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;
Thence S 00°14' 10" W, 727' to a point for corner;
Thence S 89°45' 50" E, 150' to a point for corner;
Thence S 00°14' 10" W, 388' to a point of intersection with the
northerly right of way line of U. S. Highway No. 290, said point
being on a curve to the left in said right of way line from which
point the radius of said curve bears N 01° 27'30" W, 5,679.65',
(central angle = 7°31'30");
Thence around the arc of the curve a distance of 745.94', (L.C. = N
84° 46'45" E, 745.41') to the end of the curve;
Thence N 81° 01' E, 1,008.8' to a point for the beginning of a
curve to the left in said right of way line, from which point the
radius of said curve bears N 08° 59' W, 5,679.65' (central angle =
8° 58');
Thence around the arc of said curve a distance of 888.85', (L.C.
= N 76°32' E, 887.95'), to the end of the curve;
Thence N 72° 03' E, 112.7' to an angle point;
Thence N 17° 57' W, 100.0' to an angle point;
Thence N 72° 03' E, 1,350.0' to an angle point;
Thence S 17° 57' E, 100.0' to an angle point;
Thence N 72° 03' E, pass the easterly boundary line of Section 2,
Block OP, 1,054.9' to a point for the beginning of a curve to the
right in said right of way line from which point the radius of said
curve bears S 17° 57' E, 2,914.93' (central angle = 32° 34');
Thence around the arc of said curve a distance of 1,656.83', (L.C.
= N 88° 20' E, 1,634.62'), to the end of said curve;
Thence S 75° 23' E, 1,917.8' to an angle point;
Thence N 14° 37' E, 20.0' to an angle point;
Thence S 75° 23' E, 1,100.0' to an angle point;
Thence S 14° 37' W, 20.0' to an angle point;
Thence S 75° 23' E, 2,000.0' to an angle point;
Thence N 14° 37' E, 30.0' to an angle point;
Thence S 75° 23' E, 700.0' to an angle point;
Thence N 14° 37' E, 20.0' to an angle point;
Thence S 75° 23' E, 2,000.0' to an angle point;
Thence S 14° 37' W, 50.0' to an angle point;
Thence S 75° 23' E, 4,500.0' to an angle point;
Thence N 14° 37' E, 100.0' to an angle point;
Thence S 75° 23' E, 500.0' to an angle point;
Thence S 14° 37' W, 100.0' to an angle point;
Thence S 75° 23' E, 1,929.0' to a point of intersection with the
easterly boundary line of Survey 72 and in the westerly boundary
line of Survey 69, being a point in the east line of the T.A.
Kincaid lands and in the west line of the C. E. Davidson lands, and
from which point the northeasterly corner of said Survey 72 bears
northerly 950';
Thence with said property line and the westerly line of said
Survey 69, N 00°27'22" E, 309.92' to a point for corner;
Thence across said C. E. Davidson lands and Survey 69, S 75° 00'
38" E., 859.6' and S 74° 17'38"E, 1,780.0', 300' northerly from and
parallel to the northerly right of way of said Highway No. 290
(also I H 10), to a point for corner;
Thence N 11° 52' E, 1,520.0' to a point for corner;
Thence S 74° 17' 38" E, 1,460.0' to a point for corner;
Thence S 11° 52' W, 1,520.0' to a point for corner said point being
300.0' northerly from the northerly right of way line of Highway
290 and I H 10;
Thence S 74° 17' 38" E, 7,107.9', 300.0' northerly of and parallel
with said northerly highway right of way, crossing the easterly
line of Survey 69 and the westerly line of Survey 52, continuing to
a point in the westerly line of that tract of land conveyed from C.
E. Davidson to Tommy Mitchell, being a point in the westerly
boundary line of Survey 50;
Thence with the westerly boundary line of said Survey 50, N 00° 27'
22" E, 1,322.2' to a point in the westerly boundary line of Survey
49, near the northwesterly corner of said Mitchell lands:
Thence EAST along the northerly boundary line of said Mitchell
lands and crossing Taylor Box Road 850.35' to a point near the
easterly right of way line of Taylor Box Road;
Thence S 31° 03' 32" W, along the easterly right of way of said
Taylor Box Road 937.19' to a point, at the northwesterly corner of
a 8.12 acre tract;
Thence with the northerly line of said 8.12 acre tract of land, S
74° 17' 38" E, 709.4'to a point for corner;
Thence with the easterly line of said 8.12 acres, S 15° 42' 22" E,
at 702.1' pass the southeasterly corner of said 8.12 acres,
continuing 1,835.44' in all across access road, Highway 290 and I H
10 to a point 300.0' southerly from the south right of way line of
said I H 10 for corner;
Thence in a westerly direction, 300.0' southerly from and parallel
with said southerly right of way line of said I H 10, crossing
Surveys 50, 52, and 69, as follows:

