

MT
Re

By: Simms

S.B. No. 1525

A BILL TO BE ENTITLED

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

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1 within the boundaries of the district;

2 (3) there is a public necessity for the district; and

3 (4) the district will provide a benefit and utility to the
4 public.

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

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

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

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

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

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

27 THENCE in a northerly direction along the East right-of-way line of ^{2/3}

1 U. S. Highway 277 to the North boundary line of said Survey No.
2 1009, HE&WTRyCoSurvey and being the South boundary line of the J.
3 F. Fuchs Survey No. 955;
4 THENCE in a Northerly direction along the East right-of-way line of
5 U. S. Highway 277 to a point in the North boundary line of said J.
6 F. Fuchs Survey 955 and being in the South boundary line of the C.
7 Stahl Survey No. 954;
8 THENCE in a Northerly direction along the East right-of-way line of
9 said U. S. Highway 277 to a point in the North boundary line of the
10 C. Stahl Survey No. 954 and being in the South boundary line of the
11 J. Ennert Survey No. 953;
12 THENCE in a Northerly direction following the East right-of-way
13 line of said U. S. Highway 277 to a point of intersection in the
14 North boundary line of said J. Ennert Survey 953 and being the
15 South boundary line of J. Ennert Survey No. 952;
16 THENCE in a Northerly direction along the East right-of-way line of
17 U. S. Highway 277 to a point the North boundary line of said J.
18 Ennert Survey No. 952 and in the South boundary line of C. Gleismer
19 Survey No. 1833;
20 THENCE in a Northeasterly direction along the East right-of-way
21 line of U. S. Highway 277 to a point of intersection in the North
22 boundary line of the C. Gleismer Survey No. 1833 and being in the
23 South boundary line of the C. Gleismer Survey No. 1831;
24 THENCE in a Northeasterly direction along the East right-of-way
25 line of U. S. Highway 277 to a point in the North boundary line of
26 C. Gleismer Survey No. 1831 and in the South boundary line of C. A. ^{3/4}
27 Clark Survey No. 70;

1 THENCE in a Northeasterly direction along the East right-of-way
2 boundary line of U. S. Highway 277 to a point of intersection in
3 the North line of C. A. Clark Survey No. 70 and being in the South
4 Boundary line of L. Straus Survey No. 1829;
5 THENCE in a Northeasterly direction along the East right-of-way
6 line of U. S. Highway 277 and crossing the South Concho River to
7 the north bank thereof situated in the J. Zerbach Survey No. 1827;
8 THENCE continuing in a northerly direction and along the East
9 right-of-way line of U.S. Highway 277 to a point of intersection
10 situated on the North bank of the South Concho River and in the
11 North boundary line of the J. Zerbach Survey No. 1827 and being a
12 point in the South boundary line of the J. Eldridge Survey No. 73
13 and being a point in the South boundary of the Tom Green County
14 Water Supply District #2;
15 THENCE with the north or northeast bank of the South Concho River
16 South 51° East 200 feet; South 67° East 300 feet to the confluence
17 of McKettric Creek with the South Concho River;
18 THENCE with the north and northwest bank of McKettric Creek North
19 38° East 235 feet; North 21° East 327 feet, crossing the East line
20 of Block No. 2, Voss Addition to the Town of Christoval and Rudd
21 Road, and following the south and southwest lines of Willie
22 McCutchan tract to a point in the north or northeast bank of
23 McKettric Creek;
24 THENCE North 13 feet to a 1 1/2 inch G.I. pipe marked "N.L. 3-" and
25 set in concrete in the east side of Rudd Road set for the Northwest ^{4/5}
26 corner of Block No. 3, Voss Addition to the town of Christoval; ²³
27 THENCE along the southwest line of said Block 3 and being along the

1 northeast line of Texas F.M. 2084 South 27° 52' 39" East following
2 a curve to the left in said road and passing a concrete
3 right-of-way marker to a 1/2" iron pipe set for the most southerly
4 corner of the Tom Green County Water Supply District No. 2 and
5 being on the northeast right-of-way of Texas F.M. 2084;
6 THENCE North 62° 04' 45" East 2,116.73 feet to a 1/2" iron pipe set
7 for the Southeast corner of said Tom Green County Water Supply
8 District No. 2;
9 THENCE North 0° 21' 12" East 815.37 feet with the east line of
10 Block No. 10, Voss Addition to the town of Christoval to the
11 southeast corner of the Original Town of Christoval as shown by
12 plat recorded in Volume 65, Page 566, Tom Green County Deed
13 Records, to which plat and its record reference is here made for
14 all pertinent purposes, and being at the intersection of the south
15 line of Voss Street and the east line of Ninth Street;
16 THENCE North 2,249.88 feet to the most eastern northeast corner of
17 the Original Town of Christoval and being the northeast corner of
18 Block No. 34 Original Town of Christoval;
19 THENCE North 89° West along the north boundary line of the town of
20 Christoval to the northwest corner of Block No. 35, Original Town
21 of Christoval;
22 THENCE North with a northerly projection of the West line of said
23 Block No. 35 244.05 feet to a corner in the west line of said
24 Block No. 35;
25 THENCE West along a projection of the most northerly north line of
26 Block No. 37, Original Town of Christoval to the northeast corner
27 of Lot No. 4, Block No. 37, Original Town of Christoval;

1 THENCE North 1° East with the east line of the Original Town of
2 Christoval to the northeast corner of the Original Town of
3 Christoval and a point in the north line of Holland Street, said
4 northeast corner being due North of the northeast corner of said
5 Lot No. 4, Block No. 51, Original Town of Christoval;
6 THENCE West with the north line of Holland Street to the southwest
7 corner of the 10-acre tract conveyed to George Atkins by G. W.
8 Lewis by deed dated December 15, 1927, recorded in Volume 137, Page
9 446, Tom Green County Records, the same being 60 feet north of the
10 northwest corner of Block No. 52, Original Town of Christoval;
11 THENCE North with the west line of the Lewis 10-acre tract 628.03
12 feet to an iron pipe set for the northeast corner of the Tom Green
13 County Water Supply District No. 2 and being in the West line of
14 the said Lewis 10-acre tract;
15 THENCE South $82^{\circ} 34' 47''$ West 184.04 feet to a 2" iron pipe fence
16 corner post for a corner;
17 THENCE South $54^{\circ} 11' 08''$ West with a fence 64.98 feet to a 2" iron
18 pipe fence angle post for a corner'
19 THENCE South $40^{\circ} 46' 39''$ West with a fence 365.48 feet to a 2" iron
20 pipe fence angle post;
21 THENCE South $34^{\circ} 59' 00''$ West with a fence 353.32 feet to a point
22 which is 676.46 feet West of the Southwest corner of the above
23 described Lewis 10-acre tract; 45
24 THENCE West along the north line of Holland Street to a stake in
25 the north line of Holland Street at a point due North of the
26 northwest corner of Lot No. 1, Block No. 54, Original Town of
27 Christoval;

1 THENCE North 314 feet to a stake for the most northern northeast
2 corner of the Tom Green County Water Supply District No. 2;
3 THENCE West 470 feet to a stake for the most northern northwest
4 corner of the Tom Green County Water Supply District No. 2;
5 THENCE South 314 feet to a stake in the north line of Holland
6 Street and being due North of the northeast corner of Block No. 56,
7 Original Town of Christoval;
8 THENCE West 880.58 feet with the north line of Holland Street to a
9 point in the west right-of-way line of U.S. Highway 277 situated
10 situated within the J. Eldridge Survey No. 73 referred to
11 hereinabove;
12 THENCE in a Northerly direction along the East right-of-way line of
13 U. S. Highway 277 to a point in the North boundary line of J.
14 Eldridge Survey No. 73 and being in the South boundary line of A.
15 Black Survey No. 75; ^{3/4}
16 THENCE in a Northeasterly direction along the East right-of-way
17 line of said U. S. Highway 277 to a point in the North boundary
18 line of J. Webb Survey No. 77, being in the South boundary line of
19 E. A. McGill Survey No. 79;
20 THENCE in a Northeasterly direction along the East right-of-way
21 line of U. S. Highway 277 to a point in the North boundary line of
22 E. Smith Survey No. 81 and being in the South boundary line of J. ^W
23 Webb Survey No. 83;
24 THENCE in a Northeasterly direction along the East right-of-way
25 line of U. S. Highway 277 to a point in the North boundary line of
26 G. Smith Survey No. 1825 and being in the South line of C. S.
27 Jackson Survey No. 1823;

1 THENCE in a Northeasterly direction following the East right-of-way
2 line of U. S. Highway 277 to a point in the North line of C. S.
3 Jackson Survey No. 1823 and being in the South line of M. Harrison
4 Survey No. 89;
5 THENCE in a Northeasterly direction along the East right-of-way
6 line of U. S. Highway 277 to a point in the North boundary line of
7 M. Harrison Survey No. 89 and being in the South boundary line of
8 R. A. Abbott Survey No. 91;
9 THENCE in a Northeasterly direction along the East right-of-way
10 line of U. S. Highway 277 to a point in the North boundary line of
11 R. A. Abbott Survey No. 91 and being in the South boundary line of
12 J. E. Deboer Survey No. 93;
13 THENCE continuing in a Northeasterly direction along the East
14 right-of-way line of U. S. Highway 277 to a point in the North line
15 of J. E. Deboer Survey No. 93 and being the South line of D.
16 Chandler Survey No. 1819;
17 THENCE continuing in a Northeasterly direction along the East
18 right-of-way line of U. S. Highway 277 to a point in the East
19 boundary line of D. Chandler Survey No. 1819 and being a point in
20 the most Westerly boundary line of the J. R. Craddock Survey No. 1;
21 THENCE in a Northeasterly direction along the East right-of-way ^{8/9}
22 line of U. S. Highway 277 across the J. R. Craddock Survey No. 1,
23 crossing the most Westerly Northwestern corner of S. Hehl Survey
24 No. 536 and the Southeastern corner of George Smith Survey No. 1813
25 to a point in the Northeastern boundary line of the panhandle of
26 the J. R. Craddock Survey No. 1 and being a point in the West
27 boundary line of C. Gowin Survey No. 535;

1 THENCE in a Northeasterly direction along the East right-of-way
2 line of U. S. Highway 277 to a point in the North boundary line of
3 C. Gowin Survey No. 535 and being in the South boundary line of
4 David Lloyd Survey No. 101;
5 THENCE in a Northeasterly direction along the East right-of-way
6 line of U. S. Highway 277 to a point in the North boundary line of
7 David Lloyd Survey No. 101 and being in a point in the South
8 boundary line of the Washington County School Land Survey No. 103;
9 THENCE in a Northeasterly direction and following the East
10 right-of-way line of U. S. Highway 277 to a point in the North
11 boundary line of Washington County School Land Survey No. 103 and
12 being a point in the South boundary line of Washington County
13 School Land Survey No. 105;
14 THENCE in a Northeasterly direction along the East right-of-way
15 line of U. S. Highway 277 to a point in the North boundary line of
16 Washington County School Land Survey No. 105 to a point in the
17 South boundary line of P. W. McNeise Survey No. 1;
18 THENCE in a Northerly direction along the East right-of-way line of
19 U. S. Highway 277 to a point of intersection of said U. S. Highway
20 277 with Texas Highway Loop 306;
21 THENCE in an Easterly direction along the South right-of-way line
22 of said Texas Highway Loop 306 to a point of intersection in the
23 West boundary line of Section No. 75, District 11, SPRyCoSurvey and
24 continuing Easterly along the South boundary line of said Loop 306
25 crossing said Section No. 75, Section No. 74, District 11,
26 SPRyCoSurvey, and continuing Easterly into Section No. 73, District
27 11, SPRyCoSurvey at which point the direction of Texas Highway Loop

1 306 turns Northerly and continuing in a Northerly direction along
2 the Eastern right-of-way line of said Loop 306 crossing the North
3 boundary line of said Section No. 73 and continuing along the East
4 boundary line of said Loop 306 across Section No. 76, District 11,
5 SPRyCoSurvey; crossing Section No. 95, District 11, SPRyCoSurvey,
6 continuing in a Northerly direction along East boundary line of
7 said Loop 306 and crossing HT&BryCoSurvey No. 1 to a point in the
8 South boundary line of J. G. Murphy Survey No. 2;
9 THENCE in a Northwesterly direction and along the East right-of-way
10 line of said Loop 306 and crossing J. G. Murphy Survey No. 2, the
11 Southwest corner of L. Schuchert Survey No. 160, F. Klamberg Survey
12 No. 161 and J. Waggoner Survey No. 162 at which point the East
13 right-of-way line of said Texas Highway Loop 306 intersects with
14 the North boundary line of said Section No. 162;
15 THENCE in a Northeasterly direction and following the meanders of
16 the Concho River and being the Northern boundaries of J. Waggoner
17 Survey No. 162 and continuing along the North boundary lines of F.
18 Klamberg Survey No. 161; L. Schuchert Survey No. 160; V. Horne
19 Survey No. 159; A. Zobel Survey No. 158; V. Horne Survey No. 157; ^{19/11}
20 A. Bauman Survey No. 156; J. Cherry Survey No. 155 1/2; J. Beekmann
21 Survey No. 155; W. R. Housemann Survey No. 154; J. Beekmann Survey
22 No. 153; M. Suerth Survey No. 152; M. Feller Survey No. 151; J.
23 Faltermier Survey No. 150; M. Feller Survey No. 149; J. Schneider
24 Survey No. 148; J. Gemblar Survey No. 147; J. Fischer Survey No.
25 146; P. Kellermann Survey No. 145; C. Spauring Survey No. 144;
26 Heirs of C. Buschel Survey No. 143; J. Reichile Survey No. 142;
27 German Emmigration Company Survey No. 575; German Emmigration

1 Company Survey No. 574; H. Falter Survey No. 140; German
2 Emmigration Company Surveys Nos. 573; 572; 571; 570; 569; 568;
3 567; 566; 565; 564; 563; 562; 561; 560; 559; 558; 557; 556; 555;
4 554; 553; 552; 551; 550 (the east boundary of which lays partially
5 in Concho County, Texas); continuing in Concho County, Texas in a
6 Northeasterly direction and following the meanders of the Concho
7 River and being the Northern boundaries of German Emmigration
8 Company Survey Nos. 549; 548; 547; 546; 143; 142; 141; 140; 139;
9 138; 137; 136; 135; 134; 133; 132; 131; 130; 129; 128; 127; 126;
10 125; 124; 123; 122; 121; 120; 119; 118; 117; 116; 115; 114; 113;
11 112; 111; 110 to a point in the Northwest corner of said Section
12 No. 110 and being the Northeast corner of German Emmigration
13 Company Survey No. 109;

14 THENCE in a Southerly direction along the West boundary line of
15 said German Emmigration Company Survey No. 109 to the Southwest
16 corner of said Survey No. 109, thence in an Easterly direction
17 along the South boundary line of said German Emmigration Company
18 Survey No. 109 to the most Southerly Northwestern corner of ^{11/12}
19 EL&RRRyCoSurvey No. 1, thence with the most Westerly boundary line
20 of EL&RRRyCoSurvey No. 1 to the Southwest corner of said
21 EL&RRRyCoSurvey No. 1;

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

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

1 Concho County, Texas and being the most Easterly Northeast corner
2 of Block No. 11, H&TCRyCoSurvey;
3 THENCE in a Southerly direction along the Block No. 11,
4 H&TCRyCoSurvey line of H&TCRyCoSurvey and along the East boundary
5 lines of Sections Nos. 7, 6, 3, & 2 of said H&TCRyCoSurvey, Block
6 No. 11, to a point in the Southeast corner of said Survey No. 2,
7 Block No. 11, H&TCRyCoSurvey and being the Northeast corner of
8 Section No. 1, Block No. 10, H&TCRyCoSurvey and being the
9 Northeastern corner of Block No. 10, H&TCRyCoSurvey;
10 THENCE in a Southerly direction along the Block No. 10,
11 H&TCRyCoSurvey lines and being the East boundary lines of Sections
12 Nos. 1, 2, 3, 4, 5 & 6 to a point and being in the East boundary
13 line of Section No. 6, Block No. 10, H&TCRyCoSurvey, Concho
14 County, Texas, and being the most Western Southwest corner of Henry
15 A. Robertson Survey No. 9;
16 THENCE along the West boundary line of Henry A. Robertson Survey
17 No. 9 to the most Northerly Southwest corner of said Henry A. ^{12/}
18 Robertson Survey No. 9;
19 THENCE in an Easterly direction along the most Southerly South
20 boundary line to a point in the most Westerly East boundary line of ⁵⁶
21 Henry A. Robertson Survey No. 9 and being a point in the West
22 boundary line of Carl Schartz Survey No. 276 and being the
23 Northeast corner of John Morris Survey No. 3;
24 THENCE in a Southerly direction along the East boundary line of
25 said John Morris Survey No. 3 to a point and being the common
26 Southwest boundary of Survey No. 157, Block No. 72, T&NORyCoSurvey
27 and the Northwest corner of Robert Lacky Survey No. 18;

