

By Jimmy

S.B. No. 1635

A BILL TO BE ENTITLED

AN ACT

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relating to the creation, administration, powers, duties, operation, and financing of the Crockett County Underground Water Conservation District.

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

SECTION 1. CREATION. (a) An underground water conservation district, to be known as Crockett County Underground Water Conservation District, is created in Crockett County, subject to approval at a confirmation election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means Crockett County Underground Water Conservation District.

SECTION 3. BOUNDARIES. The district is composed of all of the territory contained in Crockett County SAVE AND EXCEPT the following described tract of land situated in Crockett County, Texas, and being described by metes and bounds as follows, to wit: Beginning at the northeasterly corner of Section 23, Block OP, G.C. & S. F. RR. CO. Survey, Crockett County, Texas; Thence S 0°14'10" W, 2,653' along the easterly boundary line of said Section 23 to a point for corner;

1 Thence S 89°45' 50" E, 680' to a point for corner;
2 Thence S 00°14' 10" W, 727' to a point for corner;
3 Thence S 89°45' 50" E, 150' to a point for corner;
4 Thence S 00°14' 10" W, 388' to a point of intersection with the
5 northerly right of way line of U. S. Highway No. 290, said point
6 being on a curve to the left in said right of way line from which
7 point the radius of said curve bears N 01° 27'30" W, 5,679.65',
8 (central angle = 7°31'30");
9 Thence around the arc of the curve a distance of 745.94', (L.C. = N
10 84° 46'45" E, 745.41') to the end of the curve;
11 Thence N 81° 01' E, 1,008.8' to a point for the beginning of a
12 curve to the left in said right of way line, from which point the
13 radius of said curve bears N 08° 59' W, 5,679.65' (central angle =
14 8° 58');
15 Thence around the arc of said curve a distance of 888.85', (L.C.
16 =N 76°32'E, 887.95'), to the end of the curve;
17 Thence N 72° 03' E, 112.7' to an angle point;
18 Thence N 17° 57' W, 100.0' to an angle point;
19 Thence N 72° 03' E, 1,350.0' to an angle point;
20 Thence S 17° 57' E, 100.0' to an angle point;
21 Thence N 72° 03' E, pass the easterly boundary line of Section 2,
22 Block OP, 1,054.9' to a point for the beginning of a curve to the
23 right in said right of way line from which point the radius of said
24 curve bears S 17° 57' E, 2,914.93' (central angle = 32° 34');
25 Thence around the arc of said curve a distance of 1,656.83', (L.C.
26 = N 88° 20' E, 1,634.62'), to the end of said curve;
27 Thence S 75° 23' E, 1,917.8' to an angle point;

1 Thence N 14° 37' E, 20.0' to an angle point;
2 Thence S 75° 23' E, 1,100.0' to an angle point;
3 Thence S 14° 37' W, 20.0' to an angle point;
4 Thence S 75° 23' E, 2,000.0' to an angle point;
5 Thence N 14° 37' E, 30.0' to an angle point;
6 Thence S 75° 23' E, 700.0' to an angle point;
7 Thence N 14° 37' E, 20.0' to an angle point;
8 Thence S 75° 23' E, 2,000.0' to an angle point;
9 Thence S 14° 37' W, 50.0' to an angle point;
10 Thence S 75° 23' E, 4,500.0' to an angle point;
11 Thence N 14° 37' E, 100.0' to an angle point;
12 Thence S 75° 23' E, 500.0' to an angle point;
13 Thence S 14° 37' W, 100.0' to an angle point;
14 Thence S 75° 23' E, 1,929.0' to a point of intersection with the
15 easterly boundary line of Survey 72 and in the westerly boundary
16 line of Survey 69, being a point in the east line of the T.A.
17 Kincaid lands and in the west line of the C. E. Davidson lands, and
18 from which point the northeasterly corner of said Survey 72 bears
19 northerly 950';
20 Thence with said property line and the westerly line of said
21 Survey 69, N 00°27'22" E, 309.92' to a point for corner;
22 Thence across said C. E. Davidson lands and Survey 69, S 75° 00'
23 38" E,, 859.6' and S 74° 17'38"E, 1,780.0', 300' northerly from and
24 parallel to the northerly right of way of said Highway No. 290
25 (also I H 10), to a point for corner;
26 Thence N 11° 52' E, 1,520.0' to a point for corner;
27 Thence S 74° 17' 38" E, 1,460.0' to a point for corner;

1 Thence S 11° 52' W, 1,520.0' to a point for corner said point being
2 300.0' northerly from the northerly right of way line of Highway
3 290 and I H 10;
4 Thence S 74° 17' 38" E, 7,107.9', 300.0' northerly of and parallel
5 with said northerly highway right of way, crossing the easterly
6 line of Survey 69 and the westerly line of Survey 52, continuing to
7 a point in the westerly line of that tract of land conveyed from C.
8 E. Davidson to Tommy Mitchell, being a point in the westerly
9 boundary line of Survey 50;
10 Thence with the westerly boundary line of said Survey 50, N 00° 27'
11 22" E, 1,322.2' to a point in the westerly boundary line of Survey
12 49, near the northwesterly corner of said Mitchell lands:
13 Thence EAST along the northerly boundary line of said Mitchell
14 lands and crossing Taylor Box Road 850.35' to a point near the
15 easterly right of way line of Taylor Box Road;
16 Thence S 31° 03' 32" W, along the easterly right of way of said
17 Taylor Box Road 937.19' to a point, at the northwesterly corner of
18 a 8.12 acre tract;
19 Thence with the northerly line of said 8.12 acre tract of land, S
20 74° 17' 38" E, 709.4' to a point for corner;
21 Thence with the easterly line of said 8.12 acres, S 15° 42' 22" E,
22 at 702.1' pass the southeasterly corner of said 8.12 acres,
23 continuing 1,835.44' in all across access road, Highway 290 and I H
24 10 to a point 300.0' southerly from the south right of way line of
25 said I H 10 for corner;
26 Thence in a westerly direction, 300.0' southerly from and parallel
27 with said southerly right of way line of said I H 10, crossing

1 Surveys 50, 52, and 69, as follows:
2 S 87° 16' 16" W, 52.7'; S 77° 24'19" W, 738.24'; N 74° 17'38" W, ,
3 200.0'; N 60° 15' 28" W, 309.23'; N 45° 51' 03" W, 682.37'; N 57°
4 35' 41" W, 522.02'; N 74° 17' 38" W, 550.0'; N 68° 35' W, 502.49';
5 N 74° 17' 38" W, 7917.5'; N 75° 00' 38" W, 600.36' to a point
6 located 300.0' southerly from the said right of way of I H 10,
7 being located at a point in the westerly boundary line of said
8 Survey 69 in the westerly line of the C. E. Davidson lands and the
9 easterly line of said T. A. Kincaid lands;
10 Thence with said property lines and the west line of said Survey 69
11 N 00° 27' 22" E, 619.83' to a point in the westerly line of said
12 Survey 69, the easterly line of Survey 72 and at a point in the
13 original southerly right of way of U. S. Highway 290;
14 Thence in a westerly direction with the original southerly right of
15 way of said highway 290 crossing Surveys 72,73,89,94, and 3 all in
16 Block OP, G. C. and S.F. RR.CO., as follows:
17 N 75° 23' W, 1,855.0' to an angle point, S 14° 37' W, 100.0' to an
18 angle point; N 75° 23' W, 600.0' to an angle point; N 14° 37' E,
19 100.0' to an angle point; N 75° 23' W, 4,500.0' to an angle point;
20 S 14° 37' W, 15.0' to an angle point; N 75° 23' W, 300.0' to an
21 angle point; N 14° 37' E, 15.0' to an angle point; N 75° 23' W,
22 700.0' to an angle point; S 14° 37' W, 15.0'; N 75° 23' W, 1,000.0'
23 to an angle point; N 14° 37' E, 15.0'; N 75° 23' W, 620.0' to an
24 angle point; S 14° 37' W, 30.0' to an angle point; N 75° 23' W,
25 80.0' to an angle point; N 14° 37'E, 30.0' to an angle point; N 75°
26 23' W, 2,000.0' to an angle point; S 14° 37' W, 20.0' to an angle
27 point; N 75° 23' W, 1,100.0' to an angle point; N 14° 37' E, 20.0'

1 to an angle point; N 75° 23' W, 1,917.8' to a point for the
2 beginning of a curve to the left in said Right of way line from
3 which point the radius of said curve bears S 14° 37' W, 2,814.93'
4 (central angle = 32° 34');
5 Thence around the arc of the curve 1,600.0', (L.C. = S 88° 20' W,
6 1,578.54') to the end of the curve;
7 Thence S 72° 03' W, 2,517.6' to a point for the beginning of a
8 curve to the right in said right of way line from which point the
9 radius of said curve bears N 17° 57' W, 5,779.65' (central angle =
10 8° 58');
11 Thence around the arc of said curve 904.50', (L.C. = S 76° 32' W,
12 903.58') to the end of the curve:
13 Thence S 81° 01' W, 1,008.8' to a point for the beginning of a
14 curve to the right in said right of way line from which point the
15 radius of said curve bears N 8° 59' W, 5,779.65' (central angle =
16 7° 33' 04");
17 Thence around the arc of said curve 761.71', (L.C.= S 84° 47' 32"
18 W, 761.16') to a point for corner;
19 Thence S 00° 14' 10" W, 4,064.1' to a point in the common boundary
20 line between Surveys 1 and 2, Block OP;
21 Thence N 89° 49' W, 840.0' with the northerly boundary line of
22 Section 1, Block OP, to a point in the easterly boundary line of
23 Survey 1, Block OP, G. C. & S. F. RR. CO., the same being the
24 southwesterly corner of Survey 2, Block OP:
25 Thence S 00° 14' 10" W, 2,649.0' to a point in the northerly line
26 of Section 17, Block MN, G. C. & S. F. RR. CO. ;
27 Thence N 89° 51' 50" W, 3,374.0' with the southerly line of Surveys

1 1 and 24, Block OP, to a point for corner, 500' easterly from the
2 easterly right of way line of State Highway No. 163;
3 Thence 500' easterly from and parallel to the easterly right of way
4 line of said Highway 163: S 01° 12' E, 3,761.18'; S 03° 11' E,
5 357.83' and S 05° 10' E, 5,581.0' to a point for corner;
6 Thence S 89° 44' W, at 562.05' pass the centerline of said Highway
7 163 at Highway Station 172+01, continuing S 89° 44' W, with the
8 common boundary line between the Sarah Seay property and the
9 Arlington Helbing property, 5,321.29' in all to a point for corner;
10 Thence NORTH 12,364.93' to a point of intersection with the
11 southerly boundary line of Survey 25, Block OP:
12 Thence S 89° 52' 20" E, 441.6' with the southerly boundary line of
13 Survey 25, Block OP to a point for corner;
14 Thence N 1,560.0' crossing IH 10 to a point for corner;
15 Thence N 26° 50' W, 875.0' to a point for corner;
16 Thence N 15° 30' W, 450.0' to a point for corner;
17 Thence N 7° 30' W, 550.0' to a point for corner;
18 Thence N 25° 30' E, 580.0' to a point for corner;
19 Thence N 12° 30' E, 1,427.0' to a point in the common boundary line
20 between Surveys 25 and 26, Block OP;
21 Thence N. 3,575.0' to the most westerly northwest corner of the
22 water control district;
23 Thence N 89° 58' 43" E, 6,452.32' to a point for corner;
24 Thence N 31° 37' 20" E, 1,304.0' to a point for corner;
25 Thence S 58° 22' 40" E, 699.0' to a point in the westerly boundary
26 line of Survey 3, Block OP;
27 Thence N. with the westerly boundary line of Surveys 3 and 4, Block

1 OP, 6,288.67' to the northwesterly corner of Survey 4;
2 Thence E. 5,280.0' with the northerly boundary line of said Survey
3 4 to its northeast corner;
4 Thence S. 5,230.0' with the easterly boundary line of said Survey 4
5 to its southeast corner;
6 Thence W. 4,430.0' with the southerly boundary line of said Survey
7 4 to a point for corner;
8 Thence S. 1,326.67' to a point for corner;
9 Thence S 89° 45' E, 1,162.0' to a point for corner;
10 Thence S 0° 15' W, 695.1' to a point for corner;
11 Thence N 89° 45' W, 1,117.0' to a point for corner;
12 Thence S 0° 15' W, 631.0' to a point for corner;
13 Thence N 89°45' W, 836.0' to the place of beginning
14 and containing 4,477.587 acres of land and being those lands
15 contained in the Crockett County Water Control and Improvement
16 District No. 1 of Crockett County, Texas.

17 SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature
18 finds that the boundaries and field notes of the district form a
19 closure. A mistake in the field notes or in copying the field
20 notes in the legislative process does not affect the organization,
21 existence, or validity of the district, the right of the district
22 to levy and collect taxes, or the legality or operation of the
23 district or its governing body.

24 SECTION 5. FINDING OF BENEFIT. All of the land and other
25 property included within the boundaries of the district will be
26 benefited by the works and projects that are to be accomplished by
27 the district under powers conferred by Article XVI, Section 59, of

1 the Texas Constitution. The district is created to serve a public
2 use and benefit.

3 SECTION 6. POWERS. (a) The district has all of the rights,
4 powers, privileges, authority, functions, and duties provided by
5 the general law of this state, including Chapters 50 and 52, Water
6 Code, applicable to underground water conservation districts
7 created under Article XVI, Section 59, of the Texas Constitution.
8 This Act prevails over any provision of general law that is in
9 conflict or inconsistent with this Act.

10 (b) The rights, powers, privileges, authority, functions,
11 and duties of the district are subject to the continuing right of
12 supervision of the state to be exercised by and through the Texas
13 Water Commission.

14 SECTION 7. BOARD OF DIRECTORS. (a) The district is
15 governed by a board of five directors.

16 (b) Temporary directors serve until initial permanent
17 directors are elected under Section 9.

18 (c) Initial permanent directors serve until permanent
19 directors are elected under Section 10.

20 (d) Permanent directors other than initial permanent
21 directors serve staggered four-year terms.

22 (e) Each director must qualify to serve as director in the
23 manner provided by Sections 51.078 and 51.079, Water Code.

24 (f) A director serves until the director's successor has
25 qualified.

26 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
27 directors is composed of:

- 1 (1) Wade Richardson
- 2 (2) Larry Williams
- 3 (3) George Bunger
- 4 (4) Reid Homsley
- 5 (5) Johnny Jones

6 (b) If a temporary director fails to qualify for office, the
7 temporary directors who have qualified shall appoint a person to
8 fill the vacancy. If at any time there are fewer than three
9 qualified temporary directors, the Texas Water Commission shall
10 appoint the necessary number of persons to fill all vacancies on
11 the board.

12 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

13 (a) The temporary board of directors shall call and hold an
14 election to confirm establishment of the district and to elect five
15 initial directors.

16 (b) A person who desires to be a candidate for the office of
17 initial director may file an application with the temporary board
18 to have the candidate's name printed on the ballot as provided by
19 Section 51.075, Water Code.

20 (c) At the confirmation and initial directors' election, the
21 temporary board of directors shall have the names of the five
22 persons serving as temporary directors placed on the ballot
23 together with the name of any candidate filing for the office of
24 director as provided by Subsection (b) of this section and blank
25 spaces to write in the names of other persons. If the district is
26 created at the election, the temporary directors, at the time the
27 vote is canvassed, shall declare the five persons who receive the

1 most votes to be elected as the initial directors and shall include
2 the results of the directors' election in its election report to
3 the Texas Water Commission.

4 (d) Section 41.001(a), Election Code, does not apply to a
5 confirmation and initial directors' election held as provided by
6 this section.

7 (e) Except as provided by this section, a confirmation and
8 initial directors' election must be conducted as provided by
9 Sections 52.058(b)-(g), Water Code, and the Election Code.

10 SECTION 10. ELECTION OF DIRECTORS. (a) On the first
11 Saturday in May of the second year after the year in which the
12 district is authorized to be created at a confirmation election, an
13 election shall be held in the district for the election of two
14 directors who shall each serve two-year terms and three directors
15 who shall each serve four-year terms. Thereafter, on the same date
16 in each subsequent second year, the appropriate number of directors
17 shall be elected to the board.

18 (b) To be qualified to be elected and serve as a director, a
19 person must be a resident of the district, at least 18 years of
20 age, and not disqualified under Section 50.026, Water Code.

21 SECTION 11. ADDITIONAL AUTHORITY. (a) A property tax
22 authorized for the district under Chapter 52, Water Code, may not
23 exceed five cents on each \$100 of assessed valuation.

24 (b) At a regular meeting of the board of directors, if the
25 board determines that the tax levied and collected under Subsection
26 (a) of this section is no longer sufficient for the purposes stated
27 in that subsection, the board may call and hold an election to

1 approve an increase in property taxes not to exceed an additional
2 five cents on each \$100 of assessed valuation in excess of the
3 limitation provided by Subsection (a) of this section. If a
4 majority of the qualified voters approve an increase in the amount
5 of taxes in excess of the limitation provided by Subsection (a) of
6 this section, the district may levy and collect additional taxes in
7 the amount as limited in this subsection approved by the voters at
8 the election called and held for that purpose.

9 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

10 (a) The proper and legal notice of the intention to introduce this
11 Act, setting forth the general substance of this Act, has been
12 published as provided by law, and the notice and a copy of this Act
13 have been furnished to all persons, agencies, officials, or
14 entities to which they are required to be furnished by the
15 constitution and other laws of this state, including the governor,
16 who has submitted the notice and Act to the Texas Water Commission.

17 (b) The Texas Water Commission has filed its recommendations
18 relating to this Act with the governor, lieutenant governor, and
19 speaker of the house of representatives within the required time.

20 (c) All requirements of the constitution and laws of this
21 state and the rules and procedures of the legislature with respect
22 to the notice, introduction, and passage of this Act are fulfilled
23 and accomplished.

24 SECTION 13. EMERGENCY. The importance of this legislation
25 and the crowded condition of the calendars in both houses create an
26 emergency and an imperative public necessity that the
27 constitutional rule requiring bills to be read on three several

1 days in each house be suspended, and this rule is hereby suspended,
2 and that this Act take effect and be in force from and after its
3 passage, and it is so enacted.

