

Southwestern Travis County Groundwater Conservation District
HB 4345 during 85th Regular Session (originally HB 922); Special District Local Laws Code Chapter 8871
-- as well as General GCD Information --
by Rep. Workman's Office

- Creates the Southwestern Travis County Groundwater Conservation District
- District boundaries identical to entire area of Travis County "Priority Groundwater Management Area"
- No eminent domain authority
- No ad valorem tax
- Seven-member *initial temporary* board of directors' appointments:
 - must reside in the GC district.
 - shall be appointed as temporary directors not later than the 90th day after the effective date (November 30, 2017).
 - county judge of Travis County, 1 appointment.
 - county commissioner where GCD is principally located, 2 appointments.
 - state representative, where GCD is principally located, 2 appointments.
 - state senator, where GCD is principally located, 2 appointments.
- **May 2018 Confirmation Election *and simultaneous* Seven-Member Board Election:**
 - Initial election not later than uniform election date in May 2018.
 - 3 elected directors each from either Bee Cave, Lakeway/The Hills, and West Lake Hills.
 - 4 "rural" directors elected at-large from outside Bee Cave, Lakeway, The Hills, and West Lake Hills; each must use groundwater as a source of water supply for one or more beneficial uses at their respective residences.
 - Staggered four-year terms.
 - If May 2018 confirmation election results do not confirm district:
 - the newly-elected initial directors are merely empowered with the limited powers of temporary directors, and
 - shall order another confirmation election not earlier than the uniform election date in May 2020.
- Production fees allowed with maximum of \$.20/thousand gallons on a non-exempt well.
- Authorizes well fees and surcharges; Authorizes issuance of bonds
 - The district may set a reasonable fee for administrative management on a per well basis.
 - The district may set a fee for administrative management on a well that is exempt from permitting in an amount not greater than \$40 per well, per year.
 - The district may charge and collect a new well construction fee not to exceed \$1,000 for a new well.
 - The district may charge and collect a permit renewal application fee not to exceed \$400.
 - The district may levy and collect a water utility service connection fee not to exceed \$1,000 for each new water service connection made after September 1, 2017. (not applicable to water utility whose sole water source is surface water).
 - As Chapter 36, of the Water Code, allows, the district may:
 - Set fees for administrative acts of the district, such as filing applications. (fees cannot unreasonably exceed the cost of performing the function for which the fee is charged).
 - Assess an export fee for water being export out of the district.
- There are three types of wells exempt from being regulated, permitted, or metered
 - 1. A well used for domestic use by a single private residential household and incapable of producing more than 10,000 gallons per day.
 - 2. A well used solely for domestic use or for providing water for livestock or poultry if the well is: a. located or to be located on a tract of land larger than 10 acres; and, b. drilled, completed, or equipped so that it is incapable of producing more than 25,000 gallons of groundwater a day.
 - 3. A well used for dewatering and monitoring in the production of coal or lignite is exempt from permit requirements, regulations, and fees imposed by the district.
- Aquifer Storage and Recovery projects specifically authorized and requires projects are done in accordance with TCEQ's rules and guidelines as well as Water Code Chapters 27 and 36.
- Access and Entering to Property:
 - An employee or agent of the district must obtain the permission of the property owner before entering public or private property.
 - An employee or agent of the district is entitled to enter public or private property in the district at any reasonable time to inspect an exempt well, inspect and investigate conditions relating to the quality of water in the state, and monitor compliance with any rule, regulation, permit, or other order of the district.
 - If any employee or agent of the district is refused the right to enter public or private property in the district under this section, the district may seek a court order from a district court authorizing the district to enter the land.
 - An employee or agent who enters private property under this section shall observe the property's rules and regulations, if any, concerning safety, internal security, and fire protection; notify management or a person in charge of the presence of the employee or agent; and, exhibit proper credentials.
- Effective September 1, 2017

Southwestern Travis County Groundwater Conservation District
HB 4345 during 85th Regular Session (originally HB 922); Special District Local Laws Code Chapter 8871
-- as well as General GCD Information --
by Rep. Workman's Office