1 THENCE along the West boundary line of Robert Lacky Survey No. 18
2 to a point of intersection in the North boundary line of Survey No.
3 158, Block No. 72, T&NORyCoSurvey and being the Southwest corner of
4 Robert Lacky Survey No. 18;
5 THENCE in a Westerly direction along the North boundary line of
6 Survey No. 158, Block No. 72, T&NORyCoSurvey to a point for the
7 Northwest corner of said Survey No. 158 and the Northwest corner of
8 Block No. 72, T&NORyCoSurvey;
9 THENCE in a Southerly direction following the West boundary line of
10 Block No. 72, T&NORyCoSurvey and being the West boundary lines of
11 Sections Nos. 158, 2002, 2001, J. H. Gibson Survey No. 1, J. F.
12 and T. J. Dodson Survey No. 2, John H. Gibson Survey No. 1, William
13 H. Hughes Survey No. 6, Survey No. 175, H. W. Jacoby Survey No.
14 176, Michael Sougert Survey No. 2073, Chris Mens Survey No. 2074,
15 continuing Southerly along the West boundary line of Block No. 72,
16 T&NORyCoSurvey and the West boundary line of Beaty, Seale and ^{13/14}
17 Forwood Survey No. 70 and the East right-of-way line of Texas
18 Highway No. 176 and continuing Southerly along the said Western
19 boundary of Block No. 72, T&NORyCoSurvey and the West right-of-way
20 line of Texas Highway No. 176 crossing said Beaty, Seale and
21 Forwood Survey No. 70, Valentine Survey Nos. 2084, Hohmann Survey
22 No. 2083, R. L. Woodward Survey No. 2, Alexander Survey No. 2086,
23 Sator Survey No. 2087, J. H. Johnson Survey No. 68, J. M. Pfluger
24 Survey No. 68 1/2, George B. Mayer Survey No. 2095 to a point of
25 intersection in the City Limits of the City of Liveoak, Texas;
26 THENCE in an Easterly direction along the city limits of said City
27 of Liveoak, Texas to a point in the most Northeasterly city limits

1 lying in said Liveoak, Texas and being in George B. Mayer Survey
2 No. 2095;

3 THENCE in a Southerly direction along the East boundary line of
4 said city limits of the City of Liveoak, Texas to a point for the
5 most Southeasterly city limits lying in George B. Mayer Survey No.
6 2095;

7 THENCE in a Westerly direction along the City Limits of the City of
8 Liveoak situated in George B. Mayer Survey No. 2095 to a point of
9 intersection in the Western boundary line of Block No. 72,
10 T&NORyCoSurvey and being the West boundary line of George B. Mayer
11 Survey No. 2095 and the East right-of-way line of State Highway
12 176;

13 THENCE in a Southerly direction along the West boundary line of
14 Block No. 72, T&NORyCoSurvey, and being a point in the West
15 boundary line of George B. Mayer Survey No. 2095 and in the East ^{14/15}
16 right-of-way line of State Highway No. 176 and crossing George B.
17 Mayer Survey No. 2096, G. A. Ford Survey No. 2, Chris Funck Survey
18 No. 2124, Chris Metzging Survey No. 2125 to a point for the
19 Southwest corner of the Chis Metzging Survey No. 2125 in the
20 Southwest corner of Block No. 72, T&NORyCoSurvey;

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

26 THENCE in a Southerly direction along the East boundary line of
27 said FL&RR RyCoSurvey No. 143 to the Southeast corner of said

1 Section No. 143 and being the Northeast corner of Survey No. 108
2 and continuing in a Southerly direction along the East boundary
3 line of said Section No. 108 to a point of intersection in the
4 South boundary line of Concho County, Texas;

5 THENCE in a Westerly direction along the South boundary line of the
6 Concho County-Menard County boundary lines to a point of
7 intersection with the Tom Green County boundary line and being the
8 Southwest corner of Concho County, the Northwest corner of Menard
9 County and the Southeast corner of Tom Green County; ^{6/7}

10 THENCE from said common corner in a Westerly direction along the
11 South boundary line of Tom Green County, Texas to the point of
12 intersection where the East right-of-way line of U.S. Highway 277
13 intersects with the South boundary line of the Tom Green County
14 county line and being situated in P. W. McNeise Survey No. 3 for ^{15/16}
15 the POINT OF BEGINNING.

16 *Insert Com. am. #1*
SECTION 5. APPLICATION OF CHAPTER 52, WATER CODE; GENERAL
17 POWERS AND DUTIES. Except to the extent of any conflict with this
18 Act or as specifically limited by this Act, the district is
19 governed by and subject to Chapter 52, Water Code, and may exercise
20 all of the powers contained in that chapter, including the power to
21 issue bonds and levy and collect taxes and the power of eminent
22 domain. The district shall exercise all of the duties provided by
23 Chapter 52, Water Code.

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

27 (1) Michael Hoelscher;

- 1 (2) James Ripple;
2 (3) Gregory Phinney;
3 (4) Harvey Williams;
4 (5) F. G. Brown;
5 (6) Joe Brosig; and
6 (7) A. H. Denis III.

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

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

12 (d) The temporary directors shall serve until their
13 successors are elected and have qualified. 16/17

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

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

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

23 SECTION 8. COMPOSITION OF BOARD OF DIRECTORS. (a) The
24 board of directors of the district is composed of seven members,
25 three directors from Tom Green County, three directors from Concho
26 County, and one director from the district as a whole, who shall be
27 elected by a majority vote of the qualified voters residing in the

1 area of each portion of a county included in the district.

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

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

12 (b) A director takes office at the first regular meeting of
13 the board following election to the board. ^{17/18}

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

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

25 SECTION 11. COMPENSATION. A director is entitled to receive ^{27/28}
26 for his services an amount not to exceed \$25 a day for each day
27 actually engaged in duties for the district.

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

5 SECTION 13. CREATION ELECTION. (a) Not later than the 90th
6 day after the effective date of this Act, the temporary directors
7 shall meet and shall call an election to be held not later than the
8 180th day after the effective date of this Act within the
9 boundaries of the proposed district to approve the creation of the
10 district.

11 *Subsection (a),*
12 (b) Section 41.001(a), Election Code, does not apply to an ^{18/19}
election called under this section.

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

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

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

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

1 the election.

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

9 (h) Except as specifically provided by this section, an
10 election under this Act is governed by the Election Code. 19/20

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

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

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

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

26 (e) The district may reclaim land within the district and
27 may construct the necessary works, facilities, and improvements to

1 accomplish this purpose.

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

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

9 (h) The district may construct and acquire works,^{2 3/21}
10 facilities, and improvements in the manner provided by Chapter 51,
11 Water Code.

12 (i) The district may acquire by gift, grant, devise, lease,
13 purchase, or condemnation any land or other property necessary to
14 carry out this Act. ^{8/1}

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

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

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

27 (m) The district may borrow money for any purpose authorized

1 ^{by}~~under~~ this Act.

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

6 SECTION 15. SUPERVISION OF DISTRICT. The district is
7 subject to the continuing right of supervision by the state, to be
8 exercised by the Texas Water Commission. 21/22

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

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

1 been fulfilled and accomplished.

2 SECTION 18. EMERGENCY. The importance of this legislation
3 and the crowded condition of the calendars in both houses create an
4 emergency and an imperative public necessity that the
5 constitutional rule requiring bills to be read on three several
6 days in each house be suspended, and this rule is hereby suspended,
7 and that this Act take effect and be in force from and after its ^{22/23}
8 passage, and it is so enacted.

Proof Of Publication

from



P.O. BOX 5111 SAN ANGELO, TX. 76902 (915) 653-1221

STATE OF TEXAS COUNTY OF TOM GREEN

On this 4th day of May, 19 87

personally appeared before me the undersigned,

a Notary Public in and for said county and state,

James Neary - Financial Director

of the Standard Times

a daily newspaper published at SAN ANGELO, County of TOM

GREEN, State of TEXAS, who, being by me duly sworn, states

that the attached advertisement, a true copy of which is hereto

annexed, was published in said newspaper in its issues thereof of

the following dates:

30th day of March 19 87

1st day of April 19 87

_____ day of _____ 19 _____

_____ day of _____ 19 _____

James Neary
James Neary - Financial Director

Subscribed and sworn to before me this 4th

day of May 19 87

Doris M. Cape Doris M. Cape
Notary Public, Tom Green County, Texas

My Commission expires 8-17-87

NOTICE OF INTENT TO INTRODUCE LEGISLATION

Pursuant to Article XVI, Section 59(d) of the Texas Constitution, notice is hereby given of the intent to introduce legislation to create the **LPM KICKAPOO UNDERGROUND WATER CONSERVATION DISTRICT**. Said legislation provides as follows:

Section 1 provides for creation of the district pursuant to Article XV, Section 59, of the Texas Constitution.

Section 2 provides for definitions.

Section 3 provides for legislative findings.

Section 4 provides that the boundaries of the district shall contain portions of Tom Green and Concho Counties, Texas.

Section 5 provides for seven (7) temporary directors as follows: For Tom Green County, Place 1 — Michael Hoelscher; Place 2 — James Ripple; Place 3 — Gregory Phinney; For Concho County, Place 1 — Harvey Williams; Place 2 — F. G. Brown; Place 3 — Joe Brasing; and At Large — A. H. Denis, III. It also provides for appointment by remaining board members in event of a vacancy and for election of officers.

Section 6 provides that the temporary director shall call a creation election not later than ninety (90) days after the effective date of the act. Said called election shall not be held later than the 180th day after the effective date of the act. Temporary directors have authority to designate polling places and election precincts. It provides for publication of a general circulation one for the format of the ballot. If defeated, the temporary board must wait for one (1) year from election for a new election. If the district is not created within five (5) years of the effective date, the act expires.

Section 7 provides for terms of office. Drawings by lot for 2, 4 and 6 year term with At Large serving a 6 year term.

Section 8 provides for the composition of seven (7) member board; one to be elected from the district at large and three directors to be elected from each county.

Section 9 requires board members to be a resident of the county and the district and to be at least eighteen (18) years of age.

Section 10 provides for the election of directors beginning in the second year following the creation election, to be held on the first Saturday in April of each year to elect directors whose terms are expiring.

Section 11 thru 16 provide for beginning of terms of office; appointment by regular meetings to fill vacancies; oaths; compensation of \$25.00 per day; election by board of officers for terms of two (2) years that majority of the board constitutes a quorum.

Section 17 thru 20 provide for hiring and compensation of a treasurer with the treasurer to be bonded; also provides for hiring of general manager, engineer, and other personnel and for the maintenance of an office within the district.

Section 21 provides for office.

Section 22 and 23 provide for the regular meetings to be held at least once each month on a date established by the rule of the board and for the complete minutes and records of all meetings and other proceeding and the preservation thereof. This provision also provides for open records subject to public inspection.

Section 24 gives the authority to contract pursuant to Chapter 51 of the Water Code and for execution by the board in the name of the district.

Section 25 subjects the proposed water district to the continuing right of supervision by the state to be exercised by the Texas Water Commission.

Section 26 and 27 provide that the district may sue and be sued in any court of the state; service to be had by serving the general manager; provides for judicial notice of the creation of the district; provides for payment of judgments against the district to be paid from money in the depository that is not dedicated to payment of any indebtedness of the district; and provides for adoption of a seal for the district.

Section 28 provides for the purpose of the district for conservation, preservation, protection, recharge, 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 of the Water Code.

Section 29 thru 42 provide for rule making ability; exercise the power under Subchapters E, D, and P of Chapter 51 and Subchapter D, Chapter 52, of the Water Code; that if the district regulates production of underground water by permit is authorized by Chapter 52, the board may not deny a permit to drill a well to the owner of the land and the right to produce water from that well under rules adopted by the district; provide for the making of studies and surveys by professional engineer hired by the district; provide for development of plans and specification for all works, facilities and improvements to be made by the district; provide for research projects and implementation of plans; provide for control, storage and preservation of water for prevention of floods and flood damage in the district, etc.; provide for reclamation; provide for soil conservation improvement and terracing; provide for acquisition in construction of works, facilities and improvements; provide for input wells provide for acquisition of properties; provide for innumerate domain; provide for sale and disposal of property.

Section 43 prohibits district from engaging in water supply activities within or outside of district.

Section 44 provides that the ownership and the rights of the owners of the land and underground and any surface water rights are recognized and that the act does not deprive or divest the owner of those ownership rights.

Section 45 provides for authority to appear before the Railroad Commission of Texas on pending injection permits within the district.

Section 46 thru 56 provides for fiscal responsibilities as derived from Subchapter F, Chapter 52, of the Water Code.

Section 56 provides for reimbursement of organizational expenses.

Section 57 thru 61 provides for authority to issue bonds and notes and for taxing as provided in Subchapters G and H, Chapter 52, of the Water Code.

Section 62 is the emergency clause requiring that the constitutional rule requiring bills to be read in three (3) several days and each house be suspended and that the act take effect and be in force from and after its passage.

1 By: Sims S.B. No. 1525
2 (In the Senate - Filed May 15, 1987; May 15, 1987, read first
3 time and referred to Committee on Natural Resources; May 21, 1987,
4 reported favorably, as amended, by the following vote: Yeas 6,
5 Nays 0; May 21, 1987, sent to printer.)

6 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
7				
8	Santiesteban	x		
9	Montford			x
10	Armbrister	x		
11	Brown	x		
12	Lyon	x		
13	Sarpalius			x
14	Sims	x		
15	Tejeda			x
16	Uribe			x
17	Whitmire			x
18	Zaffirini	x		

19 COMMITTEE AMENDMENT NO. 1

By: Sims

20 Amend S.B. No. 1525 by striking SECTION 5 on page 7 and
21 substituting the following:

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

30 A BILL TO BE ENTITLED
31 AN ACT

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

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

37 SECTION 1. DEFINITIONS. In this Act:

38 (1) "District" means the Lipan-Kickapoo Water Conservation
39 District.

40 (2) "Board" means the district's board of directors.

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

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

50 SECTION 3. LEGISLATIVE FINDINGS. The legislature finds
51 that:

52 (1) the creation of the district is feasible and
53 practicable;

54 (2) the district will be a benefit to the land contained
55 within the boundaries of the district;

56 (3) there is a public necessity for the district; and

57 (4) the district will provide a benefit and utility to the
58 public.