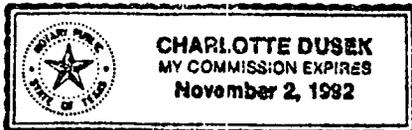
STATE OF TEXAS

COUNTY OF CROCKETT

Before me, the undersigned authority, on this day personally appeared MRS. JOHN S. MOORE, the editor of THE CZONA STOCKMAN, a newspaper having general circulation in Crockett County, Texas, who being by me duly sworn, deposes and says that the foregoing attached notice was published in said newspaper on the following date(s), to wit:

Mrs. John S. Moore

Subscribed and sworn to before me this the 9th day of February, 1989, to certify which witness my hand and seal of office.



Charlotte Dusek
Notary Public in and for
Crockett County, Texas

LEGAL NOTICE

Notice of Intent to Introduce Legislation

Pursuant to Article XVI, Section 59[d] of the Constitution of the State of Texas, notice is hereby given of the intention to introduce legislation for the creation of the Crockett County Underground Water Conservation District. Such legislation provides that the Crockett County Underground Water Conservation District is created pursuant to Article XVI, Section 59, of the Texas Constitution and shall have the general powers and duties governed by and subject to Chapters 51 and 52 of the Water Code. The proposed district shall have the power to tax and levy bonds; provided, however, that the proposed legislation provides for an initial five cent per \$100 valuation tax ceiling subject to maximum increase ceiling of an additional five cent per \$100 valuation tax ceiling as approved by a majority of the voters within the district. The district shall contain all of Crockett County, Texas save and except those territories lying within the Crockett County Water Control & Improvement District #1 and its extra-territorial jurisdiction which is provided in the proposed bill by metes and bounds description. The proposed legislation provides for a five member Board of Directors and appoints five temporary members until such time as the creation election is held. These members are to be elected four by precinct and one by at-large election with staggered four year terms established by the bill. The proposed legislation provides for the qualifications for board members and for a creation election to be held upon passage by the Legislature and approval by the Governor of the State of Texas.

1 By: Sims S.B. No. 1635
 2 (In the Senate - Filed April 4, 1989; April 4, 1989, read
 3 first time and referred to Committee on Natural Resources;
 4 April 20, 1989, reported favorably by the following vote: Yeas 9,
 5 Nays 0; April 20, 1989, sent to printer.)

6 COMMITTEE VOTE

7	Yea	Nay	PNV	Absent
8	x			
9	x			
10				x
11	x			
12				x
13	x			
14	x			
15	x			
16	x			
17	x			
18	x			

19 A BILL TO BE ENTITLED
 20 AN ACT

21 relating to the creation, administration, powers, duties,
 22 operation, and financing of the Crockett County Underground Water
 23 Conservation District.

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

25 SECTION 1. CREATION. (a) An underground water conservation
 26 district, to be known as Crockett County Underground Water
 27 Conservation District, is created in Crockett County, subject to
 28 approval at a confirmation election under Section 9 of this Act.
 29 The district is a governmental agency and a body politic and
 30 corporate.

31 (b) The district is created under and is essential to
 32 accomplish the purposes of Article XVI, Section 59, of the Texas
 33 Constitution.

34 SECTION 2. DEFINITION. In this Act, "district" means
 35 Crockett County Underground Water Conservation District.

36 SECTION 3. BOUNDARIES. The district is composed of all of
 37 the territory contained in Crockett County SAVE AND EXCEPT the
 38 following described tract of land situated in Crockett County,
 39 Texas, and being described by metes and bounds as follows, to wit:
 40 Beginning at the northeasterly corner of Section 23, Block OP, G.C.
 41 & S. F. RR. CO. Survey, Crockett County, Texas;
 42 Thence S 0°14'10" W, 2,653' along the easterly boundary line of
 43 said Section 23 to a point for corner;
 44 Thence S 89°45' 50" E, 680' to a point for corner;
 45 Thence S 00°14' 10" W, 727' to a point for corner;
 46 Thence S 89°45' 50" E, 150' to a point for corner;
 47 Thence S 00°14' 10" W, 388' to a point of intersection with the
 48 northerly right of way line of U. S. Highway No. 290, said point
 49 being on a curve to the left in said right of way line from which
 50 point the radius of said curve bears N 01° 27'30" W, 5,679.65',
 51 (central angle = 7°31'30");
 52 Thence around the arc of the curve a distance of 745.94', (L.C. = N
 53 84° 46'45" E, 745.41') to the end of the curve;
 54 Thence N 81° 01' E, 1,008.8' to a point for the beginning of a
 55 curve to the left in said right of way line, from which point the
 56 radius of said curve bears N 08° 59' W, 5,679.65' (central angle =
 57 8° 58');
 58 Thence around the arc of said curve a distance of 888.85', (L.C.
 59 =N 76°32'E, 887.95'), to the end of the curve;
 60 Thence N 72° 03' E, 112.7' to an angle point;
 61 Thence N 17° 57' W, 100.0' to an angle point;
 62 Thence N 72° 03' E, 1,350.0' to an angle point;
 63 Thence S 17° 57' E, 100.0' to an angle point;
 64 Thence N 72° 03' E, pass the easterly boundary line of Section 2,
 65 Block OP, 1,054.9' to a point for the beginning of a curve to the
 66 right in said right of way line from which point the radius of said

1 curve bears S 17° 57' E, 2,914.93' (central angle = 32° 34');
 2 Thence around the arc of said curve a distance of 1,656.83', (L.C.
 3 = N 88° 20' E, 1,634.62'), to the end of said curve;
 4 Thence S 75° 23' E, 1,917.8' to an angle point;
 5 Thence N 14° 37' E, 20.0' to an angle point;
 6 Thence S 75° 23' E, 1,100.0' to an angle point;
 7 Thence S 14° 37' W, 20.0' to an angle point;
 8 Thence S 75° 23' E, 2,000.0' to an angle point;
 9 Thence N 14° 37' E, 30.0' to an angle point;
 10 Thence S 75° 23' E, 700.0' to an angle point;
 11 Thence N 14° 37' E, 20.0' to an angle point;
 12 Thence S 75° 23' E, 2,000.0' to an angle point;
 13 Thence S 14° 37' W, 50.0' to an angle point;
 14 Thence S 75° 23' E, 4,500.0' to an angle point;
 15 Thence N 14° 37' E, 100.0' to an angle point;
 16 Thence S 75° 23' E, 500.0' to an angle point;
 17 Thence S 14° 37' W, 100.0' to an angle point;
 18 Thence S 75° 23' E, 1,929.0' to a point of intersection with the
 19 easterly boundary line of Survey 72 and in the westerly boundary
 20 line of Survey 69, being a point in the east line of the T.A.
 21 Kincaid lands and in the west line of the C. E. Davidson lands, and
 22 from which point the northeasterly corner of said Survey 72 bears
 23 northerly 950';
 24 Thence with said property line and the westerly line of said
 25 Survey 69, N 00° 27' 22" E, 309.92' to a point for corner;
 26 Thence across said C. E. Davidson lands and Survey 69, S 75° 00'
 27 38" E, 859.6' and S 74° 17' 38" E, 1,780.0', 300' northerly from and
 28 parallel to the northerly right of way of said Highway No. 290
 29 (also I H 10), to a point for corner;
 30 Thence N 11° 52' E, 1,520.0' to a point for corner;
 31 Thence S 74° 17' 38" E, 1,460.0' to a point for corner;
 32 Thence S 11° 52' W, 1,520.0' to a point for corner said point being
 33 300.0' northerly from the northerly right of way line of Highway
 34 290 and I H 10;
 35 Thence S 74° 17' 38" E, 7,107.9', 300.0' northerly of and parallel
 36 with said northerly highway right of way, crossing the easterly
 37 line of Survey 69 and the westerly line of Survey 52, continuing to
 38 a point in the westerly line of that tract of land conveyed from C.
 39 E. Davidson to Tommy Mitchell, being a point in the westerly
 40 boundary line of Survey 50;
 41 Thence with the westerly boundary line of said Survey 50, N 00° 27'
 42 22" E, 1,322.2' to a point in the westerly boundary line of Survey
 43 49, near the northwesterly corner of said Mitchell lands;
 44 Thence EAST along the northerly boundary line of said Mitchell
 45 lands and crossing Taylor Box Road 850.35' to a point near the
 46 easterly right of way line of Taylor Box Road;
 47 Thence S 31° 03' 32" W, along the easterly right of way of said
 48 Taylor Box Road 937.19' to a point, at the northwesterly corner of
 49 a 8.12 acre tract;
 50 Thence with the northerly line of said 8.12 acre tract of land, S
 51 74° 17' 38" E, 709.4' to a point for corner;
 52 Thence with the easterly line of said 8.12 acres, S 15° 42' 22" E,
 53 at 702.1' pass the southeasterly corner of said 8.12 acres,
 54 continuing 1,835.44' in all across access road, Highway 290 and I H
 55 10 to a point 300.0' southerly from the south right of way line of
 56 said I H 10 for corner;
 57 Thence in a westerly direction, 300.0' southerly from and parallel
 58 with said southerly right of way line of said I H 10, crossing
 59 Surveys 50, 52, and 69, as follows:
 60 S 87° 16' 16" W, 52.7'; S 77° 24' 19" W, 738.24'; N 74° 17' 38" W,
 61 200.0'; N 60° 15' 28" W, 309.23'; N 45° 51' 03" W, 682.37'; N 57°
 62 35' 41" W, 522.02'; N 74° 17' 38" W, 550.0'; N 68° 35' W, 502.49';
 63 N 74° 17' 38" W, 7917.5'; N 75° 00' 38" W, 600.36' to a point
 64 located 300.0' southerly from the said right of way of I H 10,
 65 being located at a point in the westerly boundary line of said
 66 Survey 69 in the westerly line of the C. E. Davidson lands and the
 67 easterly line of said T. A. Kincaid lands;
 68 Thence with said property lines and the west line of said Survey 69
 69 N 00° 27' 22" E, 619.83' to a point in the westerly line of said
 70 Survey 69, the easterly line of Survey 72 and at a point in the

1 original southerly right of way of U. S. Highway 290;
 2 Thence in a westerly direction with the original southerly right of
 3 way of said highway 290 crossing Surveys 72,73,89,94, and 3 all in
 4 Block OP, G. C. and S.F. RR.CO., as follows:
 5 N 75° 23' W, 1,855.0' to an angle point, S 14° 37' W, 100.0' to an
 6 angle point; N 75° 23' W, 600.0' to an angle point; N 14° 37' E,
 7 100.0' to an angle point; N 75° 23' W, 4,500.0' to an angle point;
 8 S 14° 37' W, 15.0' to an angle point; N 75° 23' W, 300.0' to an
 9 angle point; N 14° 37' E, 15.0' to an angle point; N 75° 23' W,
 10 700.0' to an angle point; S 14° 37' W, 15.0'; N 75° 23' W, 1,000.0'
 11 to an angle point; N 14° 37' E, 15.0'; N 75° 23' W, 620.0' to an
 12 angle point; S 14° 37' W, 30.0' to an angle point; N 75° 23' W,
 13 80.0' to an angle point; N 14° 37' E, 30.0' to an angle point; N 75°
 14 23' W, 2,000.0' to an angle point; S 14° 37' W, 20.0' to an angle
 15 point; N 75° 23' W, 1,100.0' to an angle point; N 14° 37' E, 20.0'
 16 to an angle point; N 75° 23' W, 1,917.8' to a point for the
 17 beginning of a curve to the left in said Right of way line from
 18 which point the radius of said curve bears S 14° 37' W, 2,814.93'
 19 (central angle = 32° 34');
 20 Thence around the arc of the curve 1,600.0', (L.C. = S 88° 20' W,
 21 1,578.54') to the end of the curve;
 22 Thence S 72° 03' W, 2,517.6' to a point for the beginning of a
 23 curve to the right in said right of way line from which point the
 24 radius of said curve bears N 17° 57' W, 5,779.65' (central angle =
 25 8° 58');
 26 Thence around the arc of said curve 904.50', (L.C. = S 76° 32' W,
 27 903.58') to the end of the curve:
 28 Thence S 81° 01' W, 1,008.8' to a point for the beginning of a
 29 curve to the right in said right of way line from which point the
 30 radius of said curve bears N 8° 59' W, 5,779.65' (central angle =
 31 7° 33' 04");
 32 Thence around the arc of said curve 761.71', (L.C.= S 84° 47' 32"
 33 W, 761.16') to a point for corner;
 34 Thence S 00° 14' 10" W, 4,064.1' to a point in the common boundary
 35 line between Surveys 1 and 2, Block OP;
 36 Thence N 89° 49' W, 840.0' with the northerly boundary line of
 37 Section 1, Block OP, to a point in the easterly boundary line of
 38 Survey 1, Block OP, G. C. & S. F. RR. CO., the same being the
 39 southwesterly corner of Survey 2, Block OP:
 40 Thence S 00° 14' 10" W, 2,649.0' to a point in the northerly line
 41 of Section 17, Block MN, G. C. & S. F. RR. CO.;
 42 Thence N 89° 51' 50" W, 3,374.0' with the southerly line of Surveys
 43 1 and 24, Block OP, to a point for corner, 500' easterly from the
 44 easterly right of way line of State Highway No. 163;
 45 Thence 500' easterly from and parallel to the easterly right of way
 46 line of said Highway 163: S 01° 12' E, 3,761.18'; S 03° 11' E,
 47 357.83' and S 05° 10' E, 5,581.0' to a point for corner;
 48 Thence S 89° 44' W, at 562.05' pass the centerline of said Highway
 49 163 at Highway Station 172+01, continuing S 89° 44' W, with the
 50 common boundary line between the Sarah Seay property and the
 51 Arlington Helbing property, 5,321.29' in all to a point for corner;
 52 Thence NORTH 12,364.93' to a point of intersection with the
 53 southerly boundary line of Survey 25, Block OP:
 54 Thence S 89° 52' 20" E, 441.6' with the southerly boundary line of
 55 Survey 25, Block OP to a point for corner;
 56 Thence N 1,560.0' crossing IH 10 to a point for corner;
 57 Thence N 26° 50' W, 875.0' to a point for corner;
 58 Thence N 15° 30' W, 450.0' to a point for corner;
 59 Thence N 7° 30' W, 550.0' to a point for corner;
 60 Thence N 25° 30' E, 580.0' to a point for corner;
 61 Thence N 12° 30' E, 1,427.0' to a point in the common boundary line
 62 between Surveys 25 and 26, Block OP;
 63 Thence N. 3,575.0' to the most westerly northwest corner of the
 64 water control district;
 65 Thence N 89° 58' 43" E, 6,452.32' to a point for corner;
 66 Thence N 31° 37' 20" E, 1,304.0' to a point for corner;
 67 Thence S 58° 22' 40" E, 699.0' to a point in the westerly boundary
 68 line of Survey 3, Block OP;
 69 Thence N. with the westerly boundary line of Surveys 3 and 4, Block
 70 OP, 6,288.67' to the northwesterly corner of Survey 4;

1 Thence E. 5,280.0' with the northerly boundary line of said Survey
 2 4 to its northeast corner;
 3 Thence S. 5,280.0' with the easterly boundary line of said Survey 4
 4 to its southeast corner;
 5 Thence W. 4,480.0' with the southerly boundary line of said Survey
 6 4 to a point for corner;
 7 Thence S. 1,326.67' to a point for corner;
 8 Thence S 89° 45' E, 1,162.0' to a point for corner;
 9 Thence S 0° 15' W, 695.1' to a point for corner;
 10 Thence N 89° 45' W, 1,117.0' to a point for corner;
 11 Thence S 0° 15' W, 631.0' to a point for corner;
 12 Thence N 89°45' W, 836.0'to the place of beginning
 13 and containing 4,477.587 acres of land and being those lands
 14 contained in the Crockett County Water Control and Improvement
 15 District No. 1 of Crockett County, Texas.

16 SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature
 17 finds that the boundaries and field notes of the district form a
 18 closure. A mistake in the field notes or in copying the field
 19 notes in the legislative process does not affect the organization,
 20 existence, or validity of the district, the right of the district
 21 to levy and collect taxes, or the legality or operation of the
 22 district or its governing body.

23 SECTION 5. FINDING OF BENEFIT. All of the land and other
 24 property included within the boundaries of the district will be
 25 benefited by the works and projects that are to be accomplished by
 26 the district under powers conferred by Article XVI, Section 59, of
 27 the Texas Constitution. The district is created to serve a public
 28 use and benefit.

29 SECTION 6. POWERS. (a) The district has all of the rights,
 30 powers, privileges, authority, functions, and duties provided by
 31 the general law of this state, including Chapters 50 and 52, Water
 32 Code, applicable to underground water conservation districts
 33 created under Article XVI, Section 59, of the Texas Constitution.
 34 This Act prevails over any provision of general law that is in
 35 conflict or inconsistent with this Act.

36 (b) The rights, powers, privileges, authority, functions,
 37 and duties of the district are subject to the continuing right of
 38 supervision of the state to be exercised by and through the Texas
 39 Water Commission.

40 SECTION 7. BOARD OF DIRECTORS. (a) The district is
 41 governed by a board of five directors.

42 (b) Temporary directors serve until initial permanent
 43 directors are elected under Section 9.

44 (c) Initial permanent directors serve until permanent
 45 directors are elected under Section 10.

46 (d) Permanent directors other than initial permanent
 47 directors serve staggered four-year terms.

48 (e) Each director must qualify to serve as director in the
 49 manner provided by Sections 51.078 and 51.079, Water Code.

50 (f) A director serves until the director's successor has
 51 qualified.

52 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
 53 directors is composed of:

- 54 (1) Wade Richardson
- 55 (2) Larry Williams
- 56 (3) George Bunger
- 57 (4) Reid Homsley
- 58 (5) Johnny Jones

59 (b) If a temporary director fails to qualify for office, the
 60 temporary directors who have qualified shall appoint a person to
 61 fill the vacancy. If at any time there are fewer than three
 62 qualified temporary directors, the Texas Water Commission shall
 63 appoint the necessary number of persons to fill all vacancies on
 64 the board.

65 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.
 66 (a) The temporary board of directors shall call and hold an
 67 election to confirm establishment of the district and to elect five
 68 initial directors.

69 (b) A person who desires to be a candidate for the office of
 70 initial director may file an application with the temporary board

1 to have the candidate's name printed on the ballot as provided by
2 Section 51.075, Water Code.

3 (c) At the confirmation and initial directors' election, the
4 temporary board of directors shall have the names of the five
5 persons serving as temporary directors placed on the ballot
6 together with the name of any candidate filing for the office of
7 director as provided by Subsection (b) of this section and blank
8 spaces to write in the names of other persons. If the district is
9 created at the election, the temporary directors, at the time the
10 vote is canvassed, shall declare the five persons who receive the
11 most votes to be elected as the initial directors and shall include
12 the results of the directors' election in its election report to
13 the Texas Water Commission.