Key Dates / Reporting Requirements

- September 1, 2017 – effective date for Special District Local Laws Code (SDLLC) Chapter 8871.
- October 30, 2017 – deadline to provide a certified copy of the legislative act creating the district. 30 TAC §293.20(b)(1).
- November 30, 2017 – deadline for Travis County Judge, Travis County Commissioner, State Representative and State Senator to appoint temporary directors. SDLLC §8871.021.
- December 29, 2017 – deadline to provide the name, mailing address, and date of expiration of term of office of appointed directors (District Registration Form). TWC §36.054(e). 30 TAC §293.20(b)(4).
- January 12, 2018 – deadline for temporary directors organizational meeting; selection of president, vice-president and secretary. SDLLC §8871.022.
- February 9, 2018 – deadline to provide the name, mailing address, and date of expiration of term of office of appointed directors (District Registration Form). TWC §36.054(e). 30 TAC §293.20(b)(4).
- May 2018 uniform election date – confirmation and initial directors’ election. SDLLC §8871.024. Election resources include:
 - Secretary of State, Elections Division, <http://www.sos.state.tx.us/elections/contact.shtml>
 - Texas Alliance of Groundwater Districts, Sarah Rountree Schlessinger, Executive Director, <http://www.texasgroundwater.org/get-in-touch.html>
- May 2018 following the election – deadline to send a certified copy of the order of the district's board of directors canvassing the confirmation election and declaring the confirmation election results. TWC §36.017(e). 30 TAC §293.20(b)(2).
- June 2018 – deadline to provide the name, mailing address, and date of expiration of term of office of the elected initial directors (District Registration Form). TWC §36.054(e). 30 TAC §293.20(b)(4).
- May 2020 uniform election date – earliest that a subsequent confirmation election may be conducted.

GENERAL INFORMATION

<https://www.twdb.texas.gov/groundwater/index.asp>
<https://www.tceq.texas.gov/groundwater/districts.html>

What is a Groundwater Conservation District (GCD) ? (source: TCEQ, Texas Commission on Environmental Quality)

Local groundwater conservation districts (GCDs) are the state’s preferred method of groundwater management. GCDs are charged to manage groundwater by providing for the conservation, preservation, protection, recharging, and prevention of waste of the groundwater resources within their jurisdictions. GCDs can be created by one of four procedures:

1. GCDs can be established through the action of the legislature. Typical legislation follows a consistent framework for authorizing district powers and duties, appointing temporary directors, and establishing procedures for confirmation and subsequent director’s elections. However, the legislation may enable a district with additional authorities, such as water control and improvement, or limit a district’s powers, such as eminent domain, or limit ad valorem tax rates.
2. A GCD can be created through a landowner petition procedure based on State Law in Subchapter B, Chapter 36 of the Texas Water Code. This procedure begins with a petition filed by property owners within the proposed district’s area and continues with consideration by the Texas Commission on Environmental Quality (TCEQ) of first, that the boundaries of the proposed GCD provide for effective management of the groundwater resources, and then whether the proposed GCD can be adequately funded to carry out its purposes. The TCEQ considers the benefit of the proposed district and the feasibility of the proposed district’s programs. If the TCEQ acts favorably with regard to the petition, temporary directors are named and a confirmation election is held.
3. A GCD can be created by the TCEQ on its own motion in a designated Priority Groundwater Management Area (PGMA) through a procedure similar in principle to procedure (2) above, but in which action is initiated by the TCEQ rather than by petition. This method of creation is only authorized when local actions are not taken to create a GCD following the designation of a PGMA. The PGMA designation procedure includes extensive local participation through stakeholder outreach. If the TCEQ creates a GCD on its own motion in a PGMA, temporary directors are appointed by the county commissioner’s court(s) and an election is then held to elect directors.
4. An alternative to creating a new GCD is to add territory to an existing district, if an existing district is willing to accept the new territory. One form of addition of territory begins with a petition from an individual landowner directly to the GCD’s board of directors. In this case, the board’s decision is sufficient to include the property. For larger areas, groups of landowners or entire counties can petition a GCD’s board for inclusion. After hearings and the board’s acceptance of the petition, a confirmation election is held.