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

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

1 BEGINNING;
2 THENCE in a Northerly direction along the East right-of-way line of
3 said U. S. Highway 277 to a point in the North boundary line of
4 said Section P. W. McNeise, Survey No. 3;
5 THENCE following the meanders of U. S. Highway 277 from the South
6 boundary line of Section 1131, C&MRyCo to a point of intersection
7 in the North boundary line of said Section 1131 and being the South
8 boundary line of W. B. Hunter Survey 1130;
9 THENCE from said point of intersection in the Northerly direction
10 along the East right-of-way line of said U. S. Highway 277 to the
11 North boundary line of said W. B. Hunter Survey No. 1130 and the
12 South boundary line of P. S. Wendall Survey No. 1886;
13 THENCE in a Northerly direction along the East right-of-way line of
14 said U. S. Highway 277 to a point in the North boundary line of
15 said P. S. Wendall Survey No. 1886 and being in the most Northerly
16 South boundary line of Survey No. 1009, HE&WTRYCoSurvey;
17 THENCE in a northerly direction along the East right-of-way line of
18 U. S. Highway 277 to the North boundary line of said Survey No.
19 1009, HE&WTRYCoSurvey and being the South boundary line of the J.
20 F. Fuchs Survey No. 955;
21 THENCE in a Northerly direction along the East right-of-way line of
22 U. S. Highway 277 to a point in the North boundary line of said J.
23 F. Fuchs Survey 955 and being in the South boundary line of the C.
24 Stahl Survey No. 954;
25 THENCE in a Northerly direction along the East right-of-way line of
26 said U. S. Highway 277 to a point in the North boundary line of the
27 C. Stahl Survey No. 954 and being in the South boundary line of the
28 J. Ennert Survey No. 953;
29 THENCE in a Northerly direction following the East right-of-way
30 line of said U. S. Highway 277 to a point of intersection in the
31 North boundary line of said J. Ennert Survey 953 and being the
32 South boundary line of J. Ennert Survey No. 952;
33 THENCE in a Northerly direction along the East right-of-way line of
34 U. S. Highway 277 to a point the North boundary line of said J.
35 Ennert Survey No. 952 and in the South boundary line of C. Gleisner
36 Survey No. 1833;
37 THENCE in a Northeasterly direction along the East right-of-way
38 line of U. S. Highway 277 to a point of intersection in the North
39 boundary line of the C. Gleisner Survey No. 1833 and being in the
40 South boundary line of the C. Gleisner Survey No. 1831;
41 THENCE in a Northeasterly direction along the East right-of-way
42 line of U. S. Highway 277 to a point in the North boundary line of
43 C. Gleisner Survey No. 1831 and in the South boundary line of C. A.
44 Clark Survey No. 70;
45 THENCE in a Northeasterly direction along the East right-of-way
46 boundary line of U. S. Highway 277 to a point of intersection in
47 the North line of C. A. Clark Survey No. 70 and being in the South
48 Boundary line of L. Straus Survey No. 1829;
49 THENCE in a Northeasterly direction along the East right-of-way
50 line of U. S. Highway 277 and crossing the South Concho River to
51 the north bank thereof situated in the J. Zerbach Survey No. 1827;
52 THENCE continuing in a northerly direction and along the East
53 right-of-way line of U.S. Highway 277 to a point of intersection
54 situated on the North bank of the South Concho River and in the
55 North boundary line of the J. Zerbach Survey No. 1827 and being a
56 point in the South boundary line of the J. Eldridge Survey No. 73
57 and being a point in the South boundary of the Tom Green County
58 Water Supply District #2;
59 THENCE with the north or northeast bank of the South Concho River
60 South 51° East 200 feet; South 67° East 300 feet to the confluence
61 of McKettric Creek with the South Concho River;
62 THENCE with the north and northwest bank of McKettric Creek North
63 38° East 235 feet; North 21° East 327 feet, crossing the East line
64 of Block No. 2, Voss Addition to the Town of Christoval and Rudd
65 Road, and following the south and southwest lines of Willie
66 McCutchan tract to a point in the north or northeast bank of
67 McKettric Creek;
68 THENCE North 13 feet to a 1 1/2 inch G.I. pipe marked "N.L. 3-" and
69 set in concrete in the east side of Rudd Road set for the Northwest
70 corner of Block No. 3, Voss Addition to the town of Christoval;

1 THENCE along the southwest line of said Block 3 and being along the
2 northeast line of Texas F.M. 2084 South 27° 52' 39" East following
3 a curve to the left in said road and passing a concrete
4 right-of-way marker to a 1/2" iron pipe set for the most southerly
5 corner of the Tom Green County Water Supply District No. 2 and
6 being on the northeast right-of-way of Texas F.M. 2084;
7 THENCE North 62° 04' 45" East 2,116.73 feet to a 1/2" iron pipe set
8 for the Southeast corner of said Tom Green County Water Supply
9 District No. 2;
10 THENCE North 0° 21' 12" East 815.37 feet with the east line of
11 Block No. 10, Voss Addition to the town of Christoval to the
12 southeast corner of the Original Town of Christoval as shown by
13 plat recorded in Volume 65, Page 566, Tom Green County Deed
14 Records, to which plat and its record reference is here made for
15 all pertinent purposes, and being at the intersection of the south
16 line of Voss Street and the east line of Ninth Street;
17 THENCE North 2,249.88 feet to the most eastern northeast corner of
18 the Original Town of Christoval and being the northeast corner of
19 Block No. 34 Original Town of Christoval;
20 THENCE North 89° West along the north boundary line of the town of
21 Christoval to the northwest corner of Block No. 35, Original Town
22 of Christoval;
23 THENCE North with a northerly projection of the West line of said
24 Block No. 35 244.05 feet to a corner in the west line of said
25 Block No. 35;
26 THENCE West along a projection of the most northerly north line of
27 Block No. 37, Original Town of Christoval to the northeast corner
28 of Lot No. 4, Block No. 37, Original Town of Christoval;
29 THENCE North 1° East with the east line of the Original Town of
30 Christoval to the northeast corner of the Original Town of
31 Christoval and a point in the north line of Holland Street, said
32 northeast corner being due North of the northeast corner of said
33 Lot No. 4, Block No. 51, Original Town of Christoval;
34 THENCE West with the north line of Holland Street to the southwest
35 corner of the 10-acre tract conveyed to George Atkins by G. W.
36 Lewis by deed dated December 15, 1927, recorded in Volume 137, Page
37 446, Tom Green County Records, the same being 60 feet north of the
38 northwest corner of Block No. 52, Original Town of Christoval;
39 THENCE North with the west line of the Lewis 10-acre tract 628.03
40 feet to an iron pipe set for the northeast corner of the Tom Green
41 County Water Supply District No. 2 and being in the West line of
42 the said Lewis 10-acre tract;
43 THENCE South 82° 34' 47" West 184.04 feet to a 2" iron pipe fence
44 corner post for a corner;
45 THENCE South 54° 11' 08" West with a fence 64.98 feet to a 2" iron
46 pipe fence angle post for a corner'
47 THENCE South 40° 46' 39" West with a fence 365.48 feet to a 2" iron
48 pipe fence angle post;
49 THENCE South 34° 59' 00" West with a fence 353.32 feet to a point
50 which is 676.46 feet West of the Southwest corner of the above
51 described Lewis 10-acre tract;
52 THENCE West along the north line of Holland Street to a stake in
53 the north line of Holland Street at a point due North of the
54 northwest corner of Lot No. 1, Block No. 54, Original Town of
55 Christoval;
56 THENCE North 314 feet to a stake for the most northern northeast
57 corner of the Tom Green County Water Supply District No. 2;
58 THENCE West 470 feet to a stake for the most northern northwest
59 corner of the Tom Green County Water Supply District No. 2;
60 THENCE South 314 feet to a stake in the north line of Holland
61 Street and being due North of the northeast corner of Block No. 56,
62 Original Town of Christoval;
63 THENCE West 880.58 feet with the north line of Holland Street to a
64 point in the west right-of-way line of U.S. Highway 277 situated
65 situated within the J. Eldridge Survey No. 73 referred to
66 hereinabove;
67 THENCE in a Northerly direction along the East right-of-way line of
68 U. S. Highway 277 to a point in the North boundary line of J.
69 Eldridge Survey No. 73 and being in the South boundary line of A.
70 Black Survey No. 75;

1 THENCE in a Northeasterly direction along the East right-of-way
2 line of said U. S. Highway 277 to a point in the North boundary
3 line of J. Webb Survey No. 77, being in the South boundary line of
4 E. A. McGill Survey No. 79;
5 THENCE in a Northeasterly direction along the East right-of-way
6 line of U. S. Highway 277 to a point in the North boundary line of
7 E. Smith Survey No. 81 and being in the South boundary line of J.
8 Webb Survey No. 83;
9 THENCE in a Northeasterly direction along the East right-of-way
10 line of U. S. Highway 277 to a point in the North boundary line of
11 G. Smith Survey No. 1825 and being in the South line of C. S.
12 Jackson Survey No. 1823;
13 THENCE in a Northeasterly direction following the East right-of-way
14 line of U. S. Highway 277 to a point in the North line of C. S.
15 Jackson Survey No. 1823 and being in the South line of M. Harrison
16 Survey No. 89;
17 THENCE in a Northeasterly direction along the East right-of-way
18 line of U. S. Highway 277 to a point in the North boundary line of
19 M. Harrison Survey No. 89 and being in the South boundary line of
20 R. A. Abbott Survey No. 91;
21 THENCE in a Northeasterly direction along the East right-of-way
22 line of U. S. Highway 277 to a point in the North boundary line of
23 R. A. Abbott Survey No. 91 and being in the South boundary line of
24 J. E. Deboer Survey No. 93;
25 THENCE continuing in a Northeasterly direction along the East
26 right-of-way line of U. S. Highway 277 to a point in the North line
27 of J. E. Deboer Survey No. 93 and being the South line of D.
28 Chandler Survey No. 1819;
29 THENCE continuing in a Northeasterly direction along the East
30 right-of-way line of U. S. Highway 277 to a point in the East
31 boundary line of D. Chandler Survey No. 1819 and being a point in
32 the most Westerly boundary line of the J. R. Craddock Survey No. 1;
33 THENCE in a Northeasterly direction along the East right-of-way
34 line of U. S. Highway 277 across the J. R. Craddock Survey No. 1,
35 crossing the most Westerly Northwestern corner of S. Hehl Survey
36 No. 536 and the Southeastern corner of George Smith Survey No. 1813
37 to a point in the Northeastern boundary line of the panhandle of
38 the J. R. Craddock Survey No. 1 and being a point in the West
39 boundary line of C. Gowin Survey No. 535;
40 THENCE in a Northeasterly direction along the East right-of-way
41 line of U. S. Highway 277 to a point in the North boundary line of
42 C. Gowin Survey No. 535 and being in the South boundary line of
43 David Lloyd Survey No. 101;
44 THENCE in a Northeasterly direction along the East right-of-way
45 line of U. S. Highway 277 to a point in the North boundary line of
46 David Lloyd Survey No. 101 and being in a point in the South
47 boundary line of the Washington County School Land Survey No. 103;
48 THENCE in a Northeasterly direction and following the East
49 right-of-way line of U. S. Highway 277 to a point in the North
50 boundary line of Washington County School Land Survey No. 103 and
51 being a point in the South boundary line of Washington County
52 School Land Survey No. 105;
53 THENCE in a Northeasterly direction along the East right-of-way
54 line of U. S. Highway 277 to a point in the North boundary line of
55 Washington County School Land Survey No. 105 to a point in the
56 South boundary line of P. W. McNeise Survey No. 1;
57 THENCE in a Northerly direction along the East right-of-way line of
58 U. S. Highway 277 to a point of intersection of said U. S. Highway
59 277 with Texas Highway Loop 306;
60 THENCE in an Easterly direction along the South right-of-way line
61 of said Texas Highway Loop 306 to a point of intersection in the
62 West boundary line of Section No. 75, District 11, SPRyCoSurvey and
63 continuing Easterly along the South boundary line of said Loop 306
64 crossing said Section No. 75, Section No. 74, District 11,
65 SPRyCoSurvey, and continuing Easterly into Section No. 73, District
66 11, SPRyCoSurvey at which point the direction of Texas Highway Loop
67 306 turns Northerly and continuing in a Northerly direction along
68 the Eastern right-of-way line of said Loop 306 crossing the North
69 boundary line of said Section No. 73 and continuing along the East
70 boundary line of said Loop 306 across Section No. 76, District 11,

1 SPRyCoSurvey; crossing Section No. 95, District 11, SPRyCoSurvey,
 2 continuing in a Northerly direction along East boundary line of
 3 said Loop 306 and crossing HT&BRyCoSurvey No. 1 to a point in the
 4 South boundary line of J. G. Murphy Survey No. 2;
 5 THENCE in a Northwesterly direction and along the East right-of-way
 6 line of said Loop 306 and crossing J. G. Murphy Survey No. 2, the
 7 Southwest corner of L. Schuchert Survey No. 160, F. Klamberg Survey
 8 No. 161 and J. Waggoner Survey No. 162 at which point the East
 9 right-of-way line of said Texas Highway Loop 306 intersects with
 10 the North boundary line of said Section No. 162;
 11 THENCE in a Northeasterly direction and following the meanders of
 12 the Concho River and being the Northern boundaries of J. Waggoner
 13 Survey No. 162 and continuing along the North boundary lines of F.
 14 Klamberg Survey No. 161; L. Schuchert Survey No. 160; V. Horne
 15 Survey No. 159; A. Zobel Survey No. 158; V. Horne Survey No. 157;
 16 A. Bauman Survey No. 156; J. Cherry Survey No. 155 1/2; J. Beekmann
 17 Survey No. 155; W. R. Housemann Survey No. 154; J. Beekmann Survey
 18 No. 153; M. Suerth Survey No. 152; M. Feller Survey No. 151; J.
 19 Faltermier Survey No. 150; M. Feller Survey No. 149; J. Schneider
 20 Survey No. 148; J. Gemblar Survey No. 147; J. Fischer Survey No.
 21 146; P. Kellermann Survey No. 145; C. Spauring Survey No. 144;
 22 Heirs of C. Buschel Survey No. 143; J. Reichile Survey No. 142;
 23 German Emmigration Company Survey No. 575; German Emmigration
 24 Company Survey No. 574; H. Falter Survey No. 140; German
 25 Emmigration Company Surveys Nos. 573; 572; 571; 570; 569; 568;
 26 567; 566; 565; 564; 563; 562; 561; 560; 559; 558; 557; 556; 555;
 27 554; 553; 552; 551; 550 (the east boundary of which lays partially
 28 in Concho County, Texas); continuing in Concho County, Texas in a
 29 Northeasterly direction and following the meanders of the Concho
 30 River and being the Northern boundaries of German Emmigration
 31 Company Survey Nos. 549; 548; 547; 546; 143; 142; 141; 140; 139;
 32 138; 137; 136; 135; 134; 133; 132; 131; 130; 129; 128; 127; 126;
 33 125; 124; 123; 122; 121; 120; 119; 118; 117; 116; 115; 114; 113;
 34 112; 111; 110 to a point in the Northwest corner of said Section
 35 No. 110 and being the Northeast corner of German Emmigration
 36 Company Survey No. 109;
 37 THENCE in a Southerly direction along the West boundary line of
 38 said German Emmigration Company Survey No. 109 to the Southwest
 39 corner of said Survey No. 109, thence in an Easterly direction
 40 along the South boundary line of said German Emmigration Company
 41 Survey No. 109 to the most Southerly Northwestern corner of
 42 EL&RRRyCoSurvey No. 1, thence with the most Westerly boundary line
 43 of EL&RRRyCoSurvey No. 1 to the Southwest corner of said
 44 EL&RRRyCoSurvey No. 1;
 45 THENCE in an Easterly direction along the South boundary line of
 46 the EL&RRRyCoSurvey No. 1 to a point and being the Northwest corner
 47 of R. T. Trail Survey No. 2;
 48 THENCE in a Southerly direction along the West boundary line of R.
 49 T. Trail Survey No. 2 to a point and being the most Easterly
 50 Northeast corner of Section No. 7, Block No. 11, H&TCRyCoSurvey,
 51 Concho County, Texas and being the most Easterly Northeast corner
 52 of Block No. 11, H&TCRyCoSurvey;
 53 THENCE in a Southerly direction along the Block No. 11,
 54 H&TCRyCoSurvey line of H&TCRyCoSurvey and along the East boundary
 55 lines of Sections Nos. 7, 6, 3, & 2 of said H&TCRyCoSurvey, Block
 56 No. 11, to a point in the Southeast corner of said Survey No. 2,
 57 Block No. 11, H&TCRyCoSurvey and being the Northeast corner of
 58 Section No. 1, Block No. 10, H&TCRyCoSurvey and being the
 59 Northeastern corner of Block No. 10, H&TCRyCoSurvey;
 60 THENCE in a Southerly direction along the Block No. 10,
 61 H&TCRyCoSurvey lines and being the East boundary lines of Sections
 62 Nos. 1, 2, 3, 4, 5 & 6 to a point and being in the East boundary
 63 line of Section No. 6, Block No. 10, H&TCRyCoSurvey, Concho
 64 County, Texas, and being the most Western Southwest corner of Henry
 65 A. Robertson Survey No. 9;
 66 THENCE along the West boundary line of Henry A. Robertson Survey
 67 No. 9 to the most Northerly Southwest corner of said Henry A.
 68 Robertson Survey No. 9;
 69 THENCE in an Easterly direction along the most Southerly South
 70 boundary line to a point in the most Westerly East boundary line of