S 87° 16' 16" W, 52.7'; S 77° 24'19" W, 738.24'; N 74° 17'38" W, 200.0'; N 60° 15' 28" W, 309.23'; N 45° 51' 03" W, 682.37'; N 57° 35' 41" W, 522.02'; N 74° 17' 38" W, 550.0'; N 68° 35' W, 502.49';

N 74° 17' 38" W, 7917.5'; N 75° 00' 38" W, 600.36' to a point located 300.0' southerly from the said right of way of I H 10, being located at a point in the westerly boundary line of said Survey 69 in the westerly line of the C. E. Davidson lands and the easterly line of said T. A. Kincaid lands;

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

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

N 75° 23' W, 1,855.0' to an angle point, S 14° 37' W, 100.0' to an angle point; N 75° 23' W, 600.0' to an angle point; N 14° 37' E, 100.0' to an angle point; N 75° 23' W, 4,500.0' to an angle point; S 14° 37' W, 15.0' to an angle point; N 75° 23' W, 300.0' to an angle point; N 14° 37' E, 15.0' to an angle point; N 75° 23' W, 700.0' to an angle point; S 14° 37' W, 15.0'; N 75° 23' W, 1,000.0' to an angle point; N 14° 37' E, 15.0'; N 75° 23' W, 620.0' to an angle point; S 14° 37' W, 30.0' to an angle point; N 75° 23' W, 80.0' to an angle point; N 14° 37' E, 30.0' to an angle point; N 75° 23' W, 23' W, 2,000.0' to an angle point; S 14° 37' W, 20.0' to an angle point; N 75° 23' W, 1,100.0' to an angle point; N 14° 37' E, 20.0'
to an angle point; N 75° 23' W, 1,917.8' to a point for the
beginning of a curve to the left in said Right of way line from
which point the radius of said curve beasr S 14° 37' W, 2,814.93'
( central angle = 32° 34');
Thence around the arc of the curve 1,600.0', ( L.C. = S 88° 20' W,
1,578.54') to the end of the curve;
Thence S 72° 03' W, 2,517.6' to a point for the beginning of a
curve to the right in said right of way line from which point the
radius of said curve bears N 17° 57' W, 5,779.65' ( central angle =
8° 58');
Thence around the arc of said curve 904.50', (L.C. = S 76° 32' W,
903.58') to the end of the curve:
Thence S 81° 01' W, 1,008.8' to a point for the beginning of a
curve to the right in said right of way line from which point the
radius of said curve bears N 8° 59' W, 5,779.65' ( central angle =
7° 33' 04'');
Thence around the arc of said curve 761.71', ( L.C.= S 84° 47' 32''
W, 761.16')to a point for corner;
Thence S 00° 14' 10'' W, 4,064.1' to a point in the common boundary
line between Surveys 1 and 2, Block OP;
Thence N 89° 49' W, 840.0' with the northerly boundary line of
Section 1, Block OP, to a point in the easterly boundary line of
Survey 1, Block OP, G. C. & S. F. RR. CO., the same being the
southwesterly corner of Survey 2, Block OP:
Thence S 00° 14' 10'' W, 2,649.0' to a point in the northerly line
of Section 17, Block MN, G. C. & S. F. RR. CO.;
Thence N 89° 51' 50'' W, 3,374.0' with the southerly line of Surveys
1 and 24, Block OP, to a point for corner, 500' easterly from the
easterly right of way line of State Highway No. 163;
Thence 500' easterly from and parallel to the easterly right of way
line of said Highway 163: S 01° 12' E, 3,761.18'; S 03° 11' E,
357.83' and S 05° 10' E, 5,581.0' to a point for corner;
Thence S 89° 44' W, at 562.05' pass the centerline of said Highway
163 at Highway Station 172+01, continuing S 89° 44' W, with the
common boundary line between the Sarah Seay property and the
Arlington Helbing property, 5,321.29' in all to a point for corner;
Thence NORTH 12,364.93' to a point of intersection with the
southerly boundary line of Survey 25, Block OP:
Thence S 89° 52' 20" E, 441.6' with the southerly boundary line of
Survey 25, Block OP to a point for corner;
Thence N 1,560.0' crossing IH 10 to a point for corner;
Thence N 26° 50' W, 875.0' to a point for corner;
Thence N 15° 30' W, 450.0' to a point for corner;
Thence N 7° 30' W, 550.0' to a point for corner;
Thence N 25° 30' E, 580.0' to a point for corner;
Thence N 12° 30' E, 1,427.0' to a point in the common boundary line
between Surveys 25 and 26, Block OP;
Thence N. 3,575.0' to the most westerly northwest corner of the
water control district;
Thence N 89° 58' 43" E, 6,452.32' to a point for corner;
Thence N 31° 37' 20" E, 1,304.0' to a point for corner;
Thence S 58° 22' 40" E, 699.0' to a point in the westerly boundary
line of Survey 3, Block OP;
Thence N. with the westerly boundary line of Surveys 3 and 4, Block
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
18 **SECTION 4. FINDINGS RELATING TO BOUNDARIES.** The legislature
19 finds that the boundaries and field notes of the district form a
20 closure. A mistake in the field notes or in copying the field
21 notes in the legislative process does not affect the organization,
22 existence, or validity of the district, the right of the district
23 to levy and collect taxes, or the legality or operation of the
24 district or its governing body.
25
26 **SECTION 5. FINDING OF BENEFIT.** All of the land and other
27 property included within the boundaries of the district will be
28 benefited by the works and projects that are to be accomplished by
29 the district under powers conferred by Article XVI, Section 59, of
the Texas Constitution. The district is created to serve a public use and benefit.