14 (d) Subsection (a), Section 41.001, Election Code, does not
15 apply to a confirmation and initial directors' election held as
16 provided by this section.

17 (e) Except as provided by this section, a confirmation and
18 initial directors' election must be conducted as provided by
19 Subsections (b) through (g), Section 52.058, Water Code, and the
20 Election Code.

21 SECTION 10. ELECTION OF DIRECTORS. (a) On the first
22 Saturday in May of the second year after the year in which the
23 district is authorized to be created at a confirmation election, an
24 election shall be held in the district for the election of two
25 directors who shall each serve two-year terms and three directors
26 who shall each serve four-year terms. Thereafter, on the same date
27 in each subsequent second year, the appropriate number of directors
28 shall be elected to the board.

29 (b) To be qualified to be elected and serve as a director, a
30 person must be a resident of the district, at least 18 years of
31 age, and not disqualified under Section 50.026, Water Code.

32 SECTION 11. ADDITIONAL AUTHORITY. (a) A property tax
33 authorized for the district under Chapter 52, Water Code, may not
34 exceed five cents on each \$100 of assessed valuation.

35 (b) At a regular meeting of the board of directors, if the
36 board determines that the tax levied and collected under Subsection
37 (a) of this section is no longer sufficient for the purposes stated
38 in that subsection, the board may call and hold an election to
39 approve an increase in property taxes not to exceed an additional
40 five cents on each \$100 of assessed valuation in excess of the
41 limitation provided by Subsection (a) of this section. If a
42 majority of the qualified voters approve an increase in the amount
43 of taxes in excess of the limitation provided by Subsection (a) of
44 this section, the district may levy and collect additional taxes in
45 the amount as limited in this subsection approved by the voters at
46 the election called and held for that purpose.

47 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.
48 (a) The proper and legal notice of the intention to introduce this
49 Act, setting forth the general substance of this Act, has been
50 published as provided by law, and the notice and a copy of this Act
51 have been furnished to all persons, agencies, officials, or
52 entities to which they are required to be furnished by the
53 constitution and other laws of this state, including the governor,
54 who has submitted the notice and Act to the Texas Water Commission.

55 (b) The Texas Water Commission has filed its recommendations
56 relating to this Act with the governor, lieutenant governor, and
57 speaker of the house of representatives within the required time.

58 (c) All requirements of the constitution and laws of this
59 state and the rules and procedures of the legislature with respect
60 to the notice, introduction, and passage of this Act are fulfilled
61 and accomplished.

62 SECTION 13. EMERGENCY. The importance of this legislation
63 and the crowded condition of the calendars in both houses create an
64 emergency and an imperative public necessity that the
65 constitutional rule requiring bills to be read on three several
66 days in each house be suspended, and this rule is hereby suspended,
67 and that this Act take effect and be in force from and after its
68 passage, and it is so enacted.

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* * * * *

Austin, Texas
April 20, 1989

Hon. William P. Hobby
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred S.B. No. 1635, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Santiesteban, Chairman

LEGISLATIVE BUDGET BOARD

Austin, Texas

APR 12 1989

FISCAL NOTE

April 11, 1989

TO: Honorable H. Tati Santiesteban, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 1635
By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1635 (relating to the creation, administration, powers, duties, operation, and financing of the Crockett County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, PA

SENATE FAVORABLE COMMITTEE REPORT

Lt. Governor William P. Hobby
President of the Senate

4-19-89 / 3:00
(date)/(time)

Sir:

We, your Committee on NATURAL RESOURCES to which was referred SB 1635 by SIMS have on APRIL 19, 1989, 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 and be printed
- do pass 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 _____

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Santiesteban, Chairman	X			
Lyon, Vice Chairman	X			
Armbrister				X
Bivins	X			
Brown				X
Carriker	X			
Montford	X			
Ratliff	X			
Sims	X			
Uribe	X			
Zaffirini	X			
TOTAL VOTES	9			2


COMMITTEE CLERK

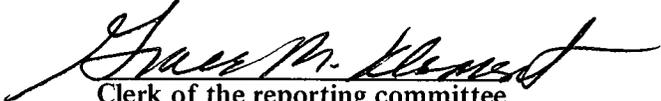

CHAIRMAN

REQUEST FOR LOCAL & UNCONTESTED CALENDAR
PLACEMENT

Hon. Bill Sims, Chairman
Administration Committee

Sir:

Notice is hereby given that SB 1635, by Sims,
was heard by the Committee on State Services on 4-19, 1989
and reported out with the recommendation that it be placed on the Local and Uncontested
Calendar.


Clerk of the reporting committee

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF
THE BILL OR RESOLUTION, WHICH ALONG WITH 14 ADDITIONAL COPIES OF THE
BILL OR RESOLUTION SHOULD BE DELIVERED TO THE OFFICE OF THE
COMMITTEE ON ADMINISTRATION, ROOM 419. PLEASE CALL 3-0350 IF YOU HAVE
ANY QUESTIONS. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR
IS 4:00 P.M. THURSDAYS.

April 27 1989 Engrossed
Attest Saw
Engrossing Clerk

MAY -5 1989

I certify that the attached is a true and correct copy of SB 1635, which was received by the Senate on 4-27-89, and referred to the Committee on Natural Resources

Boyd W. Messinger
Chief Clerk of the House

By: Sims

S.B. No. 1635

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Crockett County Underground Water Conservation District.

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

SECTION 1. CREATION. (a) An underground water conservation district, to be known as Crockett County Underground Water Conservation District, is created in Crockett County, subject to approval at a confirmation election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means Crockett County Underground Water Conservation District.

SECTION 3. BOUNDARIES. The district is composed of all of the territory contained in Crockett County SAVE AND EXCEPT the following described tract of land situated in Crockett County, Texas, and being described by metes and bounds as follows, to wit: Beginning at the northeasterly corner of Section 23, Block OP, G.C. & S. F. RR. CO. Survey, Crockett County, Texas; Thence S 0°14'10" W, 2,653' along the easterly boundary line of said Section 23 to a point for corner; Thence S 89°45' 50" E, 680' to a point for corner;

1 Thence S $00^{\circ}14' 10''$ W, 727' to a point for corner;
2 Thence S $89^{\circ}45' 50''$ E, 150' to a point for corner;
3 Thence S $00^{\circ}14' 10''$ W, 388' to a point of intersection with the
4 northerly right of way line of U. S. Highway No. 290, said point
5 being on a curve to the left in said right of way line from which
6 point the radius of said curve bears N $01^{\circ} 27'30''$ W, 5,679.65',
7 (central angle = $7^{\circ}31'30''$);
8 Thence around the arc of the curve a distance of 745.94', (L.C. = N
9 $84^{\circ} 46'45''$ E, 745.41') to the end of the curve;
10 Thence N $81^{\circ} 01'$ E, 1,008.8' to a point for the beginning of a
11 curve to the left in said right of way line, from which point the
12 radius of said curve bears N $08^{\circ} 59'$ W, 5,679.65' (central angle =
13 $8^{\circ} 58'$);
14 Thence around the arc of said curve a distance of 888.85', (L.C.
15 =N $76^{\circ}32'$ E, 887.95'), to the end of the curve;
16 Thence N $72^{\circ} 03'$ E, 112.7' to an angle point;
17 Thence N $17^{\circ} 57'$ W, 100.0' to an angle point;
18 Thence N $72^{\circ} 03'$ E, 1,350.0' to an angle point;
19 Thence S $17^{\circ} 57'$ E, 100.0' to an angle point;
20 Thence N $72^{\circ} 03'$ E, pass the easterly boundary line of Section 2,
21 Block OP, 1,054.9' to a point for the beginning of a curve to the
22 right in said right of way line from which point the radius of said
23 curve bears S $17^{\circ} 57'$ E, 2,914.93' (central angle = $32^{\circ} 34'$);
24 Thence around the arc of said curve a distance of 1,656.83', (L.C.
25 = N $88^{\circ} 20'$ E, 1,634.62'), to the end of said curve;
26 Thence S $75^{\circ} 23'$ E, 1,917.8' to an angle point;

1 Thence N 14° 37' E, 20.0' to an angle point;
2 Thence S 75° 23' E, 1,100.0' to an angle point;
3 Thence S 14° 37' W, 20.0' to an angle point;
4 Thence S 75° 23' E, 2,000.0' to an angle point;
5 Thence N 14° 37' E, 30.0' to an angle point;
6 Thence S 75° 23' E, 700.0' to an angle point;
7 Thence N 14° 37' E, 20.0' to an angle point;
8 Thence S 75° 23' E, 2,000.0' to an angle point;
9 Thence S 14° 37' W, 50.0' to an angle point;
10 Thence S 75° 23' E, 4,500.0' to an angle point;
11 Thence N 14° 37' E, 100.0' to an angle point;
12 Thence S 75° 23' E, 500.0' to an angle point;
13 Thence S 14° 37' W, 100.0' to an angle point;
14 Thence S 75° 23' E, 1,929.0' to a point of intersection with the
15 easterly boundary line of Survey 72 and in the westerly boundary
16 line of Survey 69, being a point in the east line of the T.A.
17 Kincaid lands and in the west line of the C. E. Davidson lands, and
18 from which point the northeasterly corner of said Survey 72 bears
19 northerly 950';
20 Thence with said property line and the westerly line of said
21 Survey 69, N 00°27'22" E, 309.92' to a point for corner;
22 Thence across said C. E. Davidson lands and Survey 69, S 75° 00'
23 38" E,, 859.6' and S 74° 17'38"E, 1,780.0', 300' northerly from and
24 parallel to the northerly right of way of said Highway No. 290
25 (also I H 10), to a point for corner;
26 Thence N 11° 52' E, 1,520.0' to a point for corner;

1 Thence S 74° 17' 38" E, 1,460.0' to a point for corner;
2 Thence S 11° 52' W, 1,520.0' to a point for corner said point being
3 300.0' northerly from the northerly right of way line of Highway
4 290 and I H 10;
5 Thence S 74° 17' 38" E, 7,107.9', 300.0' northerly of and parallel
6 with said northerly highway right of way, crossing the easterly
7 line of Survey 69 and the westerly line of Survey 52, continuing to
8 a point in the westerly line of that tract of land conveyed from C.
9 E. Davidson to Tommy Mitchell, being a point in the westerly
10 boundary line of Survey 50;
11 Thence with the westerly boundary line of said Survey 50, N 00° 27'
12 22" E, 1,322.2' to a point in the westerly boundary line of Survey
13 49, near the northwesterly corner of said Mitchell lands:
14 Thence EAST along the northerly boundary line of said Mitchell
15 lands and crossing Taylor Box Road 850.35' to a point near the
16 easterly right of way line of Taylor Box Road;
17 Thence S 31° 03' 32" W, along the easterly right of way of said
18 Taylor Box Road 937.19' to a point, at the northwesterly corner of
19 a 8.12 acre tract;
20 Thence with the northerly line of said 8.12 acre tract of land, S
21 74° 17' 38" E, 709.4' to a point for corner;
22 Thence with the easterly line of said 8.12 acres, S 15° 42' 22" E,
23 at 702.1' pass the southeasterly corner of said 8.12 acres,
24 continuing 1,835.44' in all across access road, Highway 290 and I H
25 10 to a point 300.0' southerly from the south right of way line of
26 said I H 10 for corner;

1 Thence in a westerly direction, 300.0' southerly from and parallel
2 with said southerly right of way line of said I H 10, crossing
3 Surveys 50, 52, and 69, as follows:

4 S 87° 16' 16" W, 52.7'; S 77° 24' 19" W, 738.24'; N 74° 17' 38" W, ,
5 200.0'; N 60° 15' 28" W, 309.23'; N 45° 51' 03" W, 682.37'; N 57°
6 35' 41" W, 522.02'; N 74° 17' 38" W, 550.0'; N 68° 35' W, 502.49';
7 N 74° 17' 38" W, 7917.5'; N 75° 00' 38" W, 600.36' to a point
8 located 300.0' southerly from the said right of way of I H 10,
9 being located at a point in the westerly boundary line of said
10 Survey 69 in the westerly line of the C. E. Davidson lands and the
11 easterly line of said T. A. Kincaid lands;

12 Thence with said property lines and the west line of said Survey 69
13 N 00° 27' 22" E, 619.83' to a point in the westerly line of said
14 Survey 69, the easterly line of Survey 72 and at a point in the
15 original southerly right of way of U. S. Highway 290;

16 Thence in a westerly direction with the original southerly right of
17 way of said highway 290 crossing Surveys 72, 73, 89, 94, and 3 all in
18 Block OP, G. C. and S.F. RR.CO., as follows:

19 N 75° 23' W, 1,855.0' to an angle point, S 14° 37' W, 100.0' to an
20 angle point; N 75° 23' W, 600.0' to an angle point; N 14° 37' E,
21 100.0' to an angle point; N 75° 23' W, 4,500.0' to an angle point;
22 S 14° 37' W, 15.0' to an angle point; N 75° 23' W, 300.0' to an
23 angle point; N 14° 37' E, 15.0' to an angle point; N 75° 23' W,
24 700.0' to an angle point; S 14° 37' W, 15.0'; N 75° 23' W, 1,000.0'
25 to an angle point; N 14° 37' E, 15.0'; N 75° 23' W, 620.0' to an
26 angle point; S 14° 37' W, 30.0' to an angle point; N 75° 23' W,

1 80.0' to an angle point; N 14° 37'E, 30.0' to an angle point; N 75°
 2 23' W, 2,000.0' to an angle point; S 14° 37' W, 20.0' to an angle
 3 point; N 75° 23' W, 1,100.0' to an angle point; N 14° 37' E, 20.0'
 4 to an angle point; N 75° 23' W, 1,917.8' to a point for the
 5 beginning of a curve to the left in said Right of way line from
 6 which point the radius of said curve bears S 14° 37' W, 2,814.93'
 7 (central angle = 32° 34');
 8 Thence around the arc of the curve 1,600.0', (L.C. = S 88° 20' W,
 9 1,578.54') to the end of the curve;
 10 Thence S 72° 03' W, 2,517.6' to a point for the beginning of a
 11 curve to the right in said right of way line from which point the
 12 radius of said curve bears N 17° 57' W, 5,779.65' (central angle =
 13 8° 58');
 14 Thence around the arc of said curve 904.50', (L.C. = S 76° 32' W,
 15 903.58') to the end of the curve:
 16 Thence S 81° 01' W, 1,008.8' to a point for the beginning of a
 17 curve to the right in said right of way line from which point the
 18 radius of said curve bears N 8° 59' W, 5,779.65' (central angle =
 19 7° 33' 04");
 20 Thence around the arc of said curve 761.71', (L.C.= S 84° 47' 32"
 21 W, 761.16') to a point for corner;
 22 Thence S 00° 14' 10" W, 4,064.1' to a point in the common boundary
 23 line between Surveys 1 and 2, Block OP;
 24 Thence N 89° 49' W, 840.0' with the northerly boundary line of
 25 Section 1, Block OP, to a point in the easterly boundary line of
 26 Survey 1, Block OP, G. C. & S. F. RR. CO., the same being the

1 southwesterly corner of Survey 2, Block OP:
2 Thence S $00^{\circ} 14' 10''$ W, 2,649.0' to a point in the northerly line
3 of Section 17, Block MN, G. C. & S. F. RR. CO.;
4 Thence N $89^{\circ} 51' 50''$ W, 3,374.0' with the southerly line of Surveys
5 1 and 24, Block OP, to a point for corner, 500' easterly from the
6 easterly right of way line of State Highway No. 163;
7 Thence 500' easterly from and parallel to the easterly right of way
8 line of said Highway 163: S $01^{\circ} 12'$ E, 3,761.18'; S $03^{\circ} 11'$ E,
9 357.83' and S $05^{\circ} 10'$ E, 5,581.0' to a point for corner;
10 Thence S $89^{\circ} 44'$ W, at 562.05' pass the centerline of said Highway
11 163 at Highway Station 172+01, continuing S $89^{\circ} 44'$ W, with the
12 common boundary line between the Sarah Seay property and the
13 Arlington Helbing property, 5,321.29' in all to a point for corner;
14 Thence NORTH 12,364.93' to a point of intersection with the
15 southerly boundary line of Survey 25, Block OP:
16 Thence S $89^{\circ} 52' 20''$ E, 441.6' with the southerly boundary line of
17 Survey 25, Block OP to a point for corner;
18 Thence N 1,560.0' crossing IH 10 to a point for corner;
19 Thence N $26^{\circ} 50'$ W, 875.0' to a point for corner;
20 Thence N $15^{\circ} 30'$ W, 450.0' to a point for corner;
21 Thence N $7^{\circ} 30'$ W, 550.0' to a point for corner;
22 Thence N $25^{\circ} 30'$ E, 580.0' to a point for corner;
23 Thence N $12^{\circ} 30'$ E, 1,427.0' to a point in the common boundary line
24 between Surveys 25 and 26, Block OP;
25 Thence N. 3,575.0' to the most westerly northwest corner of the
26 water control district;

1 Thence N 89° 58' 43" E, 6,452.32' to a point for corner;
2 Thence N 31° 37' 20" E, 1,304.0' to a point for corner;
3 Thence S 58° 22' 40" E, 699.0' to a point in the westerly boundary
4 line of Survey 3, Block OP;
5 Thence N. with the westerly boundary line of Surveys 3 and 4, Block
6 OP, 6,288.67' to the northwesterly corner of Survey 4;
7 Thence E. 5,280.0' with the northerly boundary line of said Survey
8 4 to its northeast corner;
9 Thence S. 5,280.0' with the easterly boundary line of said Survey 4
10 to its southeast corner;
11 Thence W. 4,480.0' with the southerly boundary line of said Survey
12 4 to a point for corner;
13 Thence S. 1,326.67' to a point for corner;
14 Thence S 89° 45' E, 1,162.0' to a point for corner;
15 Thence S 0° 15' W, 695.1' to a point for corner;
16 Thence N 89° 45' W, 1,117.0' to a point for corner;
17 Thence S 0° 15' W, 631.0' to a point for corner;
18 Thence N 89°45' W, 836.0' to the place of beginning
19 and containing 4,477.587 acres of land and being those lands
20 contained in the Crockett County Water Control and Improvement
21 District No. 1 of Crockett County, Texas.

22 SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature
23 finds that the boundaries and field notes of the district form a
24 closure. A mistake in the field notes or in copying the field
25 notes in the legislative process does not affect the organization,
26 existence, or validity of the district, the right of the district

1 to levy and collect taxes, or the legality or operation of the
2 district or its governing body.