1 Henry A. Robertson Survey No. 9 and being a point in the West
2 boundary line of Carl Schartz Survey No. 276 and being the
3 Northeast corner of John Morris Survey No. 3;
4 THENCE in a Southerly direction along the East boundary line of
5 said John Morris Survey No. 3 to a point and being the common
6 Southwest boundary of Survey No. 157, Block No. 72, T&NORyCoSurvey
7 and the Northwest corner of Robert Lacky Survey No. 18;
8 THENCE along the West boundary line of Robert Lacky Survey No. 18
9 to a point of intersection in the North boundary line of Survey No.
10 158, Block No. 72, T&NORyCoSurvey and being the Southwest corner of
11 Robert Lacky Survey No. 18;
12 THENCE in a Westerly direction along the North boundary line of
13 Survey No. 158, Block No. 72, T&NORyCoSurvey to a point for the
14 Northwest corner of said Survey No. 158 and the Northwest corner of
15 Block No. 72, T&NORyCoSurvey;
16 THENCE in a Southerly direction following the West boundary line of
17 Block No. 72, T&NORyCoSurvey and being the West boundary lines of
18 Sections Nos. 158, 2002, 2001, J. H. Gibson Survey No. 1, J. F.
19 and T. J. Dodson Survey No. 2, John H. Gibson Survey No. 1, William
20 H. Hughes Survey No. 6, Survey No. 175, H. W. Jacoby Survey No.
21 176, Michael Sougert Survey No. 2073, Chris Mens Survey No. 2074,
22 continuing Southerly along the West boundary line of Block No. 72,
23 T&NORyCoSurvey and the West boundary line of Beaty, Seale and
24 Forwood Survey No. 70 and the East right-of-way line of Texas
25 Highway No. 176 and continuing Southerly along the said Western
26 boundary of Block No. 72, T&NORyCoSurvey and the West right-of-way
27 line of Texas Highway No. 176 crossing said Beaty, Seale and
28 Forwood Survey No. 70, Valentine Survey Nos. 2084, Hohmann Survey
29 No. 2083, R. L. Woodward Survey No. 2, Alexander Survey No. 2086,
30 Sator Survey No. 2087, J. H. Johnson Survey No. 68, J. M. Pfluger
31 Survey No. 68 1/2, George B. Mayer Survey No. 2095 to a point of
32 intersection in the City Limits of the City of Liveoak, Texas;
33 THENCE in an Easterly direction along the city limits of said City
34 of Liveoak, Texas to a point in the most Northeasterly city limits
35 lying in said Liveoak, Texas and being in George B. Mayer Survey
36 No. 2095;
37 THENCE in a Southerly direction along the East boundary line of
38 said city limits of the City of Liveoak, Texas to a point for the
39 most Southeasterly city limits lying in George B. Mayer Survey No.
40 2095;
41 THENCE in a Westerly direction along the City Limits of the City of
42 Liveoak situated in George B. Mayer Survey No. 2095 to a point of
43 intersection in the Western boundary line of Block No. 72,
44 T&NORyCoSurvey and being the West boundary line of George B. Mayer
45 Survey No. 2095 and the East right-of-way line of State Highway
46 176;
47 THENCE in a Southerly direction along the West boundary line of
48 Block No. 72, T&NORyCoSurvey, and being a point in the West
49 boundary line of George B. Mayer Survey No. 2095 and in the East
50 right-of-way line of State Highway No. 176 and crossing George B.
51 Mayer Survey No. 2096, G. A. Ford Survey No. 2, Chris Funck Survey
52 No. 2124, Chris Metzging Survey No. 2125 to a point for the
53 Southwest corner of the Chis Metzging Survey No. 2125 in the
54 Southwest corner of Block No. 72, T&NORyCoSurvey;
55 THENCE East along the South boundary line of Block No. 72,
56 T&NORyCoSurvey and the common South boundary line of Chris Metzging
57 Survey No. 2125, Block No. 72, T&NORyCoSurvey line to a point in
58 said South boundary line for a corner and being the most South
59 Northeasterly corner of FL&RR RyCoSurvey No. 143;
60 THENCE in a Southerly direction along the East boundary line of
61 said FL&RR RyCoSurvey No. 143 to the Southeast corner of said
62 Section No. 143 and being the Northeast corner of Survey No. 108
63 and continuing in a Southerly direction along the East boundary
64 line of said Section No. 108 to a point of intersection in the
65 South boundary line of Concho County, Texas;
66 THENCE in a Westerly direction along the South boundary line of the
67 Concho County-Menard County boundary lines to a point of
68 intersection with the Tom Green County boundary line and being the
69 Southwest corner of Concho County, the Northwest corner of Menard
70 County and the Southeast corner of Tom Green County;

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

7 SECTION 5. APPLICATION OF CHAPTER 52, WATER CODE; GENERAL
 8 POWERS AND DUTIES. Except to the extent of any conflict with this
 9 Act or as specifically limited by this Act, the district is
 10 governed by and subject to Chapter 52, Water Code, and may exercise
 11 all of the powers contained in that chapter, including the power to
 12 issue bonds and levy and collect taxes and the power of eminent
 13 domain. The district shall exercise all of the duties provided by
 14 Chapter 52, Water Code.

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

- 18 (1) Michael Hoelscher;
- 19 (2) James Ripple;
- 20 (3) Gregory Phinney;
- 21 (4) Harvey Williams;
- 22 (5) F. G. Brown;
- 23 (6) Joe Brosig; and
- 24 (7) A. H. Denis III.

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

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

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

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

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

37 Code.

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

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

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

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

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

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

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

70 SECTION 11. COMPENSATION. A director is entitled to receive

1 for his services an amount not to exceed \$25 a day for each day
2 actually engaged in duties for the district.

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

7 SECTION 13. CREATION ELECTION. (a) Not later than the 90th
8 day after the effective date of this Act, the temporary directors
9 shall meet and shall call an election to be held not later than the
10 180th day after the effective date of this Act within the
11 boundaries of the proposed district to approve the creation of the
12 district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 SECTION 18. EMERGENCY. The importance of this legislation
43 and the crowded condition of the calendars in both houses create an
44 emergency and an imperative public necessity that the
45 constitutional rule requiring bills to be read on three several
46 days in each house be suspended, and this rule is hereby suspended,
47 and that this Act take effect and be in force from and after its
48 passage, and it is so enacted.

49 * * * * *

50 Austin, Texas
51 May 21, 1987

52 Hon. William P. Hobby
53 President of the Senate

54 Sir:

55 We, your Committee on Natural Resources to which was referred S.B.
56 No. 1525, have had the same under consideration, and I am
57 instructed to report it back to the Senate with the recommendation
58 that it do pass, as amended, and be printed.

59 Santiesteban, Chairman

SENATE FAVORABLY AS AMENDED COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

5/20²⁾ 2:35
(date)/(time)

Sir:
We, your Committee on NATURAL RESOURCES to which was referred
SB 1525 by Sims have on 5/20, 19 87 had the same
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

- do pass with 1 amendments, and be printed
- do pass as amended, and be ordered not printed
- and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. yes no

A revised fiscal note was requested. yes no

An actuarial analysis was requested. yes no

Considered by subcommittee. yes no

Senate Sponsor of House Measure Sims

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Santiesteban, Chairman	<input checked="" type="checkbox"/>			
Montford, Vice Chairman				<input checked="" type="checkbox"/>
Armbrister	<input checked="" type="checkbox"/>			
Brown	<input checked="" type="checkbox"/>			
Lyon	<input checked="" type="checkbox"/>			
Sarpalius				<input checked="" type="checkbox"/>
Sims	<input checked="" type="checkbox"/>			
Tejeda				<input checked="" type="checkbox"/>
Uribe				<input checked="" type="checkbox"/>
Whitmire				<input checked="" type="checkbox"/>
Zaffirini	<input checked="" type="checkbox"/>			
TOTAL VOTES	6	0	0	5

[Signature]
COMMITTEE CLERK

[Signature]
CHAIRMAN

COMMITTEE AMENDMENT 1

by: Jimus.

Amend S.B. ^{No.} 1525 by striking SECTION 5 on page 15 and substituting the following:

Delete underlining

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 ^{the} ~~that~~ chapter, including the power 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.

ADOPTED

MAY 23 1987

Anthony King
Secretary of the Senate

5-21-87

MT

P 5-22-87

Com. Am. # ①

5/21/87

5/30/87

AMEND THE CAPTION TO CONFORM
TO THE BODY OF THE BILL

ADOPTED

MAY 23 1987

Henry King
Secretary of the Senate

May 23 1987 Engrossed
Ratney Daw
Engrossing Clerk

I certify that the attached is a true and correct
copy of SB 1525, which was
received from the Senate on MAY 23 1987
referred to the Committee on Natural Resources

Robert M. ...
Clerk of the House

By: Sims
(Burnett),

S.B. No. 1525

A BILL TO BE ENTITLED

1 AN ACT

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

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

7 SECTION 1. DEFINITIONS. In this Act:

8 (1) "District" means the Lipan-Kickapoo Water Conservation
9 District.

10 (2) "Board" means the district's board of directors.

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

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

20 SECTION 3. LEGISLATIVE FINDINGS. The legislature finds
21 that:

22 (1) the creation of the district is feasible and
23 practicable;

24 (2) the district will be a benefit to the land contained
25 within the boundaries of the district;

1 (3) there is a public necessity for the district; and

2 (4) the district will provide a benefit and utility to the
3 public.

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

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

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

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

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

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

26 THENCE in a northerly direction along the East right-of-way line of

1 U. S. Highway 277 to the North boundary line of said Survey No.
2 1009, HE&WTRyCoSurvey and being the South boundary line of the J.
3 F. Fuchs Survey No. 955;
4 THENCE in a Northerly direction along the East right-of-way line of
5 U. S. Highway 277 to a point in the North boundary line of said J.
6 F. Fuchs Survey 955 and being in the South boundary line of the C.
7 Stahl Survey No. 954;
8 THENCE in a Northerly direction along the East right-of-way line of
9 said U. S. Highway 277 to a point in the North boundary line of the
10 C. Stahl Survey No. 954 and being in the South boundary line of the
11 J. Ennert Survey No. 953;
12 THENCE in a Northerly direction following the East right-of-way
13 line of said U. S. Highway 277 to a point of intersection in the
14 North boundary line of said J. Ennert Survey 953 and being the
15 South boundary line of J. Ennert Survey No. 952;
16 THENCE in a Northerly direction along the East right-of-way line of
17 U. S. Highway 277 to a point the North boundary line of said J.
18 Ennert Survey No. 952 and in the South boundary line of C. Gleismer
19 Survey No. 1833;
20 THENCE in a Northeasterly direction along the East right-of-way
21 line of U. S. Highway 277 to a point of intersection in the North
22 boundary line of the C. Gleismer Survey No. 1833 and being in the
23 South boundary line of the C. Gleismer Survey No. 1831;
24 THENCE in a Northeasterly direction along the East right-of-way
25 line of U. S. Highway 277 to a point in the North boundary line of
26 C. Gleismer Survey No. 1831 and in the South boundary line of C. A.

1 Clark Survey No. 70;
2 THENCE in a Northeasterly direction along the East right-of-way
3 boundary line of U. S. Highway 277 to a point of intersection in
4 the North line of C. A. Clark Survey No. 70 and being in the South
5 Boundary line of L. Straus Survey No. 1829;
6 THENCE in a Northeasterly direction along the East right-of-way
7 line of U. S. Highway 277 and crossing the South Concho River to
8 the north bank thereof situated in the J. Zerbach Survey No. 1827;
9 THENCE continuing in a northerly direction and along the East
10 right-of-way line of U.S. Highway 277 to a point of intersection
11 situated on the North bank of the South Concho River and in the
12 North boundary line of the J. Zerbach Survey No. 1827 and being a
13 point in the South boundary line of the J. Eldridge Survey No. 73
14 and being a point in the South boundary of the Tom Green County
15 Water Supply District #2;
16 THENCE with the north or northeast bank of the South Concho River
17 South 51° East 200 feet; South 67° East 300 feet to the confluence
18 of McKettric Creek with the South Concho River;
19 THENCE with the north and northwest bank of McKettric Creek North
20 38° East 235 feet; North 21° East 327 feet, crossing the East line
21 of Block No. 2, Voss Addition to the Town of Christoval and Rudd
22 Road, and following the south and southwest lines of Willie
23 McCutchan tract to a point in the north or northeast bank of
24 McKettric Creek;
25 THENCE North 13 feet to a 1 1/2 inch G.I. pipe marked "N.L. 3-" and
26 set in concrete in the east side of Rudd Road set for the Northwest

1 corner of Block No. 3, Voss Addition to the town of Christoval;
2 THENCE along the southwest line of said Block 3 and being along the
3 northeast line of Texas F.M. 2084 South $27^{\circ} 52' 39''$ East following
4 a curve to the left in said road and passing a concrete
5 right-of-way marker to a $1/2''$ iron pipe set for the most southerly
6 corner of the Tom Green County Water Supply District No. 2 and
7 being on the northeast right-of-way of Texas F.M. 2084;
8 THENCE North $62^{\circ} 04' 45''$ East 2,116.73 feet to a $1/2''$ iron pipe set
9 for the Southeast corner of said Tom Green County Water Supply
10 District No. 2;
11 THENCE North $0^{\circ} 21' 12''$ East 815.37 feet with the east line of
12 Block No. 10, Voss Addition to the town of Christoval to the
13 southeast corner of the Original Town of Christoval as shown by
14 plat recorded in Volume 65, Page 566, Tom Green County Deed
15 Records, to which plat and its record reference is here made for
16 all pertinent purposes, and being at the intersection of the south
17 line of Voss Street and the east line of Ninth Street;
18 THENCE North 2,249.88 feet to the most eastern northeast corner of
19 the Original Town of Christoval and being the northeast corner of
20 Block No. 34 Original Town of Christoval;
21 THENCE North 89° West along the north boundary line of the town of
22 Christoval to the northwest corner of Block No. 35, Original Town
23 of Christoval;
24 THENCE North with a northerly projection of the West line of said
25 Block No. 35 244.05 feet to a corner in the west line of said
26 Block No. 35;

1 THENCE West along a projection of the most northerly north line of
2 Block No. 37, Original Town of Christoval to the northeast corner
3 of Lot No. 4, Block No. 37, Original Town of Christoval;
4 THENCE North 1° East with the east line of the Original Town of
5 Christoval to the northeast corner of the Original Town of
6 Christoval and a point in the north line of Holland Street, said
7 northeast corner being due North of the northeast corner of said
8 Lot No. 4, Block No. 51, Original Town of Christoval;
9 THENCE West with the north line of Holland Street to the southwest
10 corner of the 10-acre tract conveyed to George Atkins by G. W.
11 Lewis by deed dated December 15, 1927, recorded in Volume 137, Page
12 446, Tom Green County Records, the same being 60 feet north of the
13 northwest corner of Block No. 52, Original Town of Christoval;
14 THENCE North with the west line of the Lewis 10-acre tract 628.03
15 feet to an iron pipe set for the northeast corner of the Tom Green
16 County Water Supply District No. 2 and being in the West line of
17 the said Lewis 10-acre tract;
18 THENCE South 82° 34' 47" West 184.04 feet to a 2" iron pipe fence
19 corner post for a corner;
20 THENCE South 54° 11' 08" West with a fence 64.98 feet to a 2" iron
21 pipe fence angle post for a corner'
22 THENCE South 40° 46' 39" West with a fence 365.48 feet to a 2" iron
23 pipe fence angle post;
24 THENCE South 34° 59' 00" West with a fence 353.32 feet to a point
25 which is 676.46 feet West of the Southwest corner of the above
26 described Lewis 10-acre tract;

1 THENCE West along the north line of Holland Street to a stake in
2 the north line of Holland Street at a point due North of the
3 northwest corner of Lot No. 1, Block No. 54, Original Town of
4 Christoval;
5 THENCE North 314 feet to a stake for the most northern northeast
6 corner of the Tom Green County Water Supply District No. 2;
7 THENCE West 470 feet to a stake for the most northern northwest
8 corner of the Tom Green County Water Supply District No. 2;
9 THENCE South 314 feet to a stake in the north line of Holland
10 Street and being due North of the northeast corner of Block No. 56,
11 Original Town of Christoval;
12 THENCE West 880.58 feet with the north line of Holland Street to a
13 point in the west right-of-way line of U.S. Highway 277 situated
14 situated within the J. Eldridge Survey No. 73 referred to
15 hereinabove;
16 THENCE in a Northerly direction along the East right-of-way line of
17 U. S. Highway 277 to a point in the North boundary line of J.
18 Eldridge Survey No. 73 and being in the South boundary line of A.
19 Black Survey No. 75;
20 THENCE in a Northeasterly direction along the East right-of-way
21 line of said U. S. Highway 277 to a point in the North boundary
22 line of J. Webb Survey No. 77, being in the South boundary line of
23 E. A. McGill Survey No. 79;
24 THENCE in a Northeasterly direction along the East right-of-way
25 line of U. S. Highway 277 to a point in the North boundary line of
26 E. Smith Survey No. 81 and being in the South boundary line of J.