GCDs are authorized with powers and duties that enable them to manage groundwater resources. The three primary GCD legislatively-mandated duties include: permitting water wells; developing a comprehensive management plan; and adopting the necessary rules to implement the management plan.

The principal power that a GCD has to prevent waste of groundwater is to require that all wells, with certain exceptions, be registered and permitted. Wells with permits are subject to GCD rules governing spacing, production, drilling, equipping, and completion or alteration. Even exempt registered wells are subject to GCD rules governing spacing, tract size, and well construction standards to prevent the unnecessary discharge of groundwater or pollution of the aquifer. Permits may be required by a GCD for all wells except for wells specifically exempted by a GCD and statutorily-exempt wells (i.e., wells used solely for domestic use or for providing water for livestock or poultry purposes; the drilling of a water well used solely to supply water for a rig actively engaged in drilling or exploration

Southwestern Travis County Groundwater Conservation District
HB 4345 during 85th Regular Session (originally HB 922); Special District Local Laws Code Chapter 8871
-- as well as General GCD Information --
by Rep. Workman's Office

operations for an oil or gas well permitted by the Railroad Commission of Texas (RRC); and the drilling of a water well authorized by the RRC for mining activities).

As of September 2017, a total of 102 GCDs have been created in the state. The total includes 100 established (confirmed) districts and two unconfirmed districts. The 100 established districts cover all or part of 180 of the state's 254 counties.

For maps, publications, and additional information, go to:

- TCEQ's GCD webpage at <http://www.tceq.texas.gov/groundwater/districts.html>;
- The Texas Water Development Board's GCD webpage at http://www.twdb.texas.gov/groundwater/conservation_districts/index.asp;
- The RRC at <http://www.rrc.texas.gov>;
- The Texas A&M AgriLife Extension Service's *Questions about Groundwater Conservation Districts in Texas* (B-6120) at <http://www.agrilifebookstore.org/Default.asp>;
- The Texas Alliance of Groundwater Districts at <https://www.texasgroundwater.org/>; and,
- The Texas Groundwater Protection Committee's FAQ webpage at <http://tgpc.texas.gov/frequently-asked-questions-faqs/>.

http://www.twdb.texas.gov/groundwater/conservation_districts/index.asp

Groundwater Conservation District Facts (source: TWDB, Texas Water Development Board)

- There are 98 groundwater conservation districts (GCDs) in Texas. Of these, one is awaiting confirmation by voters through a local election. Not all GCDs require confirmation to begin operation but most do. The locations and extents of GCDs are shown on the GCD map.
- A GCD or underground water conservation district (UWCD) is a district created under Texas Constitution, Article III, Section 52 or Article XVI, Section 59 that has the authority to regulate the spacing of water wells, the production from water wells, or both.
- GCDs are created either by the Texas Legislature subject to the authority, conditions, and restrictions of Article XVI, Section 59 of the Texas Constitution, or by the Texas Commission on Environmental Quality through a local petition process (Texas Water Code §36.013 - §36.015). The legislature has created about one to three GCDs on average during recent sessions.
- Sixty-six groundwater conservation districts elect a board of directors, and thirty-one appoint a board of directors through the county commissioners' courts, municipalities, or other entities. One groundwater conservation district, the Edwards Aquifer Authority, has a combination of elected (voting) and appointed (non-voting) directors. Another groundwater conservation district, the Evergreen Underground Water Conservation District, has a combination of elected directors and one governor-appointed director.
- High Plains Underground Water Conservation District (UWCD) No. 1, created in 1951, was the first GCD in Texas.
- The smallest GCD, Red Sands GCD, covers an area of about 114 square miles. The largest GCD, High Plains UWCD No. 1, covers an area of about 11,940 square miles.
- Confirmed GCDs (excluding the two subsidence districts) are located partially or fully within 173 of 254 Texas counties.
- GCDs cover nearly 70 percent of the area of the state.
- There are 60 single-county GCDs in Texas, and 38 that cover more than one county.
- While 96 of the 98 GCDs overlie a major aquifer, only 65 of these districts overlie a minor aquifer.
- Approximately 72 percent of major and minor aquifers are overlain by a GCD.