3 SECTION 5. FINDING OF BENEFIT. All of the land and other
4 property included within the boundaries of the district will be
5 benefited by the works and projects that are to be accomplished by
6 the district under powers conferred by Article XVI, Section 59, of
7 the Texas Constitution. The district is created to serve a public
8 use and benefit.

9 SECTION 6. POWERS. (a) The district has all of the rights,
10 powers, privileges, authority, functions, and duties provided by
11 the general law of this state, including Chapters 50 and 52, Water
12 Code, applicable to underground water conservation districts
13 created under Article XVI, Section 59, of the Texas Constitution.
14 This Act prevails over any provision of general law that is in
15 conflict or inconsistent with this Act.

16 (b) The rights, powers, privileges, authority, functions,
17 and duties of the district are subject to the continuing right of
18 supervision of the state to be exercised by and through the Texas
19 Water Commission.

20 SECTION 7. BOARD OF DIRECTORS. (a) The district is
21 governed by a board of five directors.

22 (b) Temporary directors serve until initial permanent
23 directors are elected under Section 9.

24 (c) Initial permanent directors serve until permanent
25 directors are elected under Section 10.

26 (d) Permanent directors other than initial permanent

1 directors serve staggered four-year terms.

2 (e) Each director must qualify to serve as director in the
3 manner provided by Sections 51.078 and 51.079, Water Code.

4 (f) A director serves until the director's successor has
5 qualified.

6 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
7 directors is composed of:

8 (1) Wade Richardson

9 (2) Larry Williams

10 (3) George Bunger

11 (4) Reid Homsley

12 (5) Johnny Jones

13 (b) If a temporary director fails to qualify for office, the
14 temporary directors who have qualified shall appoint a person to
15 fill the vacancy. If at any time there are fewer than three
16 qualified temporary directors, the Texas Water Commission shall
17 appoint the necessary number of persons to fill all vacancies on
18 the board.

19 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

20 (a) The temporary board of directors shall call and hold an
21 election to confirm establishment of the district and to elect five
22 initial directors.

23 (b) A person who desires to be a candidate for the office of
24 initial director may file an application with the temporary board
25 to have the candidate's name printed on the ballot as provided by
26 Section 51.075, Water Code.

1 (c) At the confirmation and initial directors' election, the
2 temporary board of directors shall have the names of the five
3 persons serving as temporary directors placed on the ballot
4 together with the name of any candidate filing for the office of
5 director as provided by Subsection (b) of this section and blank
6 spaces to write in the names of other persons. If the district is
7 created at the election, the temporary directors, at the time the
8 vote is canvassed, shall declare the five persons who receive the
9 most votes to be elected as the initial directors and shall include
10 the results of the directors' election in its election report to
11 the Texas Water Commission.

12 (d) Subsection (a), Section 41.001, Election Code, does not
13 apply to a confirmation and initial directors' election held as
14 provided by this section.

15 (e) Except as provided by this section, a confirmation and
16 initial directors' election must be conducted as provided by
17 Subsections (b) through (g), Section 52.058, Water Code, and the
18 Election Code.

19 SECTION 10. ELECTION OF DIRECTORS. (a) On the first
20 Saturday in May of the second year after the year in which the
21 district is authorized to be created at a confirmation election, an
22 election shall be held in the district for the election of two
23 directors who shall each serve two-year terms and three directors
24 who shall each serve four-year terms. Thereafter, on the same date
25 in each subsequent second year, the appropriate number of directors
26 shall be elected to the board.

1 (b) To be qualified to be elected and serve as a director, a
2 person must be a resident of the district, at least 18 years of
3 age, and not disqualified under Section 50.026, Water Code.

4 SECTION 11. ADDITIONAL AUTHORITY. (a) A property tax
5 authorized for the district under Chapter 52, Water Code, may not
6 exceed five cents on each \$100 of assessed valuation.

7 (b) At a regular meeting of the board of directors, if the
8 board determines that the tax levied and collected under Subsection
9 (a) of this section is no longer sufficient for the purposes stated
10 in that subsection, the board may call and hold an election to
11 approve an increase in property taxes not to exceed an additional
12 five cents on each \$100 of assessed valuation in excess of the
13 limitation provided by Subsection (a) of this section. If a
14 majority of the qualified voters approve an increase in the amount
15 of taxes in excess of the limitation provided by Subsection (a) of
16 this section, the district may levy and collect additional taxes in
17 the amount as limited in this subsection approved by the voters at
18 the election called and held for that purpose.

19 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

20 (a) The proper and legal notice of the intention to introduce this
21 Act, setting forth the general substance of this Act, has been
22 published as provided by law, and the notice and a copy of this Act
23 have been furnished to all persons, agencies, officials, or
24 entities to which they are required to be furnished by the
25 constitution and other laws of this state, including the governor,
26 who has submitted the notice and Act to the Texas Water Commission.

1 (b) The Texas Water Commission has filed its recommendations
2 relating to this Act with the governor, lieutenant governor, and
3 speaker of the house of representatives within the required time.

4 (c) All requirements of the constitution and laws of this
5 state and the rules and procedures of the legislature with respect
6 to the notice, introduction, and passage of this Act are fulfilled
7 and accomplished.

8 SECTION 13. EMERGENCY. The importance of this legislation
9 and the crowded condition of the calendars in both houses create an
10 emergency and an imperative public necessity that the
11 constitutional rule requiring bills to be read on three several
12 days in each house be suspended, and this rule is hereby suspended,
13 and that this Act take effect and be in force from and after its
14 passage, and it is so enacted.

LEGISLATIVE BUDGET BOARD

Austin, Texas

APR 12 1989

FISCAL NOTE

April 11, 1989

TO: Honorable H. Tati Santiesteban, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 1635
By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1635 (relating to the creation, administration, powers, duties, operation, and financing of the Crockett County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

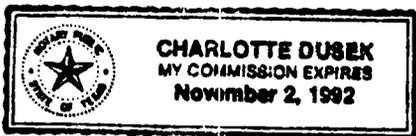
Source: LBB Staff: JO, JWH, PA

STATE OF TEXAS
COUNTY OF CROCKETT

Before me, the undersigned authority, on this day personally appeared MRS. JOHN S. MOORE, the editor of THE CZONA STOCKMAN, a newspaper having general circulation in Crockett County, Texas, who being by me duly sworn, deposes and says that the foregoing attached notice was published in said newspaper on the following date(s), to wit:

Mrs. John S. Moore

Subscribed and sworn to before me this the 9th day of February, 1989, to certify which witness my hand and seal of office.



Charlotte Dusek
Notary Public in and for
Crockett County, Texas

LEGAL NOTICE

Notice of Intent to Introduce Legislation

Pursuant to Article XVI, Section 59[d] of the Constitution of the State of Texas, notice is hereby given of the intention to introduce legislation for the creation of the Crockett County Underground Water Conservation District. Such legislation provides that the Crockett County Underground Water Conservation District is created pursuant to Article XVI, Section 59, of the Texas Constitution and shall have the general powers and duties governed by and subject to Chapters 51 and 52 of the Water Code. The proposed district shall have the power to tax and levy bonds; provided, however, that the proposed legislation provides for an initial five cent per \$100 valuation tax ceiling subject to maximum increase ceiling of an additional five cent per \$100 valuation tax ceiling as approved by a majority of the voters within the district. The district shall contain all of Crockett County, Texas save and except those territories lying within the Crockett County Water Control & Improvement District #1 and its extra-territorial jurisdiction which is provided in the proposed bill by metes and bounds description. The proposed legislation provides for a five member Board of Directors and appoints five temporary members until such time as the creation election is held. These members are to be elected four by precinct and one by at-large election with staggered four year terms established by the bill. The proposed legislation provides for the qualifications for board members and for a creation election to be held upon passage by the Legislature and approval by the Governor of the State of Texas.

HOUSE COMMITTEE REPORT

89 MAY 16 AM 1:53

HOUSE OF REPRESENTATIVES

1st Printing

By Sims
(Hilderbran)
Substitute the following for S.B. No. 1635:

S.B. No. 1635

By Junell

C.S.S.B. No. 1635

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Emerald Underground Water
4 Conservation District.

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

6 SECTION 1. CREATION. (a) An underground water conservation
7 district, to be known as Emerald Underground Water Conservation
8 District, is created in Crockett County, subject to approval at a
9 confirmation election under Section 9 of this Act. The district is
10 a governmental agency and a body politic and corporate.

11 (b) The district is created under and is essential to
12 accomplish the purposes of Article XVI, Section 59, of the Texas
13 Constitution.

14 SECTION 2. DEFINITION. In this Act, "district" means
15 Emerald Underground Water Conservation District.

16 SECTION 3. BOUNDARIES. The district is composed of all of
17 the territory contained in Crockett County SAVE AND EXCEPT the
18 following described tract of land situated in Crockett County,
19 Texas, and being described by metes and bounds as follows, to wit:
20 Beginning at the northeasterly corner of Section 23, Block OP, G.C.
21 & S. F. RR. CO. Survey, Crockett County, Texas;
22 Thence S 0°14'10" W, 2,653' along the easterly boundary line of
23 said Section 23 to a point for corner;
24 Thence S 89°45' 50" E, 680' to a point for corner;

1 Thence S $00^{\circ}14' 10''$ W, 727' to a point for corner;
2 Thence S $89^{\circ}45' 50''$ E, 150' to a point for corner;
3 Thence S $00^{\circ}14' 10''$ W, 388' to a point of intersection with the
4 northerly right of way line of U. S. Highway No. 290, said point
5 being on a curve to the left in said right of way line from which
6 point the radius of said curve bears N $01^{\circ} 27'30''$ W, 5,679.65',
7 (central angle = $7^{\circ}31'30''$);
8 Thence around the arc of the curve a distance of 745.94', (L.C. = N
9 $84^{\circ} 46'45''$ E, 745.41') to the end of the curve;
10 Thence N $81^{\circ} 01'$ E, 1,008.8' to a point for the beginning of a
11 curve to the left in said right of way line, from which point the
12 radius of said curve bears N $08^{\circ} 59'$ W, 5,679.65' (central angle =
13 $8^{\circ} 58'$);
14 Thence around the arc of said curve a distance of 888.85', (L.C.
15 =N $76^{\circ}32'$ E, 887.95'), to the end of the curve;
16 Thence N $72^{\circ} 03'$ E, 112.7' to an angle point;
17 Thence N $17^{\circ} 57'$ W, 100.0' to an angle point;
18 Thence N $72^{\circ} 03'$ E, 1,350.0' to an angle point;
19 Thence S $17^{\circ} 57'$ E, 100.0' to an angle point;
20 Thence N $72^{\circ} 03'$ E, pass the easterly boundary line of Section 2,
21 Block OP, 1,054.9' to a point for the beginning of a curve to the
22 right in said right of way line from which point the radius of said
23 curve bears S $17^{\circ} 57'$ E, 2,914.93' (central angle = $32^{\circ} 34'$);
24 Thence around the arc of said curve a distance of 1,656.83', (L.C.
25 = N $88^{\circ} 20'$ E, 1,634.62'), to the end of said curve;
26 Thence S $75^{\circ} 23'$ E, 1,917.8' to an angle point;
27 Thence N $14^{\circ} 37'$ E, 20.0' to an angle point;

1 Thence S 75° 23' E, 1,100.0' to an angle point;
2 Thence S 14° 37' W, 20.0' to an angle point;
3 Thence S 75° 23' E, 2,000.0' to an angle point;
4 Thence N 14° 37' E, 30.0' to an angle point;
5 Thence S 75° 23' E, 700.0' to an angle point;
6 Thence N 14° 37' E, 20.0' to an angle point;
7 Thence S 75° 23' E, 2,000.0' to an angle point;
8 Thence S 14° 37' W, 50.0' to an angle point;
9 Thence S 75° 23' E, 4,500.0' to an angle point;
10 Thence N 14° 37' E, 100.0' to an angle point;
11 Thence S 75° 23' E, 500.0' to an angle point;
12 Thence S 14° 37' W, 100.0' to an angle point;
13 Thence S 75° 23' E, 1,929.0' to a point of intersection with the
14 easterly boundary line of Survey 72 and in the westerly boundary
15 line of Survey 69, being a point in the east line of the T.A.
16 Kincaid lands and in the west line of the C. E. Davidson lands, and
17 from which point the northeasterly corner of said Survey 72 bears
18 northerly 950';
19 Thence with said property line and the westerly line of said
20 Survey 69, N 00°27'22" E, 309.92' to a point for corner;
21 Thence across said C. E. Davidson lands and Survey 69, S 75° 00'
22 38" E,, 859.6' and S 74° 17'38"E, 1,780.0', 300' northerly from and
23 parallel to the northerly right of way of said Highway No. 290
24 (also I H 10), to a point for corner;
25 Thence N 11° 52' E, 1,520.0' to a point for corner;
26 Thence S 74° 17' 38" E, 1,460.0' to a point for corner;
27 Thence S 11° 52' W, 1,520.0' to a point for corner said point being

1 300.0' northerly from the northerly right of way line of Highway
2 290 and I H 10;
3 Thence S 74° 17' 38" E, 7,107.9', 300.0' northerly of and parallel
4 with said northerly highway right of way, crossing the easterly
5 line of Survey 69 and the westerly line of Survey 52, continuing to
6 a point in the westerly line of that tract of land conveyed from C.
7 E. Davidson to Tommy Mitchell, being a point in the westerly
8 boundary line of Survey 50;
9 Thence with the westerly boundary line of said Survey 50, N 00° 27'
10 22" E, 1,322.2' to a point in the westerly boundary line of Survey
11 49, near the northwesterly corner of said Mitchell lands:
12 Thence EAST along the northerly boundary line of said Mitchell
13 lands and crossing Taylor Box Road 850.35' to a point near the
14 easterly right of way line of Taylor Box Road;
15 Thence S 31° 03' 32" W, along the easterly right of way of said
16 Taylor Box Road 937.19' to a point, at the northwesterly corner of
17 a 8.12 acre tract;
18 Thence with the northerly line of said 8.12 acre tract of land, S
19 74° 17' 38" E, 709.4' to a point for corner;
20 Thence with the easterly line of said 8.12 acres, S 15° 42' 22" E,
21 at 702.1' pass the southeasterly corner of said 8.12 acres,
22 continuing 1,835.44' in all across access road, Highway 290 and I H
23 10 to a point 300.0' southerly from the south right of way line of
24 said I H 10 for corner;
25 Thence in a westerly direction, 300.0' southerly from and parallel
26 with said southerly right of way line of said I H 10, crossing
27 Surveys 50, 52, and 69, as follows:

1 S 87° 16' 16" W, 52.7'; S 77° 24' 19" W, 738.24'; N 74° 17' 38" W, ,
 2 200.0'; N 60° 15' 28" W, 309.23'; N 45° 51' 03" W, 682.37'; N 57°
 3 35' 41" W, 522.02'; N 74° 17' 38" W, 550.0'; N 68° 35' W, 502.49';
 4 N 74° 17' 38" W, 7917.5'; N 75° 00' 38" W, 600.36' to a point
 5 located 300.0' southerly from the said right of way of I H 10,
 6 being located at a point in the westerly boundary line of said
 7 Survey 69 in the westerly line of the C. E. Davidson lands and the
 8 easterly line of said T. A. Kincaid lands;
 9 Thence with said property lines and the west line of said Survey 69
 10 N 00° 27' 22" E, 619.83' to a point in the westerly line of said
 11 Survey 69, the easterly line of Survey 72 and at a point in the
 12 original southerly right of way of U. S. Highway 290;
 13 Thence in a westerly direction with the original southerly right of
 14 way of said highway 290 crossing Surveys 72, 73, 89, 94, and 3 all in
 15 Block OP, G. C. and S.F. RR.CO., as follows:
 16 N 75° 23' W, 1,855.0' to an angle point, S 14° 37' W, 100.0' to an
 17 angle point; N 75° 23' W, 600.0' to an angle point; N 14° 37' E,
 18 100.0' to an angle point; N 75° 23' W, 4,500.0' to an angle point;
 19 S 14° 37' W, 15.0' to an angle point; N 75° 23' W, 300.0' to an
 20 angle point; N 14° 37' E, 15.0' to an angle point; N 75° 23' W,
 21 700.0' to an angle point; S 14° 37' W, 15.0'; N 75° 23' W, 1,000.0'
 22 to an angle point; N 14° 37' E, 15.0'; N 75° 23' W, 620.0' to an
 23 angle point; S 14° 37' W, 30.0' to an angle point; N 75° 23' W,
 24 80.0' to an angle point; N 14° 37' E, 30.0' to an angle point; N 75°
 25 23' W, 2,000.0' to an angle point; S 14° 37' W, 20.0' to an angle
 26 point; N 75° 23' W, 1,100.0' to an angle point; N 14° 37' E, 20.0'
 27 to an angle point; N 75° 23' W, 1,917.8' to a point for the

1 beginning of a curve to the left in said Right of way line from
2 which point the radius of said curve bears S $14^{\circ} 37'$ W, 2,814.93'
3 (central angle = $32^{\circ} 34'$);
4 Thence around the arc of the curve 1,600.0', (L.C. = S $88^{\circ} 20'$ W,
5 1,578.54') to the end of the curve;
6 Thence S $72^{\circ} 03'$ W, 2,517.6' to a point for the beginning of a
7 curve to the right in said right of way line from which point the
8 radius of said curve bears N $17^{\circ} 57'$ W, 5,779.65' (central angle =
9 $8^{\circ} 58'$);
10 Thence around the arc of said curve 904.50', (L.C. = S $76^{\circ} 32'$ W,
11 903.58') to the end of the curve:
12 Thence S $81^{\circ} 01'$ W, 1,008.8' to a point for the beginning of a
13 curve to the right in said right of way line from which point the
14 radius of said curve bears N $8^{\circ} 59'$ W, 5,779.65' (central angle =
15 $7^{\circ} 33' 04''$);
16 Thence around the arc of said curve 761.71', (L.C.= S $84^{\circ} 47' 32''$
17 W, 761.16') to a point for corner;
18 Thence S $00^{\circ} 14' 10''$ W, 4,064.1' to a point in the common boundary
19 line between Surveys 1 and 2, Block OP;
20 Thence N $89^{\circ} 49'$ W, 840.0' with the northerly boundary line of
21 Section 1, Block OP, to a point in the easterly boundary line of
22 Survey 1, Block OP, G. C. & S. F. RR. CO., the same being the
23 southwesterly corner of Survey 2, Block OP:
24 Thence S $00^{\circ} 14' 10''$ W, 2,649.0' to a point in the northerly line
25 of Section 17, Block MN, G. C. & S. F. RR. CO.;
26 Thence N $89^{\circ} 51' 50''$ W, 3,374.0' with the southerly line of Surveys
27 1 and 24, Block OP, to a point for corner, 500' easterly from the