1 Webb Survey No. 83;
2 THENCE in a Northeasterly direction along the East right-of-way
3 line of U. S. Highway 277 to a point in the North boundary line of
4 G. Smith Survey No. 1825 and being in the South line of C. S.
5 Jackson Survey No. 1823;
6 THENCE in a Northeasterly direction following the East right-of-way
7 line of U. S. Highway 277 to a point in the North line of C. S.
8 Jackson Survey No. 1823 and being in the South line of M. Harrison
9 Survey No. 89;
10 THENCE in a Northeasterly direction along the East right-of-way
11 line of U. S. Highway 277 to a point in the North boundary line of
12 M. Harrison Survey No. 89 and being in the South boundary line of
13 R. A. Abbott Survey No. 91;
14 THENCE in a Northeasterly direction along the East right-of-way
15 line of U. S. Highway 277 to a point in the North boundary line of
16 R. A. Abbott Survey No. 91 and being in the South boundary line of
17 J. E. Deboer Survey No. 93;
18 THENCE continuing in a Northeasterly direction along the East
19 right-of-way line of U. S. Highway 277 to a point in the North line
20 of J. E. Deboer Survey No. 93 and being the South line of D.
21 Chandler Survey No. 1819;
22 THENCE continuing in a Northeasterly direction along the East
23 right-of-way line of U. S. Highway 277 to a point in the East
24 boundary line of D. Chandler Survey No. 1819 and being a point in
25 the most Westerly boundary line of the J. R. Craddock Survey No. 1;
26 THENCE in a Northeasterly direction along the East right-of-way

1 line of U. S. Highway 277 across the J. R. Craddock Survey No. 1,
2 crossing the most Westerly Northwestern corner of S. Hehl Survey
3 No. 536 and the Southeastern corner of George Smith Survey No. 1813
4 to a point in the Northeastern boundary line of the panhandle of
5 the J. R. Craddock Survey No. 1 and being a point in the West
6 boundary line of C. Gowin Survey No. 535;
7 THENCE in a Northeasterly direction along the East right-of-way
8 line of U. S. Highway 277 to a point in the North boundary line of
9 C. Gowin Survey No. 535 and being in the South boundary line of
10 David Lloyd Survey No. 101;
11 THENCE in a Northeasterly direction along the East right-of-way
12 line of U. S. Highway 277 to a point in the North boundary line of
13 David Lloyd Survey No. 101 and being in a point in the South
14 boundary line of the Washington County School Land Survey No. 103;
15 THENCE in a Northeasterly direction and following the East
16 right-of-way line of U. S. Highway 277 to a point in the North
17 boundary line of Washington County School Land Survey No. 103 and
18 being a point in the South boundary line of Washington County
19 School Land Survey No. 105;
20 THENCE in a Northeasterly direction along the East right-of-way
21 line of U. S. Highway 277 to a point in the North boundary line of
22 Washington County School Land Survey No. 105 to a point in the
23 South boundary line of P. W. McNeise Survey No. 1;
24 THENCE in a Northerly direction along the East right-of-way line of
25 U. S. Highway 277 to a point of intersection of said U. S. Highway
26 277 with Texas Highway Loop 306;

1 THENCE in an Easterly direction along the South right-of-way line
2 of said Texas Highway Loop 306 to a point of intersection in the
3 West boundary line of Section No. 75, District 11, SPRyCoSurvey and
4 continuing Easterly along the South boundary line of said Loop 306
5 crossing said Section No. 75, Section No. 74, District 11,
6 SPRyCoSurvey, and continuing Easterly into Section No. 73, District
7 11, SPRyCoSurvey at which point the direction of Texas Highway Loop
8 306 turns Northerly and continuing in a Northerly direction along
9 the Eastern right-of-way line of said Loop 306 crossing the North
10 boundary line of said Section No. 73 and continuing along the East
11 boundary line of said Loop 306 across Section No. 76, District 11,
12 SPRyCoSurvey; crossing Section No. 95, District 11, SPRyCoSurvey,
13 continuing in a Northerly direction along East boundary line of
14 said Loop 306 and crossing HT&BRyCoSurvey No. 1 to a point in the
15 South boundary line of J. G. Murphy Survey No. 2;
16 THENCE in a Northwesterly direction and along the East right-of-way
17 line of said Loop 306 and crossing J. G. Murphy Survey No. 2, the
18 Southwest corner of L. Schuchert Survey No. 160, F. Klamberg Survey
19 No. 161 and J. Waggoner Survey No. 162 at which point the East
20 right-of-way line of said Texas Highway Loop 306 intersects with
21 the North boundary line of said Section No. 162;
22 THENCE in a Northeasterly direction and following the meanders of
23 the Concho River and being the Northern boundaries of J. Waggoner
24 Survey No. 162 and continuing along the North boundary lines of F.
25 Klamberg Survey No. 161; L. Schuchert Survey No. 160; V. Horne
26 Survey No. 159; A. Zobel Survey No. 158; V. Horne Survey No. 157;

1 A. Bauman Survey No. 156; J. Cherry Survey No. 155 1/2; J. Beekmann
2 Survey No. 155; W. R. Housemann Survey No. 154; J. Beekmann Survey
3 No. 153; M. Suerth Survey No. 152; M. Feller Survey No. 151; J.
4 Faltermier Survey No. 150; M. Feller Survey No. 149; J. Schneider
5 Survey No. 148; J. Gemblar Survey No. 147; J. Fischer Survey No.
6 146; P. Kellermann Survey No. 145; C. Spauring Survey No. 144;
7 Heirs of C. Buschel Survey No. 143; J. Reichile Survey No. 142;
8 German Emmigration Company Survey No. 575; German Emmigration
9 Company Survey No. 574; H. Falter Survey No. 140; German
10 Emmigration Company Surveys Nos. 573; 572; 571; 570; 569; 568;
11 567; 566; 565; 564; 563; 562; 561; 560; 559; 558; 557; 556; 555;
12 554; 553; 552; 551; 550 (the east boundary of which lays partially
13 in Concho County, Texas); continuing in Concho County, Texas in a
14 Northeasterly direction and following the meanders of the Concho
15 River and being the Northern boundaries of German Emmigration
16 Company Survey Nos. 549; 548; 547; 546; 143; 142; 141; 140; 139;
17 138; 137; 136; 135; 134; 133; 132; 131; 130; 129; 128; 127; 126;
18 125; 124; 123; 122; 121; 120; 119; 118; 117; 116; 115; 114; 113;
19 112; 111; 110 to a point in the Northwest corner of said Section
20 No. 110 and being the Northeast corner of German Emmigration
21 Company Survey No. 109;

22 THENCE in a Southerly direction along the West boundary line of
23 said German Emmigration Company Survey No. 109 to the Southwest
24 corner of said Survey No. 109, thence in an Easterly direction
25 along the South boundary line of said German Emmigration Company
26 Survey No. 109 to the most Southerly Northwestern corner of

1 EL&RRRyCoSurvey No. 1, thence with the most Westerly boundary line
2 of EL&RRRyCoSurvey No. 1 to the Southwest corner of said
3 EL&RRRyCoSurvey No. 1;
4 THENCE in an Easterly direction along the South boundary line of
5 the EL&RRRyCoSurvey No. 1 to a point and being the Northwest corner
6 of R. T. Trail Survey No. 2;
7 THENCE in a Southerly direction along the West boundary line of R.
8 T. Trail Survey No. 2 to a point and being the most Easterly
9 Northeast corner of Section No. 7, Block No. 11, H&TCRyCoSurvey,
10 Concho County, Texas and being the most Easterly Northeast corner
11 of Block No. 11, H&TCRyCoSurvey;
12 THENCE in a Southerly direction along the Block No. 11,
13 H&TCRyCoSurvey line of H&TCRyCoSurvey and along the East boundary
14 lines of Sections Nos. 7, 6, 3, & 2 of said H&TCRyCoSurvey, Block
15 No. 11, to a point in the Southeast corner of said Survey No. 2,
16 Block No. 11, H&TCRyCoSurvey and being the Northeast corner of
17 Section No. 1, Block No. 10, H&TCRyCoSurvey and being the
18 Northeastern corner of Block No. 10, H&TCRyCoSurvey;
19 THENCE in a Southerly direction along the Block No. 10,
20 H&TCRyCoSurvey lines and being the East boundary lines of Sections
21 Nos. 1, 2, 3, 4, 5 & 6 to a point and being in the East boundary
22 line of Section No. 6, Block No. 10, H&TCRyCoSurvey, Concho
23 County, Texas, and being the most Western Southwest corner of Henry
24 A. Robertson Survey No. 9;
25 THENCE along the West boundary line of Henry A. Robertson Survey
26 No. 9 to the most Northerly Southwest corner of said Henry A.

1 Robertson Survey No. 9;
2 THENCE in an Easterly direction along the most Southerly South
3 boundary line to a point in the most Westerly East boundary line of
4 Henry A. Robertson Survey No. 9 and being a point in the West
5 boundary line of Carl Schartz Survey No. 276 and being the
6 Northeast corner of John Morris Survey No. 3;
7 THENCE in a Southerly direction along the East boundary line of
8 said John Morris Survey No. 3 to a point and being the common
9 Southwest boundary of Survey No. 157, Block No. 72, T&NORyCoSurvey
10 and the Northwest corner of Robert Lacky Survey No. 18;
11 THENCE along the West boundary line of Robert Lacky Survey No. 18
12 to a point of intersection in the North boundary line of Survey No.
13 158, Block No. 72, T&NORyCoSurvey and being the Southwest corner of
14 Robert Lacky Survey No. 18;
15 THENCE in a Westerly direction along the North boundary line of
16 Survey No. 158, Block No. 72, T&NORyCoSurvey to a point for the
17 Northwest corner of said Survey No. 158 and the Northwest corner of
18 Block No. 72, T&NORyCoSurvey;
19 THENCE in a Southerly direction following the West boundary line of
20 Block No. 72, T&NORyCoSurvey and being the West boundary lines of
21 Sections Nos. 158, 2002, 2001, J. H. Gibson Survey No. 1, J. F.
22 and T. J. Dodson Survey No. 2, John H. Gibson Survey No. 1, William
23 H. Hughes Survey No. 6, Survey No. 175, H. W. Jacoby Survey No.
24 176, Michael Sougert Survey No. 2073, Chris Mens Survey No. 2074,
25 continuing Southerly along the West boundary line of Block No. 72,
26 T&NORyCoSurvey and the West boundary line of Beaty, Seale and

1 Forwood Survey No. 70 and the East right-of-way line of Texas
2 Highway No. 176 and continuing Southerly along the said Western
3 boundary of Block No. 72, T&NORyCoSurvey and the West right-of-way
4 line of Texas Highway No. 176 crossing said Beaty, Seale and
5 Forwood Survey No. 70, Valentine Survey Nos. 2084, Hohmann Survey
6 No. 2083, R. L. Woodward Survey No. 2, Alexander Survey No. 2086,
7 Sator Survey No. 2087, J. H. Johnson Survey No. 68, J. M. Pfluger
8 Survey No. 68 1/2, George B. Mayer Survey No. 2095 to a point of
9 intersection in the City Limits of the City of Liveoak, Texas;
10 THENCE in an Easterly direction along the city limits of said City
11 of Liveoak, Texas to a point in the most Northeasterly city limits
12 lying in said Liveoak, Texas and being in George B. Mayer Survey
13 No. 2095;
14 THENCE in a Southerly direction along the East boundary line of
15 said city limits of the City of Liveoak, Texas to a point for the
16 most Southeasterly city limits lying in George B. Mayer Survey No.
17 2095;
18 THENCE in a Westerly direction along the City Limits of the City of
19 Liveoak situated in George B. Mayer Survey No. 2095 to a point of
20 intersection in the Western boundary line of Block No. 72,
21 T&NORyCoSurvey and being the West boundary line of George B. Mayer
22 Survey No. 2095 and the East right-of-way line of State Highway
23 176;
24 THENCE in a Southerly direction along the West boundary line of
25 Block No. 72, T&NORyCoSurvey, and being a point in the West
26 boundary line of George B. Mayer Survey No. 2095 and in the East

S.B. No. 1525

1 right-of-way line of State Highway No. 176 and crossing George B.
2 Mayer Survey No. 2096, G. A. Ford Survey No. 2, Chris Funck Survey
3 No. 2124, Chris Metzting Survey No. 2125 to a point for the
4 Southwest corner of the Chis Metzting Survey No. 2125 in the
5 Southwest corner of Block No. 72, T&NORyCoSurvey;
6 THENCE East along the South boundary line of Block No. 72,
7 T&NORyCoSurvey and the common South boundary line of Chris Metzting
8 Survey No. 2125, Block No. 72, T&NORyCoSurvey line to a point in
9 said South boundary line for a corner and being the most South
10 Northeasterly corner of FL&RR RyCoSurvey No. 143;
11 THENCE in a Southerly direction along the East boundary line of
12 said FL&RR RyCoSurvey No. 143 to the Southeast corner of said
13 Section No. 143 and being the Northeast corner of Survey No. 108
14 and continuing in a Southerly direction along the East boundary
15 line of said Section No. 108 to a point of intersection in the
16 South boundary line of Concho County, Texas;
17 THENCE in a Westerly direction along the South boundary line of the
18 Concho County-Menard County boundary lines to a point of
19 intersection with the Tom Green County boundary line and being the
20 Southwest corner of Concho County, the Northwest corner of Menard
21 County and the Southeast corner of Tom Green County;
22 THENCE from said common corner in a Westerly direction along the
23 South boundary line of Tom Green County, Texas to the point of
24 intersection where the East right-of-way line of U.S. Highway 277
25 intersects with the South boundary line of the Tom Green County
26 county line and being situated in P. W. McNeise Survey No. 3 for

1 the POINT OF BEGINNING.

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

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

- 13 (1) Michael Hoelscher;
- 14 (2) James Ripple;
- 15 (3) Gregory Phinney;
- 16 (4) Harvey Williams;
- 17 (5) F. G. Brown;
- 18 (6) Joe Brosig; and
- 19 (7) A. H. Denis III.

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

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

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

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

3 (1) a resident of the district or proposed district;

4 (2) at least 18 years of age; and

5 (3) not otherwise disqualified by Section 50.026, Water
6 Code.

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

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

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

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

26 (b) A director takes office at the first regular meeting of

1 the board following election to the board.

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

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

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

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

20 SECTION 13. CREATION ELECTION. (a) Not later than the 90th
21 day after the effective date of this Act, the temporary directors
22 shall meet and shall call an election to be held not later than the
23 180th day after the effective date of this Act within the
24 boundaries of the proposed district to approve the creation of the
25 district.

26 (b) Subsection (a), Section 41.001, Election Code, does not

1 apply to an election called under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (h) The district may construct and acquire works,

1 facilities, and improvements in the manner provided by Chapter 51,
2 Water Code.

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

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

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

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

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

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

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

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

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

21 SECTION 18. EMERGENCY. The importance of this legislation
22 and the crowded condition of the calendars in both houses create an
23 emergency and an imperative public necessity that the
24 constitutional rule requiring bills to be read on three several
25 days in each house be suspended, and this rule is hereby suspended,
26 and that this Act take effect and be in force from and after its

S.B. No. 1525

1 passage, and it is so enacted.

HOUSE COMMITTEE REPORT

1937 MAY 26 PM 4:59

1st Printing

By: Sims
(Burnett)

S.B. No. 1525

A BILL TO BE ENTITLED

1 AN ACT

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

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

7 SECTION 1. DEFINITIONS. In this Act:

8 (1) "District" means the Lipan-Kickapoo Water Conservation
9 District.

10 (2) "Board" means the district's board of directors.

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

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

20 SECTION 3. LEGISLATIVE FINDINGS. The legislature finds
21 that:

22 (1) the creation of the district is feasible and
23 practicable;

24 (2) the district will be a benefit to the land contained
25 within the boundaries of the district;

- 1 (3) there is a public necessity for the district; and
- 2 (4) the district will provide a benefit and utility to the
- 3 public.

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

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

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

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

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

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

26 THENCE in a northerly direction along the East right-of-way line of

1 U. S. Highway 277 to the North boundary line of said Survey No.
2 1009, HE&WTRyCoSurvey and being the South boundary line of the J.
3 F. Fuchs Survey No. 955;
4 THENCE in a Northerly direction along the East right-of-way line of
5 U. S. Highway 277 to a point in the North boundary line of said J.
6 F. Fuchs Survey 955 and being in the South boundary line of the C.
7 Stahl Survey No. 954;
8 THENCE in a Northerly direction along the East right-of-way line of
9 said U. S. Highway 277 to a point in the North boundary line of the
10 C. Stahl Survey No. 954 and being in the South boundary line of the
11 J. Ennert Survey No. 953;
12 THENCE in a Northerly direction following the East right-of-way
13 line of said U. S. Highway 277 to a point of intersection in the
14 North boundary line of said J. Ennert Survey 953 and being the
15 South boundary line of J. Ennert Survey No. 952;
16 THENCE in a Northerly direction along the East right-of-way line of
17 U. S. Highway 277 to a point the North boundary line of said J.
18 Ennert Survey No. 952 and in the South boundary line of C. Gleismer
19 Survey No. 1833;
20 THENCE in a Northeasterly direction along the East right-of-way
21 line of U. S. Highway 277 to a point of intersection in the North
22 boundary line of the C. Gleismer Survey No. 1833 and being in the
23 South boundary line of the C. Gleismer Survey No. 1831;
24 THENCE in a Northeasterly direction along the East right-of-way
25 line of U. S. Highway 277 to a point in the North boundary line of
26 C. Gleismer Survey No. 1831 and in the South boundary line of C. A.