Texas Alliance of Groundwater Districts:

<http://www.texasgroundwater.org/>

<http://texasgroundwater.org/news-events/events/technical-trainings/>

<http://texasgroundwater.org/groundwater-news/>

May 2018 election processes

- Initially-appointed directors "Order"/"Call for" the election of the initially-elected directors
- Initially-appointed directors request Travis County Elections to "run" the election
 - **Scenario 1:**
 - Travis County Elections agrees to "run" the election of the initially-elected directors
 - Post-election, the initially-appointed directors "certify" the election results
 - **Scenario 2:**
 - Travis County Elections does not agree to "run" the election of the initially-elected directors
 - The initially-appointed directors "run" the election with assistance/guidance from TCEQ
 - Post-election, the initially-appointed directors "certify" the election results

Title 30 Texas Administrative Code §293.20, Records and Reporting (for GCDs)

- (a) Each groundwater conservation district created according to Texas Water Code (TWC), Chapter 36 shall comply with the statute. Districts created by special acts of the Texas Legislature must comply with all statutory requirements contained in the special act and with the provisions of TWC, Chapter 36 that do not conflict with the special act.
- (b) Districts are required to submit to the executive director the following documents:
 - (1) a certified copy of the legislative act creating the district within 60 days after the district is created;
 - (2) a certified copy of the order of the district's board of directors canvassing the confirmation election and declaring the confirmation election results according to TWC, §36.017(e);
 - (3) a certified copy of the order of the district's board of directors changing the boundaries of the district, a metes and bounds description of the boundary change, and a detailed map showing the boundary change within 60 days after the date of any boundary change; and
 - (4) a written notification to the executive director of the name, mailing address, and date of expiration of term of office of any elected or appointed director within 30 days after the date of the election or appointment according to TWC, §36.054(e).

Southwestern Travis County Groundwater Conservation District
HB 4345 during 85th Regular Session (originally HB 922); Special District Local Laws Code Chapter 8871
-- as well as General GCD Information --
by Rep. Workman's Office

- (c) A district is required under TWC, §36.1071 to adopt a management plan and adopt rules that are necessary to implement the management plan. In accordance with TWC, §36.1072, the management plan must be adopted by the district and submitted to the executive administrator of the Texas Water Development Board within three years of either the effective date of creation of the district or the date the district was confirmed by election if an election was required. The management plan is subject to approval by the executive administrator of the Texas Water Development Board or the Texas Water Development Board upon appeal. After approval, each district must readopt and resubmit the management plan to the executive administrator of the Texas Water Development Board at least once every five years.
 - (1) Within 60 days of approval of its management plan, a district must send a copy of its approved management plan to the regional water planning group or groups for the planning region or regions in which the district is located. The district shall maintain records of the correspondence.
 - (2) Within 60 days of approval of its management plan, a district must forward a copy of its approved management plan to the other districts wholly or partially located in the same groundwater management area or areas. The district shall maintain records of the correspondence.
- (d) Each district shall provide copies of district documentation or records upon request of the executive director to determine compliance with statutory provisions related to noncompliance review under TWC, Chapter 36, Subchapter I and §293.22 of this title (relating to Noncompliance Review and Commission Action), and TWC, §36.3011, and §293.23 of this title (relating to Petition Requesting Commission Inquiry).
- (e) Each district shall provide copies of district documentation or records upon request of the executive director to determine compliance with statutory provisions.