1 easterly right of way line of State Highway No. 163;
2 Thence 500' easterly from and parallel to the easterly right of way
3 line of said Highway 163: S 01° 12' E, 3,761.18'; S 03° 11' E,
4 357.83' and S 05° 10' E, 5,581.0' to a point for corner;
5 Thence S 89° 44' W, at 562.05' pass the centerline of said Highway
6 163 at Highway Station 172+01, continuing S 89° 44' W, with the
7 common boundary line between the Sarah Seay property and the
8 Arlington Helbing property, 5,321.29' in all to a point for corner;
9 Thence NORTH 12,364.93' to a point of intersection with the
10 southerly boundary line of Survey 25, Block OP:
11 Thence S 89° 52' 20" E, 441.6' with the southerly boundary line of
12 Survey 25, Block OP to a point for corner;
13 Thence N 1,560.0' crossing IH 10 to a point for corner;
14 Thence N 26° 50' W, 875.0' to a point for corner;
15 Thence N 15° 30' W, 450.0' to a point for corner;
16 Thence N 7° 30' W, 550.0' to a point for corner;
17 Thence N 25° 30' E, 580.0' to a point for corner;
18 Thence N 12° 30' E, 1,427.0' to a point in the common boundary line
19 between Surveys 25 and 26, Block OP;
20 Thence N. 3,575.0' to the most westerly northwest corner of the
21 water control district;
22 Thence N 89° 58' 43" E, 6,452.32' to a point for corner;
23 Thence N 31° 37' 20" E, 1,304.0' to a point for corner;
24 Thence S 58° 22' 40" E, 699.0' to a point in the westerly boundary
25 line of Survey 3, Block OP;
26 Thence N. with the westerly boundary line of Surveys 3 and 4, Block
27 OP, 6,288.67' to the northwesterly corner of Survey 4;

1 Thence E. 5,280.0' with the northerly boundary line of said Survey
2 4 to its northeast corner;
3 Thence S. 5,280.0' with the easterly boundary line of said Survey 4
4 to its southeast corner;
5 Thence W. 4,480.0' with the southerly boundary line of said Survey
6 4 to a point for corner;
7 Thence S. 1,326.67' to a point for corner;
8 Thence S 89° 45' E, 1,162.0' to a point for corner;
9 Thence S 0° 15' W, 695.1' to a point for corner;
10 Thence N 89° 45' W, 1,117.0' to a point for corner;
11 Thence S 0° 15' W, 631.0' to a point for corner;
12 Thence N 89°45' W, 836.0'to the place of beginning
13 and containing 4,477.587 acres of land and being those lands
14 contained in the Crockett County Water Control and Improvement
15 District No. 1 of Crockett County, Texas.

16 SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature
17 finds that the boundaries and field notes of the district form a
18 closure. A mistake in the field notes or in copying the field
19 notes in the legislative process does not affect the organization,
20 existence, or validity of the district, the right of the district
21 to levy and collect taxes, or the legality or operation of the
22 district or its governing body.

23 SECTION 5. FINDING OF BENEFIT. All of the land and other
24 property included within the boundaries of the district will be
25 benefited by the works and projects that are to be accomplished by
26 the district under powers conferred by Article XVI, Section 59, of
27 the Texas Constitution. The district is created to serve a public

1 use and benefit.

2 SECTION 6. POWERS. (a) The district has all of the rights,
3 powers, privileges, authority, functions, and duties provided by
4 the general law of this state, including Chapters 50 and 52, Water
5 Code, applicable to underground water conservation districts
6 created under Article XVI, Section 59, of the Texas Constitution.
7 This Act prevails over any provision of general law that is in
8 conflict or inconsistent with this Act.

9 (b) The rights, powers, privileges, authority, functions,
10 and duties of the district are subject to the continuing right of
11 supervision of the state to be exercised by and through the Texas
12 Water Commission.

13 SECTION 7. BOARD OF DIRECTORS. (a) The district is
14 governed by a board of five directors.

15 (b) Temporary directors serve until initial permanent
16 directors are elected under Section 9.

17 (c) Initial permanent directors serve until permanent
18 directors are elected under Section 10.

19 (d) Permanent directors other than initial permanent
20 directors serve staggered four-year terms.

21 (e) Each director must qualify to serve as director in the
22 manner provided by Sections 51.078 and 51.079, Water Code.

23 (f) A director serves until the director's successor has
24 qualified.

25 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
26 directors is composed of:

27 (1) Wade Richardson

- 1 (2) Larry Williams
- 2 (3) George Bunger
- 3 (4) Reid Homsley
- 4 (5) Johnny Jones

5 (b) If a temporary director fails to qualify for office, the
6 temporary directors who have qualified shall appoint a person to
7 fill the vacancy. If at any time there are fewer than three
8 qualified temporary directors, the Texas Water Commission shall
9 appoint the necessary number of persons to fill all vacancies on
10 the board.

11 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

12 (a) The temporary board of directors shall call and hold an
13 election to confirm establishment of the district and to elect five
14 initial directors.

15 (b) A person who desires to be a candidate for the office of
16 initial director may file an application with the temporary board
17 to have the candidate's name printed on the ballot as provided by
18 Section 51.075, Water Code.

19 (c) At the confirmation and initial directors' election, the
20 temporary board of directors shall have the names of the five
21 persons serving as temporary directors placed on the ballot
22 together with the name of any candidate filing for the office of
23 director as provided by Subsection (b) of this section and blank
24 spaces to write in the names of other persons. If the district is
25 created at the election, the temporary directors, at the time the
26 vote is canvassed, shall declare the five persons who receive the
27 most votes to be elected as the initial directors and shall include

1 the results of the directors' election in its election report to
2 the Texas Water Commission.

3 (d) Section 41.001(a), Election Code, does not apply to a
4 confirmation and initial directors' election held as provided by
5 this section.

6 (e) Except as provided by this section, a confirmation and
7 initial directors' election must be conducted as provided by
8 Sections 52.058(b)-(g), Water Code, and the Election Code.

9 SECTION 10. ELECTION OF DIRECTORS. (a) On the first
10 Saturday in May of the second year after the year in which the
11 district is authorized to be created at a confirmation election, an
12 election shall be held in the district for the election of two
13 directors who shall each serve two-year terms and three directors
14 who shall each serve four-year terms. Thereafter, on the same date
15 in each subsequent second year, the appropriate number of directors
16 shall be elected to the board.

17 (b) To be qualified to be elected and serve as a director, a
18 person must be a resident of the district, at least 18 years of
19 age, and not disqualified under Section 50.026, Water Code.

20 SECTION 11. ADDITIONAL AUTHORITY. (a) A property tax
21 authorized for the district under Chapter 52, Water Code, may not
22 exceed five cents on each \$100 of assessed valuation.

23 (b) At a regular meeting of the board of directors, if the
24 board determines that the tax levied and collected under Subsection
25 (a) of this section is no longer sufficient for the purposes stated
26 in that subsection, the board may call and hold an election to
27 approve an increase in property taxes not to exceed an additional

1 five cents on each \$100 of assessed valuation in excess of the
2 limitation provided by Subsection (a) of this section. If a
3 majority of the qualified voters approve an increase in the amount
4 of taxes in excess of the limitation provided by Subsection (a) of
5 this section, the district may levy and collect additional taxes in
6 the amount as limited in this subsection approved by the voters at
7 the election called and held for that purpose.

8 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

9 (a) The proper and legal notice of the intention to introduce this
10 Act, setting forth the general substance of this Act, has been
11 published as provided by law, and the notice and a copy of this Act
12 have been furnished to all persons, agencies, officials, or
13 entities to which they are required to be furnished by the
14 constitution and other laws of this state, including the governor,
15 who has submitted the notice and Act to the Texas Water Commission.

16 (b) The Texas Water Commission has filed its recommendations
17 relating to this Act with the governor, lieutenant governor, and
18 speaker of the house of representatives within the required time.

19 (c) All requirements of the constitution and laws of this
20 state and the rules and procedures of the legislature with respect
21 to the notice, introduction, and passage of this Act are fulfilled
22 and accomplished.

23 SECTION 13. EMERGENCY. The importance of this legislation
24 and the crowded condition of the calendars in both houses create an
25 emergency and an imperative public necessity that the
26 constitutional rule requiring bills to be read on three several
27 days in each house be suspended, and this rule is hereby suspended,

C.S.S.B. No. 1635

1 and that this Act take effect and be in force from and after its
2 passage, and it is so enacted.

COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

May 10, 1989

(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES,

to whom was referred SB 1635 have had the same under consideration and beg to report
(measure)
back with the recommendation that it

- do pass, without amendment.
- do pass, with amendment(s).
- do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. yes no An actuarial analysis was requested. yes no

An author's fiscal statement was requested. yes no

A criminal justice policy impact statement was prepared. yes no

A water development policy impact statement was requested. yes no

The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the Local, Consent, or Resolutions Calendar.

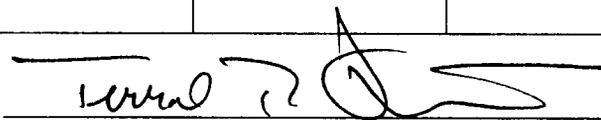
This measure proposes new law. amends existing law.

House Sponsor of Senate Measure Hilderbran

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Smith, T., Ch.	X			
Willy, V.C.	X			
Collazo, C.B.O.				X
Culberson	X			
Holzheuser	X			
Junell	X			
Swift				X
Wentworth	X			
Yost	X			

Total
7 aye
0 nay
0 present, not voting
2 absent



 CHAIRMAN


 COMMITTEE COORDINATOR

BILL ANALYSIS

Background

It is believed that creation of the Emerald Underground Water Conservation district would be beneficial to the residents of the area.

Purpose of the Bill

This bill creates the Emerald UWCD.

Section by Section Analysis

Section 1. Creates the district.

Section 2. Definition.

Section 3. Establishes the boundaries of the district.

Section 4. Legislative findings regarding the district boundaries.

Section 5. Legislative finding of benefit.

Section 6. Provides for the powers of the district under Chapters 50 and 52, Water Code, as applicable to districts created under Article XVI, Section 59, of the Texas Constitution.

Section 7. Provides for a five member board, serving staggered four year terms.

Section 8. Provides for the temporary board of directors.

Section 9. Require the temporary board to hold a district confirmation and directors' election under Election Code procedures, excepting Section 41.001(a), Election Code.

Section 10. provides for the time and frequency of directors' elections.

Section 11. Provides for additional authority of the district, including taxes of up to 5 cents per \$100 value; provides for the boards' authority to increase taxes an additional 5 cents, and for voters to approve further increases.

Section 12. Legislative finding of compliance with notice requirements.

Section 13. Emergency clause.

Rulemaking Authority

2

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

Comparison of Substitute to Original

The committee substitute changes the name of the proposed district.

Summary of Committee Action

On April 26, 1989 the posting rules were suspended in order to consider HB 3152, the House companion to SB 1635, in public hearing. HB 3152 was not considered at that time. On April 27, 1989 HB 3152 was considered in formal meeting. HB 3152 was left pending in committee.

On May 10, 1989 HB 3152 was laid out before the committee in public hearing. The Senate companion, SB 1635 was also laid out at that time. Representative Junell offered a complete substitute to the Senate bill. The substitute was adopted without objection. The motion to report SB 1635 to the full House favorably, as substituted, for placement on the local calendar carried with a vote of 7 ayes, 0 nays, 0 PNV, and 2 absent.

LEGISLATIVE BUDGET BOARD

Austin, Texas

APR 14 1989

FISCAL NOTE

April 11, 1989

TO: Honorable H. Tati Santiesteban, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 1635
By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1635 (relating to the creation, administration, powers, duties, operation, and financing of the Crockett County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, PA



The Texas House of Representatives

HARVEY HILDERBRAN
State Representative
District 67

Committees:
Public Health
Retirement & Aging

May 10, 1989

P.O. Box 2910
Austin, Texas 78768-2910
512-463-0536

420 Water Street
Suite 105
Kerrville, Texas 78028
512-257-2333

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

RE: Author's Fiscal Statement, Senate Bill 1635 (relating to the creation, administration, powers, duties, operation, and financing of the Crockett County Underground Water Conservation District.)

Sir,

In response to your request for an Author's Fiscal Statement on Senate Bill 1635, I have determined the following:

1. COST TO STATE GOVERNMENT: absolutely no fiscal implication is anticipated.
2. COST TO CROCKETT COUNTY GOVERNMENT: As provided in the bill, the district would be funded through tax revenues, bonds, and permit fees.
3. FISCAL YEAR PROJECTIONS
1989....\$12,000 for attorney's fees
1990....no cost is anticipated.
1991....no cost is anticipated.
1992....no cost is anticipated.
1993....no cost is anticipated.

Please let me know if I can be of any further assistance to you.

Sincerely,

Harvey Hilderbran

Concho, Crockett, Edwards, Gillespie, Irion, Kerr, Kimble, Mason,
Menard, Real, Schleicher, Sutton and Uvalde Counties

5

TEXAS WATER COMMISSION

B. J. Wynne, III, Chairman
Paul Hopkins, Commissioner
John O. Houchins, Commissioner



Allen Beinke, Executive Director
Michael E. Field, General Counsel
Brenda W. Foster, Chief Clerk

April 19, 1989

The Honorable William P. Clements, Jr.
Governor of Texas

The Honorable William P. Hobby
Lieutenant Governor and President of the Senate

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59(d), Texas Constitution.

Bill No. (S.B. 1635) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Crockett County Underground Water Conservation District

Dear Governor Clements:

The following attachment is submitted in response to the above-referenced constitutional requirements. Items 1) and 4) were provided by the Texas Water Development Board and comments on the remaining items were provided by the Texas Water Commission.

Sincerely,

A handwritten signature in cursive script that reads "Allen Beinke".

Allen P. Beinke
Executive Director

cc w/enclosure: Ms. Betty Murray, Chief Clerk, House of Representatives
Ms. Betty King, Secretary of the Senate
Representative Terral Smith, Chairman,
House Natural Resources Committee
Speaker of the House Gib Lewis, House of Representatives
Senator H. Tati Santiesteban, Chairman,
Senate Natural Resources Committee
Senator Bill Sims, State Senate

200 17-02

TEXAS WATER COMMISSION

B. J. Wynne, III, Chairman
Paul Hopkins, Commissioner
John O. Houchins, Commissioner



Allen Beinke, Executive Director
Michael E. Field, General Counsel
Brenda W. Foster, Chief Clerk

April 19, 1989

The Honorable Gib Lewis
Speaker of the House of Representatives
P.O. Box 2910
Austin, Texas 78769

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59(d), Texas Constitution; and Responsibility of the Texas Water Commission and the Texas Water Development Board to submit a water development policy impact statement pursuant to HOUSE RULE 4 Sec. 36.

Bill No. (S.B. 1635) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Crockett County Underground Water Conservation District

Dear Speaker Lewis:

The following attachment is submitted in response to the above-referenced constitutional and house rule requirements. Comments on items 1) and 4) were provided by the Texas Water Development Board and comments on the remaining items were provided by the Texas Water Commission.

Sincerely,


Allen Beinke
Executive Director

cc w/enclosure: Ms. Betty Murray, Chief Clerk, House of Representatives
Ms. Betty King, Secretary of the Senate
Representative Terral Smith, Chairman,
House Natural Resources Committee
Senator Bill Sims, State Senate

TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD
COMMENTS RELATING TO THE CROCKETT COUNTY
UNDERGROUND WATER CONSERVATION DISTRICT

Water Development Policy Impact Statements for Senate Bill 1635 (S.B. 1635) relating to the creation, administration, powers, duties, operation, and financing of the Crockett County Underground Water Conservation District follow.

Wells located within the limits of this proposed district, which encompasses all of Crockett County save and except 4,477.587 acres being those lands contained in the Crockett County Water Control and Improvement District No. 1 which is located in the city of Ozona and the immediate area adjacent to the city, primarily utilize the Edwards-Trinity (Plateau) aquifer which includes the Edwards and associated limestones and the Trinity Antlers Formation. Additionally, ground water is locally present in overlying alluvial gravels. Ground waters of more highly mineralized content are also found in the underlying Santa Rosa aquifer which is in hydrologic continuity with the overlying Antlers Formation. Available data do not indicate that there is hydrogeologic justification for the proposed district boundaries.

S.B. 1635 provides that the proposed district would have all the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. Except as otherwise provided by Subchapter B, Section 52.022 and this bill, the provisions found in Chapter 51, Subchapter B, Texas Water Code, for creating water control and improvement districts also apply to the creation of underground water conservation districts to the extent that those provisions may be made applicable. Specific impact statements related to required headings follow.

- 1) **Population projections** - The proposed District's boundaries are coterminous with the boundaries of Crockett County, except a portion of the County as described in SB 1635. The Board's current projected population for Crockett County indicates an anticipated increase in population ranging from 1,484 to 1,969 over the next 20 years.
- 2) **District finances** - The district may issue and sell bonds, and levy ad valorem taxes to pay for all or part of the bonds and for the district's maintenance. The tax rate is unlimited for the payment of bonds issued by the district. The tax rate shall not exceed five cents on each \$100 of assessed valuation for maintenance taxes. If the board determines that the tax levied and collected is no longer sufficient for these purposes, it may call and hold an election to approve an increase in property taxes not to exceed an additional five cents per 100 assessed valuation. The board shall also include in any bond and tax proposition the maximum amount of bonds to be issued and their maximum maturity date.
- 3) **Board of directors & powers** - This proposed district is to be governed by a board of five directors, all of which must be at least 18 years of age or older and not be disqualified under Section 50.026, Texas Water Code. The bill provides for and describes three sets of board of directors. These are a temporary board, an initial permanent board, and the final permanent board. Each director must qualify in the manner provided by Sections 51.078 and 51.079, Texas Water Code. A director serves until a successor has qualified. The temporary directors are listed in the act. If a temporary director fails to qualify for office, the qualified temporary directors shall appoint a person to fill the vacancy. In the event there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill the vacancies. The temporary board shall call and hold a confirmation election and to elect five initial directors. Any person who desires to be a candidate for office of initial director may file an application with the temporary board to have their name placed on the ballot as provided by Section 51.075, Texas Water Code. At the

election, the names of the five persons serving as temporary directors shall be placed on the ballot together with the name of any candidate for the office of director as well as blank spaces to write in the names of other persons. If the district is created at this election, the temporary directors at the time the vote is canvassed, shall declare the five persons who receive the most votes to be elected as the initial directors and shall include the results of the election in a report to the Texas Water Commission. Section 41.001(a), Election Code, does not apply to the confirmation election; however, it must be conducted as provided by Sections 52.058(b) - (g), Texas Water Code, and the Election Code. On the first Saturday of May of the second year after the year in which the district is authorized to be created at a confirmation election, an election shall be held for the election of the permanent directors. Two of these directors shall each serve two-year terms and three directors shall each serve four year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board. Thus, the permanent directors serve staggered four-year terms.