1 Clark Survey No. 70;
2 THENCE in a Northeasterly direction along the East right-of-way
3 boundary line of U. S. Highway 277 to a point of intersection in
4 the North line of C. A. Clark Survey No. 70 and being in the South
5 Boundary line of L. Straus Survey No. 1829;
6 THENCE in a Northeasterly direction along the East right-of-way
7 line of U. S. Highway 277 and crossing the South Concho River to
8 the north bank thereof situated in the J. Zerbach Survey No. 1827;
9 THENCE continuing in a northerly direction and along the East
10 right-of-way line of U.S. Highway 277 to a point of intersection
11 situated on the North bank of the South Concho River and in the
12 North boundary line of the J. Zerbach Survey No. 1827 and being a
13 point in the South boundary line of the J. Eldridge Survey No. 73
14 and being a point in the South boundary of the Tom Green County
15 Water Supply District #2;
16 THENCE with the north or northeast bank of the South Concho River
17 South 51° East 200 feet; South 67° East 300 feet to the confluence
18 of McKettric Creek with the South Concho River;
19 THENCE with the north and northwest bank of McKettric Creek North
20 38° East 235 feet; North 21° East 327 feet, crossing the East line
21 of Block No. 2, Voss Addition to the Town of Christoval and Rudd
22 Road, and following the south and southwest lines of Willie
23 McCutchan tract to a point in the north or northeast bank of
24 McKettric Creek;
25 THENCE North 13 feet to a 1 1/2 inch G.I. pipe marked "N.L. 3-" and
26 set in concrete in the east side of Rudd Road set for the Northwest

1 corner of Block No. 3, Voss Addition to the town of Christoval;
2 THENCE along the southwest line of said Block 3 and being along the
3 northeast line of Texas F.M. 2084 South 27° 52' 39" East following
4 a curve to the left in said road and passing a concrete
5 right-of-way marker to a 1/2" iron pipe set for the most southerly
6 corner of the Tom Green County Water Supply District No. 2 and
7 being on the northeast right-of-way of Texas F.M. 2084;
8 THENCE North 62° 04' 45" East 2,116.73 feet to a 1/2" iron pipe set
9 for the Southeast corner of said Tom Green County Water Supply
10 District No. 2;
11 THENCE North 0° 21' 12" East 815.37 feet with the east line of
12 Block No. 10, Voss Addition to the town of Christoval to the
13 southeast corner of the Original Town of Christoval as shown by
14 plat recorded in Volume 65, Page 566, Tom Green County Deed
15 Records, to which plat and its record reference is here made for
16 all pertinent purposes, and being at the intersection of the south
17 line of Voss Street and the east line of Ninth Street;
18 THENCE North 2,249.88 feet to the most eastern northeast corner of
19 the Original Town of Christoval and being the northeast corner of
20 Block No. 34 Original Town of Christoval;
21 THENCE North 89° West along the north boundary line of the town of
22 Christoval to the northwest corner of Block No. 35, Original Town
23 of Christoval;
24 THENCE North with a northerly projection of the West line of said
25 Block No. 35 244.05 feet to a corner in the west line of said
26 Block No. 35;

1 THENCE West along a projection of the most northerly north line of
2 Block No. 37, Original Town of Christoval to the northeast corner
3 of Lot No. 4, Block No. 37, Original Town of Christoval;
4 THENCE North 1° East with the east line of the Original Town of
5 Christoval to the northeast corner of the Original Town of
6 Christoval and a point in the north line of Holland Street, said
7 northeast corner being due North of the northeast corner of said
8 Lot No. 4, Block No. 51, Original Town of Christoval;
9 THENCE West with the north line of Holland Street to the southwest
10 corner of the 10-acre tract conveyed to George Atkins by G. W.
11 Lewis by deed dated December 15, 1927, recorded in Volume 137, Page
12 446, Tom Green County Records, the same being 60 feet north of the
13 northwest corner of Block No. 52, Original Town of Christoval;
14 THENCE North with the west line of the Lewis 10-acre tract 628.03
15 feet to an iron pipe set for the northeast corner of the Tom Green
16 County Water Supply District No. 2 and being in the West line of
17 the said Lewis 10-acre tract;
18 THENCE South 82° 34' 47" West 184.04 feet to a 2" iron pipe fence
19 corner post for a corner;
20 THENCE South 54° 11' 08" West with a fence 64.98 feet to a 2" iron
21 pipe fence angle post for a corner'
22 THENCE South 40° 46' 39" West with a fence 365.48 feet to a 2" iron
23 pipe fence angle post;
24 THENCE South 34° 59' 00" West with a fence 353.32 feet to a point
25 which is 676.46 feet West of the Southwest corner of the above
26 described Lewis 10-acre tract;

1 THENCE West along the north line of Holland Street to a stake in
2 the north line of Holland Street at a point due North of the
3 northwest corner of Lot No. 1, Block No. 54, Original Town of
4 Christoval;
5 THENCE North 314 feet to a stake for the most northern northeast
6 corner of the Tom Green County Water Supply District No. 2;
7 THENCE West 470 feet to a stake for the most northern northwest
8 corner of the Tom Green County Water Supply District No. 2;
9 THENCE South 314 feet to a stake in the north line of Holland
10 Street and being due North of the northeast corner of Block No. 56,
11 Original Town of Christoval;
12 THENCE West 880.58 feet with the north line of Holland Street to a
13 point in the west right-of-way line of U.S. Highway 277 situated
14 situated within the J. Eldridge Survey No. 73 referred to
15 hereinabove;
16 THENCE in a Northerly direction along the East right-of-way line of
17 U. S. Highway 277 to a point in the North boundary line of J.
18 Eldridge Survey No. 73 and being in the South boundary line of A.
19 Black Survey No. 75;
20 THENCE in a Northeasterly direction along the East right-of-way
21 line of said U. S. Highway 277 to a point in the North boundary
22 line of J. Webb Survey No. 77, being in the South boundary line of
23 E. A. McGill Survey No. 79;
24 THENCE in a Northeasterly direction along the East right-of-way
25 line of U. S. Highway 277 to a point in the North boundary line of
26 E. Smith Survey No. 81 and being in the South boundary line of J.

1 Webb Survey No. 83;
2 THENCE in a Northeasterly direction along the East right-of-way
3 line of U. S. Highway 277 to a point in the North boundary line of
4 G. Smith Survey No. 1825 and being in the South line of C. S.
5 Jackson Survey No. 1823;
6 THENCE in a Northeasterly direction following the East right-of-way
7 line of U. S. Highway 277 to a point in the North line of C. S.
8 Jackson Survey No. 1823 and being in the South line of M. Harrison
9 Survey No. 89;
10 THENCE in a Northeasterly direction along the East right-of-way
11 line of U. S. Highway 277 to a point in the North boundary line of
12 M. Harrison Survey No. 89 and being in the South boundary line of
13 R. A. Abbott Survey No. 91;
14 THENCE in a Northeasterly direction along the East right-of-way
15 line of U. S. Highway 277 to a point in the North boundary line of
16 R. A. Abbott Survey No. 91 and being in the South boundary line of
17 J. E. Deboer Survey No. 93;
18 THENCE continuing in a Northeasterly direction along the East
19 right-of-way line of U. S. Highway 277 to a point in the North line
20 of J. E. Deboer Survey No. 93 and being the South line of D.
21 Chandler Survey No. 1819;
22 THENCE continuing in a Northeasterly direction along the East
23 right-of-way line of U. S. Highway 277 to a point in the East
24 boundary line of D. Chandler Survey No. 1819 and being a point in
25 the most Westerly boundary line of the J. R. Craddock Survey No. 1;
26 THENCE in a Northeasterly direction along the East right-of-way

S.B. No. 1525

1 line of U. S. Highway 277 across the J. R. Craddock Survey No. 1,
2 crossing the most Westerly Northwestern corner of S. Hehl Survey
3 No. 536 and the Southeastern corner of George Smith Survey No. 1813
4 to a point in the Northeastern boundary line of the panhandle of
5 the J. R. Craddock Survey No. 1 and being a point in the West
6 boundary line of C. Gowin Survey No. 535;
7 THENCE in a Northeasterly direction along the East right-of-way
8 line of U. S. Highway 277 to a point in the North boundary line of
9 C. Gowin Survey No. 535 and being in the South boundary line of
10 David Lloyd Survey No. 101;
11 THENCE in a Northeasterly direction along the East right-of-way
12 line of U. S. Highway 277 to a point in the North boundary line of
13 David Lloyd Survey No. 101 and being in a point in the South
14 boundary line of the Washington County School Land Survey No. 103;
15 THENCE in a Northeasterly direction and following the East
16 right-of-way line of U. S. Highway 277 to a point in the North
17 boundary line of Washington County School Land Survey No. 103 and
18 being a point in the South boundary line of Washington County
19 School Land Survey No. 105;
20 THENCE in a Northeasterly direction along the East right-of-way
21 line of U. S. Highway 277 to a point in the North boundary line of
22 Washington County School Land Survey No. 105 to a point in the
23 South boundary line of P. W. McNeise Survey No. 1;
24 THENCE in a Northerly direction along the East right-of-way line of
25 U. S. Highway 277 to a point of intersection of said U. S. Highway
26 277 with Texas Highway Loop 306;

1 THENCE in an Easterly direction along the South right-of-way line
2 of said Texas Highway Loop 306 to a point of intersection in the
3 West boundary line of Section No. 75, District 11, SPRyCoSurvey and
4 continuing Easterly along the South boundary line of said Loop 306
5 crossing said Section No. 75, Section No. 74, District 11,
6 SPRyCoSurvey, and continuing Easterly into Section No. 73, District
7 11, SPRyCoSurvey at which point the direction of Texas Highway Loop
8 306 turns Northerly and continuing in a Northerly direction along
9 the Eastern right-of-way line of said Loop 306 crossing the North
10 boundary line of said Section No. 73 and continuing along the East
11 boundary line of said Loop 306 across Section No. 76, District 11,
12 SPRyCoSurvey; crossing Section No. 95, District 11, SPRyCoSurvey,
13 continuing in a Northerly direction along East boundary line of
14 said Loop 306 and crossing HT&BRyCoSurvey No. 1 to a point in the
15 South boundary line of J. G. Murphy Survey No. 2;
16 THENCE in a Northwesterly direction and along the East right-of-way
17 line of said Loop 306 and crossing J. G. Murphy Survey No. 2, the
18 Southwest corner of L. Schuchert Survey No. 160, F. Klamberg Survey
19 No. 161 and J. Waggoner Survey No. 162 at which point the East
20 right-of-way line of said Texas Highway Loop 306 intersects with
21 the North boundary line of said Section No. 162;
22 THENCE in a Northeasterly direction and following the meanders of
23 the Concho River and being the Northern boundaries of J. Waggoner
24 Survey No. 162 and continuing along the North boundary lines of F.
25 Klamberg Survey No. 161; L. Schuchert Survey No. 160; V. Horne
26 Survey No. 159; A. Zobel Survey No. 158; V. Horne Survey No. 157;

1 A. Bauman Survey No. 156; J. Cherry Survey No. 155 1/2; J. Beekmann
2 Survey No. 155; W. R. Housemann Survey No. 154; J. Beekmann Survey
3 No. 153; M. Suerth Survey No. 152; M. Feller Survey No. 151; J.
4 Faltermier Survey No. 150; M. Feller Survey No. 149; J. Schneider
5 Survey No. 148; J. Gemblar Survey No. 147; J. Fischer Survey No.
6 146; P. Kellermann Survey No. 145; C. Spauring Survey No. 144;
7 Heirs of C. Buschel Survey No. 143; J. Reichile Survey No. 142;
8 German Emmigration Company Survey No. 575; German Emmigration
9 Company Survey No. 574; H. Falter Survey No. 140; German
10 Emmigration Company Surveys Nos. 573; 572; 571; 570; 569; 568;
11 567; 566; 565; 564; 563; 562; 561; 560; 559; 558; 557; 556; 555;
12 554; 553; 552; 551; 550 (the east boundary of which lays partially
13 in Concho County, Texas); continuing in Concho County, Texas in a
14 Northeasterly direction and following the meanders of the Concho
15 River and being the Northern boundaries of German Emmigration
16 Company Survey Nos. 549; 548; 547; 546; 143; 142; 141; 140; 139;
17 138; 137; 136; 135; 134; 133; 132; 131; 130; 129; 128; 127; 126;
18 125; 124; 123; 122; 121; 120; 119; 118; 117; 116; 115; 114; 113;
19 112; 111; 110 to a point in the Northwest corner of said Section
20 No. 110 and being the Northeast corner of German Emmigration
21 Company Survey No. 109;

22 THENCE in a Southerly direction along the West boundary line of
23 said German Emmigration Company Survey No. 109 to the Southwest
24 corner of said Survey No. 109, thence in an Easterly direction
25 along the South boundary line of said German Emmigration Company
26 Survey No. 109 to the most Southerly Northwestern corner of

1 EL&RRRyCoSurvey No. 1, thence with the most Westerly boundary line
2 of EL&RRRyCoSurvey No. 1 to the Southwest corner of said
3 EL&RRRyCoSurvey No. 1;
4 THENCE in an Easterly direction along the South boundary line of
5 the EL&RRRyCoSurvey No. 1 to a point and being the Northwest corner
6 of R. T. Trail Survey No. 2;
7 THENCE in a Southerly direction along the West boundary line of R.
8 T. Trail Survey No. 2 to a point and being the most Easterly
9 Northeast corner of Section No. 7, Block No. 11, H&TCRyCoSurvey,
10 Concho County, Texas and being the most Easterly Northeast corner
11 of Block No. 11, H&TCRyCoSurvey;
12 THENCE in a Southerly direction along the Block No. 11,
13 H&TCRyCoSurvey line of H&TCRyCoSurvey and along the East boundary
14 lines of Sections Nos. 7, 6, 3, & 2 of said H&TCRyCoSurvey, Block
15 No. 11, to a point in the Southeast corner of said Survey No. 2,
16 Block No. 11, H&TCRyCoSurvey and being the Northeast corner of
17 Section No. 1, Block No. 10, H&TCRyCoSurvey and being the
18 Northeastern corner of Block No. 10, H&TCRyCoSurvey;
19 THENCE in a Southerly direction along the Block No. 10,
20 H&TCRyCoSurvey lines and being the East boundary lines of Sections
21 Nos. 1, 2, 3, 4, 5 & 6 to a point and being in the East boundary
22 line of Section No. 6, Block No. 10, H&TCRyCoSurvey, Concho
23 County, Texas, and being the most Western Southwest corner of Henry
24 A. Robertson Survey No. 9;
25 THENCE along the West boundary line of Henry A. Robertson Survey
26 No. 9 to the most Northerly Southwest corner of said Henry A.

