be made

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

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

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

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

26 (9) carry out research projects, develop information,
27 and determine limitations, if any, that should be made on the

1 withdrawal of underground water from any underground water
2 reservoir in the district;

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

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

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

11 Sec. 6. ADMINISTRATIVE PROCEDURES. Except as provided by
12 this Act, the administrative and procedural provisions of Chapter
13 36 [~~Chapters 51 and 52~~], Water Code, apply to the district.

14 SECTION 2. Section 7(a), Chapter 376, Acts of the 69th
15 Legislature, Regular Session, 1985, is amended to read as follows:

16 (a) In addition to other requirements provided by law, the
17 district shall file with the county treasurer of each county in
18 whose jurisdiction the district is located [~~Collingsworth County~~]
19 copies of all audits, orders of the board of directors, and other
20 documents relating to district finances. The copies shall be filed
21 within 60 days after the audits are completed, the orders are
22 adopted, or the other documents are finalized.

23 SECTION 3. Section 12, Chapter 376, Acts of the 69th
24 Legislature, Regular Session, 1985, is amended to read as follows:

25 Sec. 12. ANNEXATION; EFFECT ON BOARD OF DIRECTORS. (a)
26 Additional territory may be added to the district as provided by
27 Chapter 36 [~~49~~], Water Code. If the district annexes additional

1 territory, the board of directors may add the annexed territory to
2 one or more existing single-member districts for purposes of
3 electing directors, may redraw the five single-member districts to
4 include the annexed territory, or may add additional [~~a sixth~~]
5 single-member districts [~~district~~] for the election of [~~an~~]
6 additional directors [~~director~~].

7 (b) The district may not contain more than 11 single-member
8 districts.

9 SECTION 4. Sections 8, 9, 11, and 14, Chapter 376, Acts of
10 the 69th Legislature, Regular Session, 1985, are repealed.

11 SECTION 5. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2007.