Since the bill proposes the creation of an underground water conservation district, it will have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Texas Water Code, applicable to those districts created under Article XVI, Section 59 of the Texas Constitution. These will primarily include the making and enforcement of rules for conserving, preserving, protecting, recharging, controlling subsidence, and preventing the waste of water of an underground water reservoir. This act prevails over any provision of general law that is in conflict or inconsistent with it.

- 4) **Effect on Texas Water Development Board's water plan** - The Board finds the creation of the District agrees with the State Water Plan objective of promoting more efficient use of groundwater resources through local groundwater management.

- 5) **Texas Water Commission's supervision** - This proposed district will be under the "continuing right of supervision of the State of Texas" by the Commission as set out by Section 12.081 of the Texas Water Code. It is also subject to applicable general reporting provision requirements for all districts as set out in Subchapter A, Section 50.001 through 50.106, Texas Water Code, as well as the general reporting requirements mandated by the Texas Water Commission.

Annually, the district shall make available to the Commission information that it acquires concerning underground water resources within its jurisdiction. The district shall also provide information to the Commission concerning its plans and activities in conserving and protecting underground water resources (Section 52.173).

Issuance of bonds and notes authorized for certain items must be approved by the Commission in the manner provided for bonds of municipal utility districts under Section 54.516 of Chapter 54, Texas Water Code. These include those authorized to: 1) erect or construct dams or to drain lakes, draws, depressions, and creeks; and 2) install pumps and other equipment.

- 6) **Eminent domain power** - This district may exercise this power to acquire any land or other property necessary to carry out this act.
- 7) **Exclusion of land from district** - This bill contains specific provisions for the exclusion of land from the district. The district covers all of Crockett County save and except 4,477.587 acres which are included in the lands contained in the Crockett County Water Control and Improvement District No. 1. This district covers all of the city of Ozona as well as lands in the immediate vicinity of the city.

- 8) **Adequacy of the boundary description** - The district includes all of the area located within Crockett County except that portion of the county which falls within the Crockett County Water Control and Improvement District No. 1. The detailed description of this district which has been included in the bill, appears to be adequate.
- 9) **Comment on powers and duties different from similar types of districts** - This bill proposes the creation of an underground water conservation district, and as such it will be given all of the powers that are normally associated with Chapters 50 and 52, Texas Water Code, related to these districts; therefore, it does not differ from similar types of districts.

ADOPTED

MAY 22 1989

Boyd Messing
Chief Clerk
House of Representatives

By Sims

S.B. No. 1635

Substitute the following for S.B. No. 1635

By *[Signature]*

C.S.S.B. No. 1635

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Emerald Underground Water
4 Conservation District.

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

6 SECTION 1. CREATION. (a) An underground water conservation
7 district, to be known as Emerald Underground Water
8 Conservation District, is created in Crockett County, subject to
9 approval at a confirmation election under Section 9 of this Act.
10 The district is a governmental agency and a body politic and
11 corporate.

12 (b) The district is created under and is essential to
13 accomplish the purposes of Article XVI, Section 59, of the Texas
14 Constitution.

15 SECTION 2. DEFINITION. In this Act, "district" means
16 Emerald Underground Water Conservation District.

17 SECTION 3. BOUNDARIES. The district is composed of all of
18 the territory contained in Crockett County SAVE AND EXCEPT the
19 following described tract of land situated in Crockett County,
20 Texas, and being described by metes and bounds as follows, to wit:
21 Beginning at the northeasterly corner of Section 23, Block OP, G.C.
22 & S. F. RR. CO. Survey, Crockett County, Texas;
23 Thence S 0°14'10" W, 2,653' along the easterly boundary line of
24 said Section 23 to a point for corner;

1 Thence S 89°45' 50" E, 680' to a point for corner;
2 Thence S 00°14' 10" W, 727' to a point for corner;
3 Thence S 89°45' 50" E, 150' to a point for corner;
4 Thence S 00°14' 10" W, 388' to a point of intersection with the
5 northerly right of way line of U. S. Highway No. 290, said point
6 being on a curve to the left in said right of way line from which
7 point the radius of said curve bears N 01° 27'30" W, 5,679.65',
8 (central angle = 7°31'30");
9 Thence around the arc of the curve a distance of 745.94', (L.C. = N
10 84° 46'45" E, 745.41') to the end of the curve;
11 Thence N 81° 01' E, 1,008.8' to a point for the beginning of a
12 curve to the left in said right of way line, from which point the
13 radius of said curve bears N 08° 59' W, 5,679.65' (central angle =
14 8° 58');
15 Thence around the arc of said curve a distance of 888.85', (L.C.
16 =N 76°32'E, 887.95'), to the end of the curve;
17 Thence N 72° 03' E, 112.7' to an angle point;
18 Thence N 17° 57' W, 100.0' to an angle point;
19 Thence N 72° 03' E, 1,350.0' to an angle point;
20 Thence S 17° 57' E, 100.0' to an angle point;
21 Thence N 72° 03' E, pass the easterly boundary line of Section 2,
22 Block OP, 1,054.9' to a point for the beginning of a curve to the
23 right in said right of way line from which point the radius of said
24 curve bears S 17° 57' E, 2,914.93' (central angle = 32° 34');
25 Thence around the arc of said curve a distance of 1,656.83', (L.C.
26 = N 88° 20' E, 1,634.62'), to the end of said curve;
27 Thence S 75° 23' E, 1,917.8' to an angle point;

1 Thence N 14° 37' E, 20.0' to an angle point; ^{2/3}
2 Thence S 75° 23' E, 1,100.0' to an angle point;
3 Thence S 14° 37' W, 20.0' to an angle point;
4 Thence S 75° 23' E, 2,000.0' to an angle point;
5 Thence N 14° 37' E, 30.0' to an angle point;
6 Thence S 75° 23' E, 700.0' to an angle point;
7 Thence N 14° 37' E, 20.0' to an angle point;
8 Thence S 75° 23' E, 2,000.0' to an angle point;
9 Thence S 14° 37' W, 50.0' to an angle point;
10 Thence S 75° 23' E, 4,500.0' to an angle point;
11 Thence N 14° 37' E, 100.0' to an angle point;
12 Thence S 75° 23' E, 500.0' to an angle point;
13 Thence S 14° 37' W, 100.0' to an angle point;
14 Thence S 75° 23' E, 1,929.0' to a point of intersection with the
15 easterly boundary line of Survey 72 and in the westerly boundary
16 line of Survey 69, being a point in the east line of the T.A.
17 Kincaid lands and in the west line of the C. E. Davidson lands, and
18 from which point the northeasterly corner of said Survey 72 bears
19 northerly 950';
20 Thence with said property line and the westerly line of said
21 Survey 69, N 00°27'22" E, 309.92' to a point for corner;
22 Thence across said C. E. Davidson lands and Survey 69, S 75° 00'
23 38" E,, 859.6' and S 74° 17'38"E, 1,780.0', 300' northerly from and
24 parallel to the northerly right of way of said Highway No. 290
25 (also I H 10), to a point for corner;
26 Thence N 11° 52' E, 1,520.0' to a point for corner;
27 Thence S 74° 17' 38" E, 1,460.0' to a point for corner; ^{3/4}

1 Thence S $11^{\circ} 52'$ W, 1,520.0' to a point for corner said point being
2 300.0' northerly from the northerly right of way line of Highway
3 290 and I H 10;
4 Thence S $74^{\circ} 17' 38''$ E, 7,107.9', 300.0' northerly of and parallel
5 with said northerly highway right of way, crossing the easterly
6 line of Survey 69 and the westerly line of Survey 52, continuing to
7 a point in the westerly line of that tract of land conveyed from C.
8 E. Davidson to Tommy Mitchell, being a point in the westerly
9 boundary line of Survey 50;
10 Thence with the westerly boundary line of said Survey 50, N $00^{\circ} 27'$
11 $22''$ E, 1,322.2' to a point in the westerly boundary line of Survey
12 49, near the northwesterly corner of said Mitchell lands:
13 Thence EAST along the northerly boundary line of said Mitchell
14 lands and crossing Taylor Box Road 850.35' to a point near the
15 easterly right of way line of Taylor Box Road;
16 Thence S $31^{\circ} 03' 32''$ W, along the easterly right of way of said
17 Taylor Box Road 937.19' to a point, at the northwesterly corner of
18 a 8.12 acre tract;
19 Thence with the northerly line of said 8.12 acre tract of land, S
20 $74^{\circ} 17' 38''$ E, 709.4' to a point for corner;
21 Thence with the easterly line of said 8.12 acres, S $15^{\circ} 42' 22''$ E,
22 at 702.1' pass the southeasterly corner of said 8.12 acres,
23 continuing 1,835.44' in all across access road, Highway 290 and I H
24 10 to a point 300.0' southerly from the south right of way line of
25 said I H 10 for corner;
26 Thence in a westerly direction, 300.0' southerly from and parallel ⁴
27 with said southerly right of way line of said I H 10, crossing

1 Surveys 50, 52, and 69, as follows:
2 S 87° 16' 16" W, 52.7'; S 77° 24' 19" W, 738.24'; N 74° 17' 38" W, ,
3 200.0'; N 60° 15' 28" W, 309.23'; N 45° 51' 03" W, 682.37'; N 57°
4 35' 41" W, 522.02'; N 74° 17' 38" W, 550.0'; N 68° 35' W, 502.49';
5 N 74° 17' 38" W, 7917.5'; N 75° 00' 38" W, 600.36' to a point
6 located 300.0' southerly from the said right of way of I H 10,
7 being located at a point in the westerly boundary line of said
8 Survey 69 in the westerly line of the C. E. Davidson lands and the
9 easterly line of said T. A. Kincaid lands;
10 Thence with said property lines and the west line of said Survey 69
11 N 00° 27' 22" E, 619.83' to a point in the westerly line of said
12 Survey 69, the easterly line of Survey 72 and at a point in the
13 original southerly right of way of U. S. Highway 290;
14 Thence in a westerly direction with the original southerly right of
15 way of said highway 290 crossing Surveys 72, 73, 89, 94, and 3 all in
16 Block OP, G. C. and S.F. RR.CO., as follows:
17 N 75° 23' W, 1,855.0' to an angle point, S 14° 37' W, 100.0' to an
18 angle point; N 75° 23' W, 600.0' to an angle point; N 14° 37' E,
19 100.0' to an angle point; N 75° 23' W, 4,500.0' to an angle point;
20 S 14° 37' W, 15.0' to an angle point; N 75° 23' W, 300.0' to an
21 angle point; N 14° 37' E, 15.0' to an angle point; N 75° 23' W,
22 700.0' to an angle point; S 14° 37' W, 15.0'; N 75° 23' W, 1,000.0'
23 to an angle point; N 14° 37' E, 15.0'; N 75° 23' W, 620.0' to an
24 angle point; S 14° 37' W, 30.0' to an angle point; N 75° 23' W,
25 80.0' to an angle point; N 14° 37' E, 30.0' to an angle point; N 75°
26 23' W, 2,000.0' to an angle point; S 14° 37' W, 20.0' to an angle
27 point; N 75° 23' W, 1,100.0' to an angle point; N 14° 37' E, 20.0'

1 to an angle point; N 75° 23' W, 1,917.8' to a point for the
2 beginning of a curve to the left in said Right of way line from
3 which point the radius of said curve bears S 14° 37' W, 2,814.93'
4 (central angle = 32° 34');
5 Thence around the arc of the curve 1,600.0', (L.C. = S 88° 20' W,
6 1,578.54') to the end of the curve;
7 Thence S 72° 03' W, 2,517.6' to a point for the beginning of a
8 curve to the right in said right of way line from which point the
9 radius of said curve bears N 17° 57' W, 5,779.65' (central angle =
10 8° 58');
11 Thence around the arc of said curve 904.50', (L.C. = S 76° 32' W,
12 903.58') to the end of the curve:
13 Thence S 81° 01' W, 1,008.8' to a point for the beginning of a
14 curve to the right in said right of way line from which point the
15 radius of said curve bears N 8° 59' W, 5,779.65' (central angle =
16 7° 33' 04");
17 Thence around the arc of said curve 761.71', (L.C. = S 84° 47' 32"
18 W, 761.16') to a point for corner;
19 Thence S 00° 14' 10" W, 4,064.1' to a point in the common boundary
20 line between Surveys 1 and 2, Block OP;
21 Thence N 89° 49' W, 840.0' with the northerly boundary line of
22 Section 1, Block OP, to a point in the easterly boundary line of
23 Survey 1, Block OP, G. C. & S. F. RR. CO., the same being the
24 southwesterly corner of Survey 2, Block OP: ⁶/₇
25 Thence S 00° 14' 10" W, 2,649.0' to a point in the northerly line
26 of Section 17, Block MN, G. C. & S. F. RR. CO. ;
27 Thence N 89° 51' 50" W, 3,374.0' with the southerly line of Surveys

10 150

1 1 and 24, Block OP, to a point for corner, 500' easterly from the
2 easterly right of way line of State Highway No. 163;
3 Thence 500' easterly from and parallel to the easterly right of way
4 line of said Highway 163: S 01° 12' E, 3,761.18'; S 03° 11' E,
5 357.83' and S 05° 10' E, 5,581.0' to a point for corner;
6 Thence S 89° 44' W, at 562.05' pass the centerline of said Highway
7 163 at Highway Station 172+01, continuing S 89° 44' W, with the
8 common boundary line between the Sarah Seay property and the
9 Arlington Helbing property, 5,321.29' in all to a point for corner;
10 Thence NORTH 12,364.93' to a point of intersection with the
11 southerly boundary line of Survey 25, Block OP:
12 Thence S 89° 52' 20" E, 441.6' with the southerly boundary line of
13 Survey 25, Block OP to a point for corner;
14 Thence N 1,560.0' crossing IH 10 to a point for corner;
15 Thence N 26° 50' W, 875.0' to a point for corner;
16 Thence N 15° 30' W, 450.0' to a point for corner;
17 Thence N 7° 30' W, 550.0' to a point for corner;
18 Thence N 25° 30' E, 580.0' to a point for corner;
19 Thence N 12° 30' E, 1,427.0' to a point in the common boundary line
20 between Surveys 25 and 26, Block OP;
21 Thence N. 3,575.0' to the most westerly northwest corner of the
22 water control district;
23 Thence N 89° 58' 43" E, 6,452.32' to a point for corner; ⁷/₈
24 Thence N 31° 37' 20" E, 1,304.0' to a point for corner;
25 Thence S 58° 22' 40" E, 699.0' to a point in the westerly boundary
26 line of Survey 3, Block OP;
27 Thence N. with the westerly boundary line of Surveys 3 and 4, Block

1 OP, 6,288.67' to the northwesterly corner of Survey 4;
2 Thence E. 5,280.0' with the northerly boundary line of said Survey
3 4 to its northeast corner;
4 Thence S. 5,280.0' with the easterly boundary line of said Survey 4
5 to its southeast corner;
6 Thence W. 4,480.0' with the southerly boundary line of said Survey
7 4 to a point for corner;
8 Thence S. 1,326.67' to a point for corner;
9 Thence S 89° 45' E, 1,162.0' to a point for corner;
10 Thence S 0° 15' W, 695.1' to a point for corner;
11 Thence N 89° 45' W, 1,117.0' to a point for corner;
12 Thence S 0° 15' W, 631.0' to a point for corner;
13 Thence N 89°45' W, 836.0' to the place of beginning
14 and containing 4,477.587 acres of land and being those lands
15 contained in the Crockett County Water Control and Improvement
16 District No. 1 of Crockett County, Texas.

17 SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature
18 finds that the boundaries and field notes of the district form a
19 closure. A mistake in the field notes or in copying the field
20 notes in the legislative process does not affect the organization,
21 existence, or validity of the district, the right of the district
22 to levy and collect taxes, or the legality or operation of the ⁸/₉
23 district or its governing body.

24 SECTION 5. FINDING OF BENEFIT. All of the land and other
25 property included within the boundaries of the district will be
26 benefited by the works and projects that are to be accomplished by
27 the district under powers conferred by Article XVI, Section 59, of

1 the Texas Constitution. The district is created to serve a public
2 use and benefit.

3 SECTION 6. POWERS. (a) The district has all of the rights,
4 powers, privileges, authority, functions, and duties provided by
5 the general law of this state, including Chapters 50 and 52, Water
6 Code, applicable to underground water conservation districts
7 created under Article XVI, Section 59, of the Texas Constitution.
8 This Act prevails over any provision of general law that is in
9 conflict or inconsistent with this Act.

10 (b) The rights, powers, privileges, authority, functions,
11 and duties of the district are subject to the continuing right of
12 supervision of the state to be exercised by and through the Texas
13 Water Commission.

14 SECTION 7. BOARD OF DIRECTORS. (a) The district is
15 governed by a board of five directors.

16 (b) Temporary directors serve until initial permanent
17 directors are elected under Section 9.

18 (c) Initial permanent directors serve until permanent
19 directors are elected under Section 10.

20 (d) Permanent directors other than initial permanent
21 directors serve staggered four-year terms.

22 (e) Each director must qualify to serve as director in the
23 manner provided by Sections 51.078 and 51.079, Water Code.

24 (f) A director serves until the director's successor has
25 qualified.

26 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
27 directors is composed of:

- 1 (1) Wade Richardson
- 2 (2) Larry Williams
- 3 (3) George Bunger
- 4 (4) Reid Homsley
- 5 (5) Johnny Jones

6 (b) If a temporary director fails to qualify for office, the
7 temporary directors who have qualified shall appoint a person to
8 fill the vacancy. If at any time there are fewer than three
9 qualified temporary directors, the Texas Water Commission shall
10 appoint the necessary number of persons to fill all vacancies on
11 the board.

12 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

13 (a) The temporary board of directors shall call and hold an
14 election to confirm establishment of the district and to elect five
15 initial directors.

16 (b) A person who desires to be a candidate for the office of
17 initial director may file an application with the temporary board
18 to have the candidate's name printed on the ballot as provided by
19 Section 51.075, Water Code.