1 Robertson Survey No. 9;
2 THENCE in an Easterly direction along the most Southerly South
3 boundary line to a point in the most Westerly East boundary line of
4 Henry A. Robertson Survey No. 9 and being a point in the West
5 boundary line of Carl Schartz Survey No. 276 and being the
6 Northeast corner of John Morris Survey No. 3;
7 THENCE in a Southerly direction along the East boundary line of
8 said John Morris Survey No. 3 to a point and being the common
9 Southwest boundary of Survey No. 157, Block No. 72, T&NORyCoSurvey
10 and the Northwest corner of Robert Lacky Survey No. 18;
11 THENCE along the West boundary line of Robert Lacky Survey No. 18
12 to a point of intersection in the North boundary line of Survey No.
13 158, Block No. 72, T&NORyCoSurvey and being the Southwest corner of
14 Robert Lacky Survey No. 18;
15 THENCE in a Westerly direction along the North boundary line of
16 Survey No. 158, Block No. 72, T&NORyCoSurvey to a point for the
17 Northwest corner of said Survey No. 158 and the Northwest corner of
18 Block No. 72, T&NORyCoSurvey;
19 THENCE in a Southerly direction following the West boundary line of
20 Block No. 72, T&NORyCoSurvey and being the West boundary lines of
21 Sections Nos. 158, 2002, 2001, J. H. Gibson Survey No. 1, J. F.
22 and T. J. Dodson Survey No. 2, John H. Gibson Survey No. 1, William
23 H. Hughes Survey No. 6, Survey No. 175, H. W. Jacoby Survey No.
24 176, Michael Sougert Survey No. 2073, Chris Mens Survey No. 2074,
25 continuing Southerly along the West boundary line of Block No. 72,
26 T&NORyCoSurvey and the West boundary line of Beaty, Seale and

1 Forwood Survey No. 70 and the East right-of-way line of Texas
2 Highway No. 176 and continuing Southerly along the said Western
3 boundary of Block No. 72, T&NORyCoSurvey and the West right-of-way
4 line of Texas Highway No. 176 crossing said Beaty, Seale and
5 Forwood Survey No. 70, Valentine Survey Nos. 2084, Hohmann Survey
6 No. 2083, R. L. Woodward Survey No. 2, Alexander Survey No. 2086,
7 Sator Survey No. 2087, J. H. Johnson Survey No. 68, J. M. Pfluger
8 Survey No. 68 1/2, George B. Mayer Survey No. 2095 to a point of
9 intersection in the City Limits of the City of Liveoak, Texas;
10 THENCE in an Easterly direction along the city limits of said City
11 of Liveoak, Texas to a point in the most Northeasterly city limits
12 lying in said Liveoak, Texas and being in George B. Mayer Survey
13 No. 2095;
14 THENCE in a Southerly direction along the East boundary line of
15 said city limits of the City of Liveoak, Texas to a point for the
16 most Southeasterly city limits lying in George B. Mayer Survey No.
17 2095;
18 THENCE in a Westerly direction along the City Limits of the City of
19 Liveoak situated in George B. Mayer Survey No. 2095 to a point of
20 intersection in the Western boundary line of Block No. 72,
21 T&NORyCoSurvey and being the West boundary line of George B. Mayer
22 Survey No. 2095 and the East right-of-way line of State Highway
23 176;
24 THENCE in a Southerly direction along the West boundary line of
25 Block No. 72, T&NORyCoSurvey, and being a point in the West
26 boundary line of George B. Mayer Survey No. 2095 and in the East

1 right-of-way line of State Highway No. 176 and crossing George B.
2 Mayer Survey No. 2096, G. A. Ford Survey No. 2, Chris Funck Survey
3 No. 2124, Chris Metzging Survey No. 2125 to a point for the
4 Southwest corner of the Chis Metzging Survey No. 2125 in the
5 Southwest corner of Block No. 72, T&NORyCoSurvey;
6 THENCE East along the South boundary line of Block No. 72,
7 T&NORyCoSurvey and the common South boundary line of Chris Metzging
8 Survey No. 2125, Block No. 72, T&NORyCoSurvey line to a point in
9 said South boundary line for a corner and being the most South
10 Northeasterly corner of FL&RR RyCoSurvey No. 143;
11 THENCE in a Southerly direction along the East boundary line of
12 said FL&RR RyCoSurvey No. 143 to the Southeast corner of said
13 Section No. 143 and being the Northeast corner of Survey No. 108
14 and continuing in a Southerly direction along the East boundary
15 line of said Section No. 108 to a point of intersection in the
16 South boundary line of Concho County, Texas;
17 THENCE in a Westerly direction along the South boundary line of the
18 Concho County-Menard County boundary lines to a point of
19 intersection with the Tom Green County boundary line and being the
20 Southwest corner of Concho County, the Northwest corner of Menard
21 County and the Southeast corner of Tom Green County;
22 THENCE from said common corner in a Westerly direction along the
23 South boundary line of Tom Green County, Texas to the point of
24 intersection where the East right-of-way line of U.S. Highway 277
25 intersects with the South boundary line of the Tom Green County
26 county line and being situated in P. W. McNeise Survey No. 3 for

1 the POINT OF BEGINNING.

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

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

- 13 (1) Michael Hoelscher;
- 14 (2) James Ripple;
- 15 (3) Gregory Phinney;
- 16 (4) Harvey Williams;
- 17 (5) F. G. Brown;
- 18 (6) Joe Brosig; and
- 19 (7) A. H. Denis III.

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

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

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

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

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

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

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

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

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

26 (b) A director takes office at the first regular meeting of

1 the board following election to the board.

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

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

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

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

20 SECTION 13. CREATION ELECTION. (a) Not later than the 90th
21 day after the effective date of this Act, the temporary directors
22 shall meet and shall call an election to be held not later than the
23 180th day after the effective date of this Act within the
24 boundaries of the proposed district to approve the creation of the
25 district.

26 (b) Subsection (a), Section 41.001, Election Code, does not

1 apply to an election called under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (h) The district may construct and acquire works,

1 facilities, and improvements in the manner provided by Chapter 51,
2 Water Code.

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

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

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

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

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

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

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

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

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

21 SECTION 18. EMERGENCY. The importance of this legislation
22 and the crowded condition of the calendars in both houses create an
23 emergency and an imperative public necessity that the
24 constitutional rule requiring bills to be read on three several
25 days in each house be suspended, and this rule is hereby suspended,
26 and that this Act take effect and be in force from and after its

S.B. No. 1525

1 passage, and it is so enacted.

BILL ANALYSIS

Background

It is believed that the Citizens of Tom Green and Concho Counties would benefit from the creation of a water conservation district.

Purpose of the Bill

This bill would create the Lipan-Kickapoo Water Conservation District.

Section by Section Analysis

- SECTION 1. Definitions.
- SECTION 2. Provides for the creation of the district under Article XVI, Section 59, Texas Constitution.
- SECTION 3. States legislative findings.
- SECTION 4. Sets forth boundaries of the district.
- SECTION 5. Provides that the district is governed by Chapters 50 and 52, Water Code, except where it conflicts with this Act.
- SECTION 6. Names the temporary directors, and provides for organization and filling vacancies.
- SECTION 7. Provides for the qualifications of the directors.
- SECTION 8. Provides for the composition of a board of seven elected directors, three from Tom Green County, three from Concho County, and one elected at large. Provides for filling vacancies.
- SECTION 9. Provides for election of directors.
- SECTION 10. Provides for four year staggered terms for the directors.
- SECTION 11. Provides for a \$25 per diem for directors.
- SECTION 12. Provides for a majority quorum.
- SECTION 13. Provides for a confirmation election and that Section 41.001(a), Election Code, does not apply.
- SECTION 14. Provides for additional powers, including that the district has contracting authority as provided for in Chapter 51, Water Code, acquire or sell property, control storm water, and reclaim land. Provides for certain restrictions on the powers of the district. Specifically provides the powers granted under Subchapters D, O, and P, Chapter 51, Water Code.

SECTION 15. Provides that the district is subject to the continuing supervision of the Texas Water Commission.

SECTION 16. Recognizes the rights of landowners in water.

SECTION 17. States legislative finding that proper procedure has been followed.

SECTION 18. Emergency clause.

Rulemaking Authority

It is the opinion of this committee that this bill does not delegate rulemaking authority to any state agency, officer, department, or institution.

Summary of Committee Action

Pursuant to an announcement on the Floor of the House, a formal meeting was held on May 26, 1987.

On May 26, 1987, the full committee voted to report SB 1525 without amendments with the recommendation that it do pass and be placed on the Consent Calendar by a record vote of 5 ayes, zero nays, and zero present, not voting.

Enrolled May 30, 1987
Patsy Brown
Enrolling Clerk

S.B. No. 1525

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

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

7 SECTION 1. DEFINITIONS. In this Act:

8 (1) "District" means the Lipan-Kickapoo Water Conservation
9 District.

10 (2) "Board" means the district's board of directors.

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

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

20 SECTION 3. LEGISLATIVE FINDINGS. The legislature finds
21 that:

22 (1) the creation of the district is feasible and
23 practicable;

24 (2) the district will be a benefit to the land contained
25 within the boundaries of the district;

1 (3) there is a public necessity for the district; and

2 (4) the district will provide a benefit and utility to the
3 public.

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

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

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

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

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

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

26 THENCE in a northerly direction along the East right-of-way line of

1 U. S. Highway 277 to the North boundary line of said Survey No.
2 1009, HE&WTRyCoSurvey and being the South boundary line of the J.
3 F. Fuchs Survey No. 955;
4 THENCE in a Northerly direction along the East right-of-way line of
5 U. S. Highway 277 to a point in the North boundary line of said J.
6 F. Fuchs Survey 955 and being in the South boundary line of the C.
7 Stahl Survey No. 954;
8 THENCE in a Northerly direction along the East right-of-way line of
9 said U. S. Highway 277 to a point in the North boundary line of the
10 C. Stahl Survey No. 954 and being in the South boundary line of the
11 J. Ennert Survey No. 953;
12 THENCE in a Northerly direction following the East right-of-way
13 line of said U. S. Highway 277 to a point of intersection in the
14 North boundary line of said J. Ennert Survey 953 and being the
15 South boundary line of J. Ennert Survey No. 952;
16 THENCE in a Northerly direction along the East right-of-way line of
17 U. S. Highway 277 to a point the North boundary line of said J.
18 Ennert Survey No. 952 and in the South boundary line of C. Gleisner
19 Survey No. 1833;
20 THENCE in a Northeasterly direction along the East right-of-way
21 line of U. S. Highway 277 to a point of intersection in the North
22 boundary line of the C. Gleisner Survey No. 1833 and being in the
23 South boundary line of the C. Gleisner Survey No. 1831;
24 THENCE in a Northeasterly direction along the East right-of-way
25 line of U. S. Highway 277 to a point in the North boundary line of
26 C. Gleisner Survey No. 1831 and in the South boundary line of C. A.

1 Clark Survey No. 70;
2 THENCE in a Northeasterly direction along the East right-of-way
3 boundary line of U. S. Highway 277 to a point of intersection in
4 the North line of C. A. Clark Survey No. 70 and being in the South
5 Boundary line of L. Straus Survey No. 1829;
6 THENCE in a Northeasterly direction along the East right-of-way
7 line of U. S. Highway 277 and crossing the South Concho River to
8 the north bank thereof situated in the J. Zerbach Survey No. 1827;
9 THENCE continuing in a northerly direction and along the East
10 right-of-way line of U.S. Highway 277 to a point of intersection
11 situated on the North bank of the South Concho River and in the
12 North boundary line of the J. Zerbach Survey No. 1827 and being a
13 point in the South boundary line of the J. Eldridge Survey No. 73
14 and being a point in the South boundary of the Tom Green County
15 Water Supply District #2;
16 THENCE with the north or northeast bank of the South Concho River
17 South 51° East 200 feet; South 67° East 300 feet to the confluence
18 of McKettric Creek with the South Concho River;
19 THENCE with the north and northwest bank of McKettric Creek North
20 38° East 235 feet; North 21° East 327 feet, crossing the East line
21 of Block No. 2, Voss Addition to the Town of Christoval and Rudd
22 Road, and following the south and southwest lines of Willie
23 McCutchan tract to a point in the north or northeast bank of
24 McKettric Creek;
25 THENCE North 13 feet to a 1 1/2 inch G.I. pipe marked "N.L. 3-" and
26 set in concrete in the east side of Rudd Road set for the Northwest

1 corner of Block No. 3, Voss Addition to the town of Christoval;
2 THENCE along the southwest line of said Block 3 and being along the
3 northeast line of Texas F.M. 2084 South $27^{\circ} 52' 39''$ East following
4 a curve to the left in said road and passing a concrete
5 right-of-way marker to a $1/2''$ iron pipe set for the most southerly
6 corner of the Tom Green County Water Supply District No. 2 and
7 being on the northeast right-of-way of Texas F.M. 2084;
8 THENCE North $62^{\circ} 04' 45''$ East 2,116.73 feet to a $1/2''$ iron pipe set
9 for the Southeast corner of said Tom Green County Water Supply
10 District No. 2;
11 THENCE North $0^{\circ} 21' 12''$ East 815.37 feet with the east line of
12 Block No. 10, Voss Addition to the town of Christoval to the
13 southeast corner of the Original Town of Christoval as shown by
14 plat recorded in Volume 65, Page 566, Tom Green County Deed
15 Records, to which plat and its record reference is here made for
16 all pertinent purposes, and being at the intersection of the south
17 line of Voss Street and the east line of Ninth Street;
18 THENCE North 2,249.88 feet to the most eastern northeast corner of
19 the Original Town of Christoval and being the northeast corner of
20 Block No. 34 Original Town of Christoval;
21 THENCE North 89° West along the north boundary line of the town of
22 Christoval to the northwest corner of Block No. 35, Original Town
23 of Christoval;
24 THENCE North with a northerly projection of the West line of said
25 Block No. 35 244.05 feet to a corner in the west line of said
26 Block No. 35;

1 THENCE West along a projection of the most northerly north line of
2 Block No. 37, Original Town of Christoval to the northeast corner
3 of Lot No. 4, Block No. 37, Original Town of Christoval;
4 THENCE North 1° East with the east line of the Original Town of
5 Christoval to the northeast corner of the Original Town of
6 Christoval and a point in the north line of Holland Street, said
7 northeast corner being due North of the northeast corner of said
8 Lot No. 4, Block No. 51, Original Town of Christoval;
9 THENCE West with the north line of Holland Street to the southwest
10 corner of the 10-acre tract conveyed to George Atkins by G. W.
11 Lewis by deed dated December 15, 1927, recorded in Volume 137, Page
12 446, Tom Green County Records, the same being 60 feet north of the
13 northwest corner of Block No. 52, Original Town of Christoval;
14 THENCE North with the west line of the Lewis 10-acre tract 628.03
15 feet to an iron pipe set for the northeast corner of the Tom Green
16 County Water Supply District No. 2 and being in the West line of
17 the said Lewis 10-acre tract;
18 THENCE South $82^{\circ} 34' 47''$ West 184.04 feet to a 2" iron pipe fence
19 corner post for a corner;
20 THENCE South $54^{\circ} 11' 08''$ West with a fence 64.98 feet to a 2" iron
21 pipe fence angle post for a corner'
22 THENCE South $40^{\circ} 46' 39''$ West with a fence 365.48 feet to a 2" iron
23 pipe fence angle post;
24 THENCE South $34^{\circ} 59' 00''$ West with a fence 353.32 feet to a point
25 which is 676.46 feet West of the Southwest corner of the above
26 described Lewis 10-acre tract;

S.B. No. 1525

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

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

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

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

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

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

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

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

1 Webb Survey No. 83;
2 THENCE in a Northeasterly direction along the East right-of-way
3 line of U. S. Highway 277 to a point in the North boundary line of
4 G. Smith Survey No. 1825 and being in the South line of C. S.
5 Jackson Survey No. 1823;
6 THENCE in a Northeasterly direction following the East right-of-way
7 line of U. S. Highway 277 to a point in the North line of C. S.
8 Jackson Survey No. 1823 and being in the South line of M. Harrison
9 Survey No. 89;
10 THENCE in a Northeasterly direction along the East right-of-way
11 line of U. S. Highway 277 to a point in the North boundary line of
12 M. Harrison Survey No. 89 and being in the South boundary line of
13 R. A. Abbott Survey No. 91;
14 THENCE in a Northeasterly direction along the East right-of-way
15 line of U. S. Highway 277 to a point in the North boundary line of
16 R. A. Abbott Survey No. 91 and being in the South boundary line of
17 J. E. Deboer Survey No. 93;
18 THENCE continuing in a Northeasterly direction along the East
19 right-of-way line of U. S. Highway 277 to a point in the North line
20 of J. E. Deboer Survey No. 93 and being the South line of D.
21 Chandler Survey No. 1819;
22 THENCE continuing in a Northeasterly direction along the East
23 right-of-way line of U. S. Highway 277 to a point in the East
24 boundary line of D. Chandler Survey No. 1819 and being a point in
25 the most Westerly boundary line of the J. R. Craddock Survey No. 1;
26 THENCE in a Northeasterly direction along the East right-of-way

1 line of U. S. Highway 277 across the J. R. Craddock Survey No. 1,
2 crossing the most Westerly Northwestern corner of S. Hehl Survey
3 No. 536 and the Southeastern corner of George Smith Survey No. 1813
4 to a point in the Northeastern boundary line of the panhandle of
5 the J. R. Craddock Survey No. 1 and being a point in the West
6 boundary line of C. Gowin Survey No. 535;
7 THENCE in a Northeasterly direction along the East right-of-way
8 line of U. S. Highway 277 to a point in the North boundary line of
9 C. Gowin Survey No. 535 and being in the South boundary line of
10 David Lloyd Survey No. 101;
11 THENCE in a Northeasterly direction along the East right-of-way
12 line of U. S. Highway 277 to a point in the North boundary line of
13 David Lloyd Survey No. 101 and being in a point in the South
14 boundary line of the Washington County School Land Survey No. 103;
15 THENCE in a Northeasterly direction and following the East
16 right-of-way line of U. S. Highway 277 to a point in the North
17 boundary line of Washington County School Land Survey No. 103 and
18 being a point in the South boundary line of Washington County
19 School Land Survey No. 105;
20 THENCE in a Northeasterly direction along the East right-of-way
21 line of U. S. Highway 277 to a point in the North boundary line of
22 Washington County School Land Survey No. 105 to a point in the
23 South boundary line of P. W. McNeise Survey No. 1;
24 THENCE in a Northerly direction along the East right-of-way line of
25 U. S. Highway 277 to a point of intersection of said U. S. Highway
26 277 with Texas Highway Loop 306;

1 THENCE in an Easterly direction along the South right-of-way line
2 of said Texas Highway Loop 306 to a point of intersection in the
3 West boundary line of Section No. 75, District 11, SPRyCoSurvey and
4 continuing Easterly along the South boundary line of said Loop 306
5 crossing said Section No. 75, Section No. 74, District 11,
6 SPRyCoSurvey, and continuing Easterly into Section No. 73, District
7 11, SPRyCoSurvey at which point the direction of Texas Highway Loop
8 306 turns Northerly and continuing in a Northerly direction along
9 the Eastern right-of-way line of said Loop 306 crossing the North
10 boundary line of said Section No. 73 and continuing along the East
11 boundary line of said Loop 306 across Section No. 76, District 11,
12 SPRyCoSurvey; crossing Section No. 95, District 11, SPRyCoSurvey,
13 continuing in a Northerly direction along East boundary line of
14 said Loop 306 and crossing HT&BRyCoSurvey No. 1 to a point in the
15 South boundary line of J. G. Murphy Survey No. 2;