<https://www.tceq.texas.gov/assets/public/permitting/forms/0179.pdf>

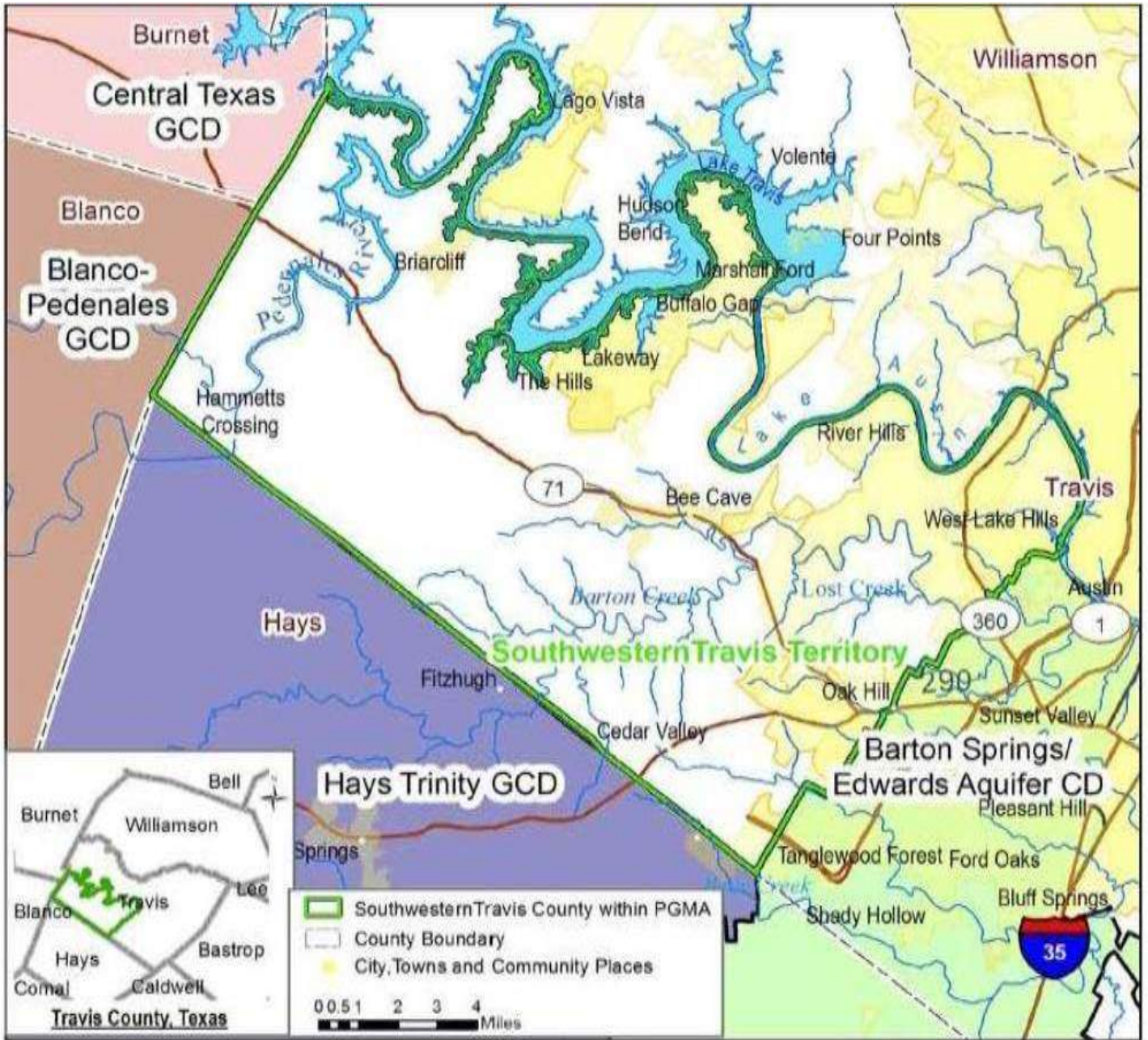


Figure 5. Location of the Southwestern Travis Territory Boundaries and Adjacent GCDs.