20 (c) At the confirmation and initial directors' election, the
21 temporary board of directors shall have the names of the five
22 persons serving as temporary directors placed on the ballot
23 together with the name of any candidate filing for the office of
24 director as provided by Subsection (b) of this section and blank
25 spaces to write in the names of other persons. If the district is
26 created at the election, the temporary directors, at the time the
27 vote is canvassed, shall declare the five persons who receive the

1 most votes to be elected as the initial directors and shall include
2 the results of the directors' election in its election report to
3 the Texas Water Commission.

4 ^{Subsection (a),}
(d) Section 41.001(a), Election Code, does not apply to a
5 confirmation and initial directors' election held as provided by
6 this section.

7 (e) Except as provided by this section, a confirmation and
8 initial directors' election must be conducted as provided by
9 ^{Subsections (b) through (g),}
Sections 52.058(b)-(g), Water Code, and the Election Code.

10 SECTION 10. ELECTION OF DIRECTORS. (a) On the first
11 Saturday in May of the second year after the year in which the
12 district is authorized to be created at a confirmation election, an
13 election shall be held in the district for the election of two
14 directors who shall each serve two-year terms and three directors
15 who shall each serve four-year terms. Thereafter, on the same date
16 in each subsequent second year, the appropriate number of directors
17 shall be elected to the board.

18 (b) To be qualified to be elected and serve as a director, a ¹¹/₁₂
19 person must be a resident of the district, at least 18 years of
20 age, and not disqualified under Section 50.026, Water Code.

21 SECTION 11. ADDITIONAL AUTHORITY. (a) A property tax
22 authorized for the district under Chapter 52, Water Code, may not
23 exceed five cents on each \$100 of assessed valuation.

24 (b) At a regular meeting of the board of directors, if the
25 board determines that the tax levied and collected under Subsection
26 (a) of this section is no longer sufficient for the purposes stated
27 in that subsection, the board may call and hold an election to

1 approve an increase in property taxes not to exceed an additional
2 five cents on each \$100 of assessed valuation in excess of the
3 limitation provided by Subsection (a) of this section. If a
4 majority of the qualified voters approve an increase in the amount
5 of taxes in excess of the limitation provided by Subsection (a) of
6 this section, the district may levy and collect additional taxes in
7 the amount as limited in this subsection approved by the voters at
8 the election called and held for that purpose.

9 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

10 (a) The proper and legal notice of the intention to introduce this
11 Act, setting forth the general substance of this Act, has been
12 published as provided by law, and the notice and a copy of this Act
13 have been furnished to all persons, agencies, officials, or
14 entities to which they are required to be furnished by the
15 constitution and other laws of this state, including the governor,
16 who has submitted the notice and Act to the Texas Water Commission.

17 (b) The Texas Water Commission has filed its recommendations¹⁷
18 relating to this Act with the governor, lieutenant governor, and
19 speaker of the house of representatives within the required time.

20 (c) All requirements of the constitution and laws of this
21 state and the rules and procedures of the legislature with respect
22 to the notice, introduction, and passage of this Act are fulfilled
23 and accomplished.

24 SECTION 13. EMERGENCY. The importance of this legislation
25 and the crowded condition of the calendars in both houses create an
26 emergency and an imperative public necessity that the
27 constitutional rule requiring bills to be read on three several

1. days in each house be suspended, and this rule is hereby suspended,
2. and that this Act take effect and be in force from and after its
3. passage, and it is so enacted.

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Enrolled <u>May 24, 1989</u>
<u>Ratney Saw</u>
Enrolling Clerk

S.B. No. 1635

1 AN ACT

2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Emerald Underground Water
4 Conservation District.

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

6 SECTION 1. CREATION. (a) An underground water conservation
7 district, to be known as Emerald Underground Water Conservation
8 District, is created in Crockett County, subject to approval at a
9 confirmation election under Section 9 of this Act. The district is
10 a governmental agency and a body politic and corporate.

11 (b) The district is created under and is essential to
12 accomplish the purposes of Article XVI, Section 59, of the Texas
13 Constitution.

14 SECTION 2. DEFINITION. In this Act, "district" means
15 Emerald Underground Water Conservation District.

16 SECTION 3. BOUNDARIES. The district is composed of all of
17 the territory contained in Crockett County SAVE AND EXCEPT the
18 following described tract of land situated in Crockett County,
19 Texas, and being described by metes and bounds as follows, to wit:
20 Beginning at the northeasterly corner of Section 23, Block OP, G.C.
21 & S. F. RR. CO. Survey, Crockett County, Texas;
22 Thence S 0°14'10" W, 2,653' along the easterly boundary line of
23 said Section 23 to a point for corner;
24 Thence S 89°45' 50" E, 680' to a point for corner;
25 Thence S 00°14' 10" W, 727' to a point for corner;

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1 Thence S 89°45' 50" E, 150' to a point for corner;
2 Thence S 00°14' 10" W, 388' to a point of intersection with the
3 northerly right of way line of U. S. Highway No. 290, said point
4 being on a curve to the left in said right of way line from which
5 point the radius of said curve bears N 01° 27'30" W, 5,679.65',
6 (central angle = 7°31'30");
7 Thence around the arc of the curve a distance of 745.94', (L.C. = N
8 84° 46'45" E, 745.41') to the end of the curve;
9 Thence N 81° 01' E, 1,008.8' to a point for the beginning of a
10 curve to the left in said right of way line, from which point the
11 radius of said curve bears N 08° 59' W, 5,679.65' (central angle =
12 8° 58');
13 Thence around the arc of said curve a distance of 888.85', (L.C.
14 =N 76°32'E, 887.95'), to the end of the curve;
15 Thence N 72° 03' E, 112.7' to an angle point;
16 Thence N 17° 57' W, 100.0' to an angle point;
17 Thence N 72° 03' E, 1,350.0' to an angle point;
18 Thence S 17° 57' E, 100.0' to an angle point;
19 Thence N 72° 03' E, pass the easterly boundary line of Section 2,
20 Block OP, 1,054.9' to a point for the beginning of a curve to the
21 right in said right of way line from which point the radius of said
22 curve bears S 17° 57' E, 2,914.93' (central angle = 32° 34');
23 Thence around the arc of said curve a distance of 1,656.83', (L.C.
24 = N 88° 20' E, 1,634.62'), to the end of said curve;
25 Thence S 75° 23' E, 1,917.8' to an angle point;
26 Thence N 14° 37' E, 20.0' to an angle point;

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- 1 Thence S 75° 23' E, 1,100.0' to an angle point;
- 2 Thence S 14° 37' W, 20.0' to an angle point;
- 3 Thence S 75° 23' E, 2,000.0' to an angle point;
- 4 Thence N 14° 37' E, 30.0' to an angle point;
- 5 Thence S 75° 23' E, 700.0' to an angle point;
- 6 Thence N 14° 37' E, 20.0' to an angle point;
- 7 Thence S 75° 23' E, 2,000.0' to an angle point;
- 8 Thence S 14° 37' W, 50.0' to an angle point;
- 9 Thence S 75° 23' E, 4,500.0' to an angle point;
- 10 Thence N 14° 37' E, 100.0' to an angle point;
- 11 Thence S 75° 23' E, 500.0' to an angle point;
- 12 Thence S 14° 37' W, 100.0' to an angle point;
- 13 Thence S 75° 23' E, 1,929.0' to a point of intersection with the
- 14 easterly boundary line of Survey 72 and in the westerly boundary
- 15 line of Survey 69, being a point in the east line of the T.A.
- 16 Kincaid lands and in the west line of the C. E. Davidson lands, and
- 17 from which point the northeasterly corner of said Survey 72 bears
- 18 northerly 950';
- 19 Thence with said property line and the westerly line of said
- 20 Survey 69, N 00°27'22" E, 309.92' to a point for corner;
- 21 Thence across said C. E. Davidson lands and Survey 69, S 75° 00'
- 22 38" E,, 859.6' and S 74° 17'38"E, 1,780.0', 300' northerly from and
- 23 parallel to the northerly right of way of said Highway No. 290
- 24 (also I H 10), to a point for corner;
- 25 Thence N 11° 52' E, 1,520.0' to a point for corner;
- 26 Thence S 74° 17' 38" E, 1,460.0' to a point for corner;

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1 Thence S 11° 52' W, 1,520.0' to a point for corner said point being
2 300.0' northerly from the northerly right of way line of Highway
3 290 and I H 10;
4 Thence S 74° 17' 38" E, 7,107.9', 300.0' northerly of and parallel
5 with said northerly highway right of way, crossing the easterly
6 line of Survey 69 and the westerly line of Survey 52, continuing to
7 a point in the westerly line of that tract of land conveyed from C.
8 E. Davidson to Tommy Mitchell, being a point in the westerly
9 boundary line of Survey 50;
10 Thence with the westerly boundary line of said Survey 50, N 00° 27'
11 22" E, 1,322.2' to a point in the westerly boundary line of Survey
12 49, near the northwesterly corner of said Mitchell lands:
13 Thence EAST along the northerly boundary line of said Mitchell
14 lands and crossing Taylor Box Road 850.35' to a point near the
15 easterly right of way line of Taylor Box Road;
16 Thence S 31° 03' 32" W, along the easterly right of way of said
17 Taylor Box Road 937.19' to a point, at the northwesterly corner of
18 a 8.12 acre tract;
19 Thence with the northerly line of said 8.12 acre tract of land, S
20 74° 17' 38" E, 709.4' to a point for corner;
21 Thence with the easterly line of said 8.12 acres, S 15° 42' 22" E,
22 at 702.1' pass the southeasterly corner of said 8.12 acres,
23 continuing 1,835.44' in all across access road, Highway 290 and I H
24 10 to a point 300.0' southerly from the south right of way line of
25 said I H 10 for corner;
26 Thence in a westerly direction, 300.0' southerly from and parallel

1 with said southerly right of way line of said I H 10, crossing
 2 Surveys 50, 52, and 69, as follows:
 3 S 87° 16' 16" W, 52.7'; S 77° 24' 19" W, 738.24'; N 74° 17' 38" W, ,
 4 200.0'; N 60° 15' 28" W, 309.23'; N 45° 51' 03" W, 682.37'; N 57°
 5 35' 41" W, 522.02'; N 74° 17' 38" W, 550.0'; N 68° 35' W, 502.49';
 6 N 74° 17' 38" W, 7917.5'; N 75° 00' 38" W, 600.36' to a point
 7 located 300.0' southerly from the said right of way of I H 10,
 8 being located at a point in the westerly boundary line of said
 9 Survey 69 in the westerly line of the C. E. Davidson lands and the
 10 easterly line of said T. A. Kincaid lands;
 11 Thence with said property lines and the west line of said Survey 69
 12 N 00° 27' 22" E, 619.83' to a point in the westerly line of said
 13 Survey 69, the easterly line of Survey 72 and at a point in the
 14 original southerly right of way of U. S. Highway 290;
 15 Thence in a westerly direction with the original southerly right of
 16 way of said highway 290 crossing Surveys 72, 73, 89, 94, and 3 all in
 17 Block OP, G. C. and S.F. RR.CO., as follows:
 18 N 75° 23' W, 1,855.0' to an angle point, S 14° 37' W, 100.0' to an
 19 angle point; N 75° 23' W, 600.0' to an angle point; N 14° 37' E,
 20 100.0' to an angle point; N 75° 23' W, 4,500.0' to an angle point;
 21 S 14° 37' W, 15.0' to an angle point; N 75° 23' W, 300.0' to an
 22 angle point; N 14° 37' E, 15.0' to an angle point; N 75° 23' W,
 23 700.0' to an angle point; S 14° 37' W, 15.0'; N 75° 23' W, 1,000.0'
 24 to an angle point; N 14° 37' E, 15.0'; N 75° 23' W, 620.0' to an
 25 angle point; S 14° 37' W, 30.0' to an angle point; N 75° 23' W,
 26 80.0' to an angle point; N 14° 37' E, 30.0' to an angle point; N 75°

S.B. No. 1635

1 23' W, 2,000.0' to an angle point; S 14° 37' W, 20.0' to an angle
2 point; N 75° 23' W, 1,100.0' to an angle point; N 14° 37' E, 20.0'
3 to an angle point; N 75° 23' W, 1,917.8' to a point for the
4 beginning of a curve to the left in said Right of way line from
5 which point the radius of said curve bears S 14° 37' W, 2,814.93'
6 (central angle = 32° 34');
7 Thence around the arc of the curve 1,600.0', (L.C. = S 88° 20' W,
8 1,578.54') to the end of the curve;
9 Thence S 72° 03' W, 2,517.6' to a point for the beginning of a
10 curve to the right in said right of way line from which point the
11 radius of said curve bears N 17° 57' W, 5,779.65' (central angle =
12 8° 58');
13 Thence around the arc of said curve 904.50', (L.C. = S 76° 32' W,
14 903.58') to the end of the curve:
15 Thence S 81° 01' W, 1,008.8' to a point for the beginning of a
16 curve to the right in said right of way line from which point the
17 radius of said curve bears N 8° 59' W, 5,779.65' (central angle =
18 7° 33' 04");
19 Thence around the arc of said curve 761.71', (L.C.= S 84° 47' 32"
20 W, 761.16') to a point for corner;
21 Thence S 00° 14' 10" W, 4,064.1' to a point in the common boundary
22 line between Surveys 1 and 2, Block OP;
23 Thence N 89° 49' W, 840.0' with the northerly boundary line of
24 Section 1, Block OP, to a point in the easterly boundary line of
25 Survey 1, Block OP, G. C. & S. F. RR. CO., the same being the
26 southwesterly corner of Survey 2, Block OP:

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1 Thence S $00^{\circ} 14' 10''$ W, 2,649.0' to a point in the northerly line
2 of Section 17, Block MN, G. C. & S. F. RR. CO.;

3 Thence N $89^{\circ} 51' 50''$ W, 3,374.0' with the southerly line of Surveys
4 1 and 24, Block OP, to a point for corner, 500' easterly from the
5 easterly right of way line of State Highway No. 163;

6 Thence 500' easterly from and parallel to the easterly right of way
7 line of said Highway 163: S $01^{\circ} 12'$ E, 3,761.18'; S $03^{\circ} 11'$ E,
8 357.83' and S $05^{\circ} 10'$ E, 5,581.0' to a point for corner;

9 Thence S $89^{\circ} 44'$ W, at 562.05' pass the centerline of said Highway
10 163 at Highway Station 172+01, continuing S $89^{\circ} 44'$ W, with the
11 common boundary line between the Sarah Seay property and the
12 Arlington Helbing property, 5,321.29' in all to a point for corner;

13 Thence NORTH 12,364.93' to a point of intersection with the
14 southerly boundary line of Survey 25, Block OP:

15 Thence S $89^{\circ} 52' 20''$ E, 441.6' with the southerly boundary line of
16 Survey 25, Block OP to a point for corner;

17 Thence N 1,560.0' crossing IH 10 to a point for corner;

18 Thence N $26^{\circ} 50'$ W, 875.0' to a point for corner;

19 Thence N $15^{\circ} 30'$ W, 450.0' to a point for corner;

20 Thence N $7^{\circ} 30'$ W, 550.0' to a point for corner;

21 Thence N $25^{\circ} 30'$ E, 580.0' to a point for corner;

22 Thence N $12^{\circ} 30'$ E, 1,427.0' to a point in the common boundary line
23 between Surveys 25 and 26, Block OP;

24 Thence N. 3,575.0' to the most westerly northwest corner of the
25 water control district;

26 Thence N $89^{\circ} 53' 43''$ E, 6,452.32' to a point for corner;

11/20/22

S.B. No. 1635

1 Thence N 31° 37' 20" E, 1,304.0' to a point for corner;
2 Thence S 58° 22' 40" E, 699.0' to a point in the westerly boundary
3 line of Survey 3, Block OP;
4 Thence N. with the westerly boundary line of Surveys 3 and 4, Block
5 OP, 6,288.67' to the northwesterly corner of Survey 4;
6 Thence E. 5,280.0' with the northerly boundary line of said Survey
7 4 to its northeast corner;
8 Thence S. 5,280.0' with the easterly boundary line of said Survey 4
9 to its southeast corner;
10 Thence W. 4,480.0' with the southerly boundary line of said Survey
11 4 to a point for corner;
12 Thence S. 1,326.67' to a point for corner;
13 Thence S 89° 45' E, 1,162.0' to a point for corner;
14 Thence S 0° 15' W, 695.1' to a point for corner;
15 Thence N 89° 45' W, 1,117.0' to a point for corner;
16 Thence S 0° 15' W, 631.0' to a point for corner;
17 Thence N 89°45' W, 836.0'to the place of beginning
18 and containing 4,477.587 acres of land and being those lands
19 contained in the Crockett County Water Control and Improvement
20 District No. 1 of Crockett County, Texas.

21 SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature
22 finds that the boundaries and field notes of the district form a
23 closure. A mistake in the field notes or in copying the field
24 notes in the legislative process does not affect the organization,
25 existence, or validity of the district, the right of the district
26 to levy and collect taxes, or the legality or operation of the

1 district or its governing body.

2 SECTION 5. FINDING OF BENEFIT. All of the land and other
3 property included within the boundaries of the district will be
4 benefited by the works and projects that are to be accomplished by
5 the district under powers conferred by Article XVI, Section 59, of
6 the Texas Constitution. The district is created to serve a public
7 use and benefit.

8 SECTION 6. POWERS. (a) The district has all of the rights,
9 powers, privileges, authority, functions, and duties provided by
10 the general law of this state, including Chapters 50 and 52, Water
11 Code, applicable to underground water conservation districts
12 created under Article XVI, Section 59, of the Texas Constitution.
13 This Act prevails over any provision of general law that is in
14 conflict or inconsistent with this Act.

15 (b) The rights, powers, privileges, authority, functions,
16 and duties of the district are subject to the continuing right of
17 supervision of the state to be exercised by and through the Texas
18 Water Commission.

19 SECTION 7. BOARD OF DIRECTORS. (a) The district is
20 governed by a board of five directors.

21 (b) Temporary directors serve until initial permanent
22 directors are elected under Section 9.

23 (c) Initial permanent directors serve until permanent
24 directors are elected under Section 10.

25 (d) Permanent directors other than initial permanent
26 directors serve staggered four-year terms.

1 (e) Each director must qualify to serve as director in the
2 manner provided by Sections 51.078 and 51.079, Water Code.

3 (f) A director serves until the director's successor has
4 qualified.