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

22 THENCE in a Northeasterly direction and following the meanders of
23 the Concho River and being the Northern boundaries of J. Waggoner
24 Survey No. 162 and continuing along the North boundary lines of F.
25 Klamberg Survey No. 161; L. Schuchert Survey No. 160; V. Horne
26 Survey No. 159; A. Zobel Survey No. 158; V. Horne Survey No. 157;

S.B. No. 1525

1 A. Bauman Survey No. 156; J. Cherry Survey No. 155 1/2; J. Beekmann
2 Survey No. 155; W. R. Housemann Survey No. 154; J. Beekmann Survey
3 No. 153; M. Suerth Survey No. 152; M. Feller Survey No. 151; J.
4 Faltermier Survey No. 150; M. Feller Survey No. 149; J. Schneider
5 Survey No. 148; J. Gemblar Survey No. 147; J. Fischer Survey No.
6 146; P. Kellermann Survey No. 145; C. Spauring Survey No. 144;
7 Heirs of C. Buschel Survey No. 143; J. Reichile Survey No. 142;
8 German Emmigration Company Survey No. 575; German Emmigration
9 Company Survey No. 574; H. Falter Survey No. 140; German
10 Emmigration Company Surveys Nos. 573; 572; 571; 570; 569; 568;
11 567; 566; 565; 564; 563; 562; 561; 560; 559; 558; 557; 556; 555;
12 554; 553; 552; 551; 550 (the east boundary of which lays partially
13 in Concho County, Texas); continuing in Concho County, Texas in a
14 Northeasterly direction and following the meanders of the Concho
15 River and being the Northern boundaries of German Emmigration
16 Company Survey Nos. 549; 548; 547; 546; 143; 142; 141; 140; 139;
17 138; 137; 136; 135; 134; 133; 132; 131; 130; 129; 128; 127; 126;
18 125; 124; 123; 122; 121; 120; 119; 118; 117; 116; 115; 114; 113;
19 112; 111; 110 to a point in the Northwest corner of said Section
20 No. 110 and being the Northeast corner of German Emmigration
21 Company Survey No. 109;
22 THENCE in a Southerly direction along the West boundary line of
23 said German Emmigration Company Survey No. 109 to the Southwest
24 corner of said Survey No. 109, thence in an Easterly direction
25 along the South boundary line of said German Emmigration Company
26 Survey No. 109 to the most Southerly Northwestern corner of

1 EL&RRRyCoSurvey No. 1, thence with the most Westerly boundary line
2 of EL&RRRyCoSurvey No. 1 to the Southwest corner of said
3 EL&RRRyCoSurvey No. 1;
4 THENCE in an Easterly direction along the South boundary line of
5 the EL&RRRyCoSurvey No. 1 to a point and being the Northwest corner
6 of R. T. Trail Survey No. 2;
7 THENCE in a Southerly direction along the West boundary line of R.
8 T. Trail Survey No. 2 to a point and being the most Easterly
9 Northeast corner of Section No. 7, Block No. 11, H&TCRyCoSurvey,
10 Concho County, Texas and being the most Easterly Northeast corner
11 of Block No. 11, H&TCRyCoSurvey;
12 THENCE in a Southerly direction along the Block No. 11,
13 H&TCRyCoSurvey line of H&TCRyCoSurvey and along the East boundary
14 lines of Sections Nos. 7, 6, 3, & 2 of said H&TCRyCoSurvey, Block
15 No. 11, to a point in the Southeast corner of said Survey No. 2,
16 Block No. 11, H&TCRyCoSurvey and being the Northeast corner of
17 Section No. 1, Block No. 10, H&TCRyCoSurvey and being the
18 Northeastern corner of Block No. 10, H&TCRyCoSurvey;
19 THENCE in a Southerly direction along the Block No. 10,
20 H&TCRyCoSurvey lines and being the East boundary lines of Sections
21 Nos. 1, 2, 3, 4, 5 & 6 to a point and being in the East boundary
22 line of Section No. 6, Block No. 10, H&TCRyCoSurvey, Concho
23 County, Texas, and being the most Western Southwest corner of Henry
24 A. Robertson Survey No. 9;
25 THENCE along the West boundary line of Henry A. Robertson Survey
26 No. 9 to the most Northerly Southwest corner of said Henry A.

1 Robertson Survey No. 9;
2 THENCE in an Easterly direction along the most Southerly South
3 boundary line to a point in the most Westerly East boundary line of
4 Henry A. Robertson Survey No. 9 and being a point in the West
5 boundary line of Carl Schartz Survey No. 276 and being the
6 Northeast corner of John Morris Survey No. 3;
7 THENCE in a Southerly direction along the East boundary line of
8 said John Morris Survey No. 3 to a point and being the common
9 Southwest boundary of Survey No. 157, Block No. 72, T&NORyCoSurvey
10 and the Northwest corner of Robert Lacky Survey No. 18;
11 THENCE along the West boundary line of Robert Lacky Survey No. 18
12 to a point of intersection in the North boundary line of Survey No.
13 158, Block No. 72, T&NORyCoSurvey and being the Southwest corner of
14 Robert Lacky Survey No. 18;
15 THENCE in a Westerly direction along the North boundary line of
16 Survey No. 158, Block No. 72, T&NORyCoSurvey to a point for the
17 Northwest corner of said Survey No. 158 and the Northwest corner of
18 Block No. 72, T&NORyCoSurvey;
19 THENCE in a Southerly direction following the West boundary line of
20 Block No. 72, T&NORyCoSurvey and being the West boundary lines of
21 Sections Nos. 158, 2002, 2001, J. H. Gibson Survey No. 1, J. F.
22 and T. J. Dodson Survey No. 2, John H. Gibson Survey No. 1, William
23 H. Hughes Survey No. 6, Survey No. 175, H. W. Jacoby Survey No.
24 176, Michael Sougert Survey No. 2073, Chris Mens Survey No. 2074,
25 continuing Southerly along the West boundary line of Block No. 72,
26 T&NORyCoSurvey and the West boundary line of Beaty, Seale and

S.B. No. 1525

1 Forwood Survey No. 70 and the East right-of-way line of Texas
2 Highway No. 176 and continuing Southerly along the said Western
3 boundary of Block No. 72, T&NORyCoSurvey and the West right-of-way
4 line of Texas Highway No. 176 crossing said Beaty, Seale and
5 Forwood Survey No. 70, Valentine Survey Nos. 2084, Hohmann Survey
6 No. 2083, R. L. Woodward Survey No. 2, Alexander Survey No. 2086,
7 Sator Survey No. 2087, J. H. Johnson Survey No. 68, J. M. Pfluger
8 Survey No. 68 1/2, George B. Mayer Survey No. 2095 to a point of
9 intersection in the City Limits of the City of Liveoak, Texas;
10 THENCE in an Easterly direction along the city limits of said City
11 of Liveoak, Texas to a point in the most Northeasterly city limits
12 lying in said Liveoak, Texas and being in George B. Mayer Survey
13 No. 2095;
14 THENCE in a Southerly direction along the East boundary line of
15 said city limits of the City of Liveoak, Texas to a point for the
16 most Southeasterly city limits lying in George B. Mayer Survey No.
17 2095;
18 THENCE in a Westerly direction along the City Limits of the City of
19 Liveoak situated in George B. Mayer Survey No. 2095 to a point of
20 intersection in the Western boundary line of Block No. 72,
21 T&NORyCoSurvey and being the West boundary line of George B. Mayer
22 Survey No. 2095 and the East right-of-way line of State Highway
23 176;
24 THENCE in a Southerly direction along the West boundary line of
25 Block No. 72, T&NORyCoSurvey, and being a point in the West
26 boundary line of George B. Mayer Survey No. 2095 and in the East

1 right-of-way line of State Highway No. 176 and crossing George B.
2 Mayer Survey No. 2096, G. A. Ford Survey No. 2, Chris Funck Survey
3 No. 2124, Chris Metzling Survey No. 2125 to a point for the
4 Southwest corner of the Chis Metzling Survey No. 2125 in the
5 Southwest corner of Block No. 72, T&NORyCoSurvey;
6 THENCE East along the South boundary line of Block No. 72,
7 T&NORyCoSurvey and the common South boundary line of Chris Metzling
8 Survey No. 2125, Block No. 72, T&NORyCoSurvey line to a point in
9 said South boundary line for a corner and being the most South
10 Northeasterly corner of FL&RR RyCoSurvey No. 143;
11 THENCE in a Southerly direction along the East boundary line of
12 said FL&RR RyCoSurvey No. 143 to the Southeast corner of said
13 Section No. 143 and being the Northeast corner of Survey No. 108
14 and continuing in a Southerly direction along the East boundary
15 line of said Section No. 108 to a point of intersection in the
16 South boundary line of Concho County, Texas;
17 THENCE in a Westerly direction along the South boundary line of the
18 Concho County-Menard County boundary lines to a point of
19 intersection with the Tom Green County boundary line and being the
20 Southwest corner of Concho County, the Northwest corner of Menard
21 County and the Southeast corner of Tom Green County;
22 THENCE from said common corner in a Westerly direction along the
23 South boundary line of Tom Green County, Texas to the point of
24 intersection where the East right-of-way line of U.S. Highway 277
25 intersects with the South boundary line of the Tom Green County
26 county line and being situated in P. W. McNeise Survey No. 3 for

1 the POINT OF BEGINNING.

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

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

13 (1) Michael Hoelscher;

14 (2) James Ripple;

15 (3) Gregory Phinney;

16 (4) Harvey Williams;

17 (5) F. G. Brown;

18 (6) Joe Brosig; and

19 (7) A. H. Denis III.

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

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

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

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

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

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

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

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

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

26 (b) A director takes office at the first regular meeting of

1 the board following election to the board.

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

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

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

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

20 SECTION 13. CREATION ELECTION. (a) Not later than the 90th
21 day after the effective date of this Act, the temporary directors
22 shall meet and shall call an election to be held not later than the
23 180th day after the effective date of this Act within the
24 boundaries of the proposed district to approve the creation of the
25 district.

26 (b) Subsection (a), Section 41.001, Election Code, does not

1 apply to an election called under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (h) The district may construct and acquire works,

1 facilities, and improvements in the manner provided by Chapter 51,
2 Water Code.

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

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

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

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

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

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

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

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

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

21 SECTION 18. EMERGENCY. The importance of this legislation
22 and the crowded condition of the calendars in both houses create an
23 emergency and an imperative public necessity that the
24 constitutional rule requiring bills to be read on three several
25 days in each house be suspended, and this rule is hereby suspended,
26 and that this Act take effect and be in force from and after its

1 passage, and it is so enacted.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1525 passed the Senate on May 23, 1987, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1525 passed the House on May 29, 1987, by the following vote: Yeas 147, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

BILL ANALYSIS

By: Sims

S.B. 1525
Enrolled

BACKGROUND:

The Concho County and Tom Green County Commissioners Courts have adopted resolutions in favor of creation of the Lipan-Kickapoo Water Conservation District, named after the Lipan Apaches and the Kickapoo Indians that inhabited the area. The proposed water conservation district does not cover any incorporated entity and is locally supported.

PURPOSE:

As proposed, S.B. 1525 creates, subject to confirmation by local voters, the Lipan-Kickapoo Water Conservation District.

RULEMAKING AUTHORITY:

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS:

SECTION 1. Defines "district" and "board."

SECTION 2. Creates, subject to confirmation by local voters, the Lipan-Kickapoo Water Conservation District (district) pursuant to Article XVI, Section 59, Texas Constitution.

SECTION 3. Provides the Legislature's findings.

SECTION 4. Provides the district's boundaries.

SECTION 5. Provides that the district is governed by and subject to Chapters 50 and 52, Water Code, and may exercise all powers contained in those chapters.

SECTION 6. Appoints temporary directors.

SECTION 7. Provides director qualifications.

SECTION 8. Provides that the board of directors (board) is composed of seven members, three from Tom Green County, three from Concho County, and one from the district as a whole.

SECTION 9. Provides for the election of directors.

SECTION 10. Provides four year terms for directors. Staggers the director's terms.

SECTION 11. Entitles a director to compensation of \$25 a day.

SECTION 12. Requires a majority vote of the full board for approval of an official action.

SECTION 13. Requires the temporary directors to call a confirmation election. Allows the election to include the question of assessment of an ad valorem tax.

SECTION 14. Grants the board additional rights and powers.

SECTION 15. Allows the Texas Water Commission to supervise the district.

SECTION 16. Provides that the Act does not deprive an owner of any underground water rights or surface rights.

SECTION 17. Provides additional findings of the Legislature.

SECTION 18. Emergency clause.
Effective date: Upon passage.

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.

Filed with the Secretary of the Senate

NATURAL RESOURCES

MAY 15 1987 Read and referred to Committee on _____

MAY 21 1987 Reported favorably as amended

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

MAY 20 1987 Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
_____ yeas, _____ nays

MAY 23 1987 Read second time, amended, and ordered engrossed by: { unanimous consent
a viva voce vote
_____ yeas, _____ nays

MAY 23 1987 Caption ordered amended to conform to the body of the bill.

MAY 23 1987 Senate and Constitutional 3 Day Rule suspended by a vote of 29 yeas, 1 nays.

MAY 23 1987 Read third time, _____, and passed by 30 yeas, 0 nays.

Betty King
SECRETARY OF THE SENATE

OTHER ACTION:

May 23, 1987 Engrossed

May 23, 1987 Sent to House

Engrossing Clerk Fatsy Bau

MAY 23 1987 Received from the Senate

MAY 25 1987 Read first time and referred to Committee on Natural Resources MAY 26 1987

MAY 26 1987 Reported favorably amended, sent to Printer at 1:50pm

MAY 26 1987 Printed and Distributed 4:59pm

MAY 26 1987 Sent to Committee on Calendars 5:37pm

MAY 29 1987 Read Second time (amended): passed to third reading (failed)
by (Non-Record Vote) Record Vote of _____ yeas, _____ nays, _____ present not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, _____ present not voting.

MAY 29 1987 Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record Vote of 147 yeas, 0 nays, 1 present not voting.

MAY 30 1987 Caption ordered amended to conform to body of bill.
Returned to Senate.

Betty Munnery
CHIEF CLERK OF THE HOUSE

MAY 30 1987 Returned from House without amendment.

Returned from House with _____ amendments.

Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____, _____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman; _____, _____, _____.

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by: _____

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommended to Conference Committee

_____ Conferees discharged

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

1967 MAY 26 PM 4 50

HOUSE OF REPRESENTATIVES

NR

NR



State of Texas
House of Representatives
Austin

RICHARD J. "DICK" BURNETT
DISTRICT 66
STERLING, COKE,
TOM GREEN, MITCHELL
COUNTIES

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The Honorable Terral Smith, Chairman
House Natural Resources Committee
Texas House of Representatives
Austin, Texas

RE: Author's Fiscal Statement, Senate Bill 1525-Relating to the creation, administration, powers, duties, operations, fiscal procedures, and taxing authority of the Lipan-Kickapoo Water Conservation District.

Dear Mr. Chairman:

In response to your request for an Author's Fiscal Statement on Senate Bill 1525, I have determined the following:

1. COST TO STATE GOVERNMENT: Absolutely no fiscal implication is anticipated (per Legislative Budget Board).
2. COST TO TOM GREEN AND CONCHO COUNTIES: Funded through tax revenues and permits issued from the Lipan-Kickapoo Water Conservation District:

A. Cost of confirming election: 1987	\$ 3,000.00
B. Per Diem expenses of board	4,750.00
C. Compensation for any professional services (attorneys, engineers, studies, surveys, planning, etc.)	13,589.00
D. Administrative expenses	55,517.00
3. FISCAL YEAR PROJECTIONS

1988....Per Diem Board Expenses	4,750.00
....Compensation for any professional expenses	2,750.00
....Administrative Expenses	39,275.00
1989....Same as 1988	
1990....Same as 1988	
1991....Same as 1988	

Please advise me if I can provide further information to you.


Dick Burnett

4

S.B. No. 1525

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1525 (1) passed the Senate on
May 23 (2), 1987, by the following vote:
Yeas 30 (3), Nays 0 (4).

Secretary of the Senate

I hereby certify that S.B. No. 1525 (1) passed the House on
May 29 (5), 1987, by the following vote:
Yeas 147 (6), Nays 05 (7). *None present not voting*

Chief Clerk of the House

Approved:

Date

Governor