5 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
6 directors is composed of:

7 (1) Wade Richardson

8 (2) Larry Williams

9 (3) George Bunger

10 (4) Reid Homsley

11 (5) Johnny Jones

12 (b) If a temporary director fails to qualify for office, the
13 temporary directors who have qualified shall appoint a person to
14 fill the vacancy. If at any time there are fewer than three
15 qualified temporary directors, the Texas Water Commission shall
16 appoint the necessary number of persons to fill all vacancies on
17 the board.

18 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

19 (a) The temporary board of directors shall call and hold an
20 election to confirm establishment of the district and to elect five
21 initial directors.

22 (b) A person who desires to be a candidate for the office of
23 initial director may file an application with the temporary board
24 to have the candidate's name printed on the ballot as provided by
25 Section 51.075, Water Code.

26 (c) At the confirmation and initial directors' election, the

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S.B. No. 1635

1 temporary board of directors shall have the names of the five
2 persons serving as temporary directors placed on the ballot
3 together with the name of any candidate filing for the office of
4 director as provided by Subsection (b) of this section and blank
5 spaces to write in the names of other persons. If the district is
6 created at the election, the temporary directors, at the time the
7 vote is canvassed, shall declare the five persons who receive the
8 most votes to be elected as the initial directors and shall include
9 the results of the directors' election in its election report to
10 the Texas Water Commission.

11 (d) Subsection (a), Section 41.001, Election Code, does not
12 apply to a confirmation and initial directors' election held as
13 provided by this section.

14 (e) Except as provided by this section, a confirmation and
15 initial directors' election must be conducted as provided by
16 Subsections (b) through (g), Section 52.058, Water Code, and the
17 Election Code.

18 SECTION 10. ELECTION OF DIRECTORS. (a) On the first
19 Saturday in May of the second year after the year in which the
20 district is authorized to be created at a confirmation election, an
21 election shall be held in the district for the election of two
22 directors who shall each serve two-year terms and three directors
23 who shall each serve four-year terms. Thereafter, on the same date
24 in each subsequent second year, the appropriate number of directors
25 shall be elected to the board.

26 (b) To be qualified to be elected and serve as a director, a

1 person must be a resident of the district, at least 18 years of
2 age, and not disqualified under Section 50.026, Water Code.

3 SECTION 11. ADDITIONAL AUTHORITY. (a) A property tax
4 authorized for the district under Chapter 52, Water Code, may not
5 exceed five cents on each \$100 of assessed valuation.

6 (b) At a regular meeting of the board of directors, if the
7 board determines that the tax levied and collected under Subsection
8 (a) of this section is no longer sufficient for the purposes stated
9 in that subsection, the board may call and hold an election to
10 approve an increase in property taxes not to exceed an additional
11 five cents on each \$100 of assessed valuation in excess of the
12 limitation provided by Subsection (a) of this section. If a
13 majority of the qualified voters approve an increase in the amount
14 of taxes in excess of the limitation provided by Subsection (a) of
15 this section, the district may levy and collect additional taxes in
16 the amount as limited in this subsection approved by the voters at
17 the election called and held for that purpose.

18 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

19 (a) The proper and legal notice of the intention to introduce this
20 Act, setting forth the general substance of this Act, has been
21 published as provided by law, and the notice and a copy of this Act
22 have been furnished to all persons, agencies, officials, or
23 entities to which they are required to be furnished by the
24 constitution and other laws of this state, including the governor,
25 who has submitted the notice and Act to the Texas Water Commission.

26 (b) The Texas Water Commission has filed its recommendations

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S.B. No. 1635

1 relating to this Act with the governor, lieutenant governor, and
2 speaker of the house of representatives within the required time.

3 (c) All requirements of the constitution and laws of this
4 state and the rules and procedures of the legislature with respect
5 to the notice, introduction, and passage of this Act are fulfilled
6 and accomplished.

7 SECTION 13. EMERGENCY. The importance of this legislation
8 and the crowded condition of the calendars in both houses create an
9 emergency and an imperative public necessity that the
10 constitutional rule requiring bills to be read on three several
11 days in each house be suspended, and this rule is hereby suspended,
12 and that this Act take effect and be in force from and after its
13 passage, and it is so enacted.

120
1635

S.B. No. 1635

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1635 passed the Senate on April 27, 1989, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 24, 1989, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1635 passed the House, with amendment, on May 22, 1989, by the following vote: Yeas 141, Nays 1, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor



The Texas House of Representatives

HARVEY HILDERBRAN
State Representative
District 67

Committees:
Public Health
Retirement & Aging

May 10, 1989

P.O. Box 2910
Austin, Texas 78768-2910
512-463-0536

420 Water Street
Suite 105
Kerrville, Texas 78028
512-257-2333

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

RE: Author's Fiscal Statement, Senate Bill 1635 (relating to the creation, administration, powers, duties, operation, and financing of the Crockett County Underground Water Conservation District.)

Sir,

In response to your request for an Author's Fiscal Statement on Senate Bill 1635, I have determined the following:

1. COST TO STATE GOVERNMENT: absolutely no fiscal implication is anticipated.
2. COST TO CROCKETT COUNTY GOVERNMENT: As provided in the bill, the district would be funded through tax revenues, bonds, and permit fees.
3. FISCAL YEAR PROJECTIONS
 - 1989....\$12,000 for attorney's fees
 - 1990....no cost is anticipated.
 - 1991....no cost is anticipated.
 - 1992....no cost is anticipated.
 - 1993....no cost is anticipated.

Please let me know if I can be of any further assistance to you.

Sincerely,

Harvey Hilderbran

TEXAS WATER COMMISSION

B. J. Wynne, III, Chairman
Paul Hopkins, Commissioner
John O. Houchins, Commissioner



Allen Beinke, Executive Director
Michael E. Field, General Counsel
Brenda W. Foster, Chief Clerk

April 19, 1989

The Honorable William P. Clements, Jr.
Governor of Texas

The Honorable William P. Hobby
Lieutenant Governor and President of the Senate

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59(d), Texas Constitution.

Bill No. (S.B. 1635) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Crockett County Underground Water Conservation District

Dear Governor Clements:

The following attachment is submitted in response to the above-referenced constitutional requirements. Items 1) and 4) were provided by the Texas Water Development Board and comments on the remaining items were provided by the Texas Water Commission.

Sincerely,

A handwritten signature in cursive script that reads "Allen Beinke".

Allen P. Beinke
Executive Director

cc w/enclosure: Ms. Betty Murray, Chief Clerk, House of Representatives
Ms. Betty King, Secretary of the Senate
Representative Terral Smith, Chairman,
House Natural Resources Committee
Speaker of the House Gib Lewis, House of Representatives
Senator H. Tati Santiesteban, Chairman,
Senate Natural Resources Committee
Senator Bill Sims, State Senate

200 11.00

TEXAS WATER COMMISSION

B. J. Wynne, III, Chairman
Paul Hopkins, Commissioner
John O. Houchins, Commissioner



Allen Beinke, Executive Director
Michael E. Field, General Counsel
Brenda W. Foster, Chief Clerk

April 19, 1989

The Honorable Gib Lewis
Speaker of the House of Representatives
P.O. Box 2910
Austin, Texas 78769

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59(d), Texas Constitution; and Responsibility of the Texas Water Commission and the Texas Water Development Board to submit a water development policy impact statement pursuant to HOUSE RULE 4 Sec. 36.

Bill No. (S.B. 1635) - Proposed creation of a conservation and reclamation district pursuant to Article III, S52 and Article XVI, S59(d), Texas Constitution: Crockett County Underground Water Conservation District

Dear Speaker Lewis:

The following attachment is submitted in response to the above-referenced constitutional and house rule requirements. Comments on items 1) and 4) were provided by the Texas Water Development Board and comments on the remaining items were provided by the Texas Water Commission.

Sincerely,

A handwritten signature in cursive script that reads "Allen Beinke".

Allen Beinke
Executive Director

cc w/enclosure: Ms. Betty Murray, Chief Clerk, House of Representatives
Ms. Betty King, Secretary of the Senate
Representative Terral Smith, Chairman,
House Natural Resources Committee
Senator Bill Sims, State Senate

TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD
COMMENTS RELATING TO THE CROCKETT COUNTY
UNDERGROUND WATER CONSERVATION DISTRICT

Water Development Policy Impact Statements for Senate Bill 1635 (S.B. 1635) relating to the creation, administration, powers, duties, operation, and financing of the Crockett County Underground Water Conservation District follow.

Wells located within the limits of this proposed district, which encompasses all of Crockett County save and except 4,477.587 acres being those lands contained in the Crockett County Water Control and Improvement District No. 1 which is located in the city of Ozona and the immediate area adjacent to the city, primarily utilize the Edwards-Trinity (Plateau) aquifer which includes the Edwards and associated limestones and the Trinity Antlers Formation. Additionally, ground water is locally present in overlying alluvial gravels. Ground waters of more highly mineralized content are also found in the underlying Santa Rosa aquifer which is in hydrologic continuity with the overlying Antlers Formation. Available data do not indicate that there is hydrogeologic justification for the proposed district boundaries.

S.B. 1635 provides that the proposed district would have all the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. Except as otherwise provided by Subchapter B, Section 52.022 and this bill, the provisions found in Chapter 51, Subchapter B, Texas Water Code, for creating water control and improvement districts also apply to the creation of underground water conservation districts to the extent that those provisions may be made applicable. Specific impact statements related to required headings follow.

- 1) **Population projections** - The proposed District's boundaries are coterminous with the boundaries of Crockett County, except a portion of the County as described in SB 1635. The Board's current projected population for Crockett County indicates an anticipated increase in population ranging from 1,484 to 1,969 over the next 20 years.
- 2) **District finances** - The district may issue and sell bonds, and levy ad valorem taxes to pay for all or part of the bonds and for the district's maintenance. The tax rate is unlimited for the payment of bonds issued by the district. The tax rate shall not exceed five cents on each \$100 of assessed valuation for maintenance taxes. If the board determines that the tax levied and collected is no longer sufficient for these purposes, it may call and hold an election to approve an increase in property taxes not to exceed an additional five cents per 100 assessed valuation. The board shall also include in any bond and tax proposition the maximum amount of bonds to be issued and their maximum maturity date.
- 3) **Board of directors & powers** - This proposed district is to be governed by a board of five directors, all of which must be at least 18 years of age or older and not be disqualified under Section 50.026, Texas Water Code. The bill provides for and describes three sets of board of directors. These are a temporary board, an initial permanent board, and the final permanent board. Each director must qualify in the manner provided by Sections 51.078 and 51.079, Texas Water Code. A director serves until a successor has qualified. The temporary directors are listed in the act. If a temporary director fails to qualify for office, the qualified temporary directors shall appoint a person to fill the vacancy. In the event there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill the vacancies. The temporary board shall call and hold a confirmation election and to elect five initial directors. Any person who desires to be a candidate for office of initial director may file an application with the temporary board to have their name placed on the ballot as provided by Section 51.075, Texas Water Code. At the

election, the names of the five persons serving as temporary directors shall be placed on the ballot together with the name of any candidate for the office of director as well as blank spaces to write in the names of other persons. If the district is created at this election, the temporary directors at the time the vote is canvassed, shall declare the five persons who receive the most votes to be elected as the initial directors and shall include the results of the election in a report to the Texas Water Commission. Section 41.001(a), Election Code, does not apply to the confirmation election; however, it must be conducted as provided by Sections 52.058(b) - (g), Texas Water Code, and the Election Code. On the first Saturday of May of the second year after the year in which the district is authorized to be created at a confirmation election, an election shall be held for the election of the permanent directors. Two of these directors shall each serve two-year terms and three directors shall each serve four year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board. Thus, the permanent directors serve staggered four-year terms.

Since the bill proposes the creation of an underground water conservation district, it will have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Texas Water Code, applicable to those districts created under Article XVI, Section 59 of the Texas Constitution. These will primarily include the making and enforcement of rules for conserving, preserving, protecting, recharging, controlling subsidence, and preventing the waste of water of an underground water reservoir. This act prevails over any provision of general law that is in conflict or inconsistent with it.

- 4) **Effect on Texas Water Development Board's water plan** - The Board finds the creation of the District agrees with the State Water Plan objective of promoting more efficient use of groundwater resources through local groundwater management.

- 5) **Texas Water Commission's supervision** - This proposed district will be under the "continuing right of supervision of the State of Texas" by the Commission as set out by Section 12.081 of the Texas Water Code. It is also subject to applicable general reporting provision requirements for all districts as set out in Subchapter A, Section 50.001 through 50.106, Texas Water Code, as well as the general reporting requirements mandated by the Texas Water Commission.

Annually, the district shall make available to the Commission information that it acquires concerning underground water resources within its jurisdiction. The district shall also provide information to the Commission concerning its plans and activities in conserving and protecting underground water resources (Section 52.173).

Issuance of bonds and notes authorized for certain items must be approved by the Commission in the manner provided for bonds of municipal utility districts under Section 54.516 of Chapter 54, Texas Water Code. These include those authorized to: 1) erect or construct dams or to drain lakes, draws, depressions, and creeks; and 2) install pumps and other equipment.

- 6) **Eminent domain power** - This district may exercise this power to acquire any land or other property necessary to carry out this act.
- 7) **Exclusion of land from district** - This bill contains specific provisions for the exclusion of land from the district. The district covers all of Crockett County save and except 4,477.587 acres which are included in the lands contained in the Crockett County Water Control and Improvement District No. 1. This district covers all of the city of Ozona as well as lands in the immediate vicinity of the city.

- 8) **Adequacy of the boundary description** - The district includes all of the area located within Crockett County except that portion of the county which falls within the Crockett County Water Control and Improvement District No. 1. The detailed description of this district which has been included in the bill, appears to be adequate.
- 9) **Comment on powers and duties different from similar types of districts** - This bill proposes the creation of an underground water conservation district, and as such it will be given all of the powers that are normally associated with Chapters 50 and 52, Texas Water Code, related to these districts; therefore, it does not differ from similar types of districts.

LEGISLATIVE BUDGET BOARD

Austin, Texas

APR 12 REC'D

FISCAL NOTE

April 11, 1989

TO: Honorable H. Tati Santiesteban, Chairman
Committee on Natural Resources
Senate Chamber
Austin, Texas

In Re: Senate Bill No. 1635
By: Sims

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 1635 (relating to the creation, administration, powers, duties, operation, and financing of the Crockett County Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, PA

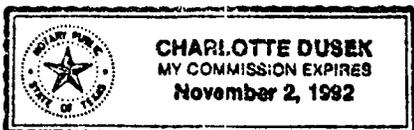
STATE OF TEXAS

COUNTY OF CROCKETT

Before me, the undersigned authority, on this day personally appeared MRS. JOHN S. MOORE, the editor of THE CZONA STOCKMAN, a newspaper having general circulation in Crockett County, Texas, who being by me duly sworn, deposes and says that the foregoing attached notice was published in said newspaper on the following date(s), to wit:

Mrs. John S. Moore

Subscribed and sworn to before me this the 9th day of February, 1989, to certify which witness my hand and seal of office.



Charlotte Dusek
Notary Public in and for

Crockett County, Texas

LEGAL NOTICE

Notice of Intent to Introduce Legislation

Pursuant to Article XVI, Section 59[d] of the Constitution of the State of Texas, notice is hereby given of the intention to introduce legislation for the creation of the Crockett County Underground Water Conservation District. Such legislation provides that the Crockett County Underground Water Conservation District is created pursuant to Article XVI, Section 59, of the Texas Constitution and shall have the general powers and duties governed by and subject to Chapters 51 and 52 of the Water Code. The proposed district shall have the power to tax and levy bonds; provided, however, that the proposed legislation provides for an initial five cent per \$100 valuation tax ceiling subject to maximum increase ceiling of an additional five cent per \$100 valuation tax ceiling as approved by a majority of the voters within the district. The district shall contain all of Crockett County, Texas save and except those territories lying within the Crockett County Water Control & Improvement District #1 and its extra-territorial jurisdiction which is provided in the proposed bill by metes and bounds description. The proposed legislation provides for a five member Board of Directors and appoints five temporary members until such time as the creation election is held. These members are to be elected four by precinct and one by at-large election with staggered four year terms established by the bill. The proposed legislation provides for the qualifications for board members and for a creation election to be held upon passage by the Legislature and approval by the Governor of the State of Texas.

etc 1/1
re

S.B. NO. 1635

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1635 (1) passed the Senate on April 27 (2), 1989, by the following vote: Yeas 31 (3), Nays 0 (4); and that the Senate concurred in House amendment on May 24 (5), 1989, by the following vote: Yeas 31 (6), Nays 0 (7).

Secretary of the Senate

I hereby certify that S.B. No. 1635 (1) passed the House, with amendment, on May 22 (8), 1989, by the following vote: Yeas 141 (9), Nays 1 (10), one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

S. B. No. 1635

By Sims

A BILL TO BE ENTITLED

AN ACT: relating to the creation, administration, powers, duties, operation, and financing of the Crockett County Underground Water Conservation District.

4-4 Filed with the Secretary of the Senate

APR 4 1989 Read and referred to Committee on NATURAL RESOURCES

APR 20 1989 Reported favorably _____

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

_____ Ordered not printed

APR 27 1989 Laid before the Senate

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

APR 27 1989 Read second time, _____, and ordered engrossed by: { unanimous consent
a viva voce vote
_____ yeas, _____ nays

_____ Caption ordered amended to conform to the body of the bill.

APR 27 1989 Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 1 nays.

APR 27 1989 Read third time, _____, and passed by 31 yeas, 0 nays.

Betty King
SECRETARY OF THE SENATE

OTHER ACTION:

April 27, 1989 Engrossed
April 27, 1989 Sent to House

Engrossing Clerk Patsy Spaw

APR 27 1989 Received from the Senate

MAY 4 1989 Read first time and referred to Committee on Natural Resources

5-10-89 Reported favorably sub amended, sent to Printer at 2:00pm MAY 15 1989

5-16-89 Printed and Distributed 1:53 am

MAY 16 1989 Sent to Committee on Calendars LSC 3:46pm

MAY 22 1989 Read Second time (sub 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 22 1989 Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record Vote of 141 yeas, 1 nays 1 present not voting.

MAY 22 1989 Caption ordered amended to conform to body of bill.

MAY 23 1989 Returned to Senate.

_____ Returned from House without amendment.

MAY 23 1989 Returned from House with 1 amendments.

MAY 24 1989 Concurred in House amendments by a viva voce vote 31 yeas, 0 nays.

Betty Murray
CHIEF CLERK OF THE HOUSE

_____ 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:

_____ Recommitted to Conference Committee

_____ Conferees discharged .

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

89 MAY 16 AM 1:53
HOUSE OF REPRESENTATIVES

NR