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

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

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

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

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

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

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

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

SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of directors is composed of:
(1) Wade Richardson
(2) Larry Williams
(3) George Bunger
(4) Reid Homsley
(5) Johnny Jones

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

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

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

(c) At the confirmation and initial directors' election, the temporary board of directors shall have the names of the five persons serving as temporary directors placed on the ballot together with the name of any candidate filing for the office of director as provided by Subsection (b) of this section and blank spaces to write in the names of other persons. If the district is created at the 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 directors' election in its election report to
the Texas Water Commission.

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

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

SECTION 10. ELECTION OF DIRECTORS. (a) On the first
Saturday in 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 in the district for the election of two
directors who shall each serve two-year terms and three directors
who 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.

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

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

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

SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.
(a) The proper and legal notice of the intention to introduce this
Act, setting forth the general substance of this Act, has been
published as provided by law, and the notice and a copy of this Act
have been furnished to all persons, agencies, officials, or
entities to which they are required to be furnished by the
constitution and other laws of this state, including the governor,
who has submitted the notice and Act to the Texas Water Commission.
(b) The Texas Water Commission has filed its recommendations
relating to this Act with the governor, lieutenant governor, and
speaker of the house of representatives within the required time.
(c) All requirements of the constitution and laws of this
state and the rules and procedures of the legislature with respect
to the notice, introduction, and passage of this Act are fulfilled
and accomplished.

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

\[Signature\]

Subscribed and sworn to before me this the \[Date\] day of \[Month\], 19\[Year\], to certify which witness my hand and seal of office.

\[Notary's Signature\]  
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.
By: Sims S.B. No. 1635

(In the Senate - Filed April 4, 1989; April 4, 1989, read first time and referred to Committee on Natural Resources; April 20, 1989, reported favorably by the following vote: Yeas 9, Nays 0; April 20, 1989, sent to printer.)

COMMITTEE VOTE

Yea Nay PNV Absent
San ti es te ban x 
Lyon x 
Armb rister x 
Bivins x 
Brown x 
Carriker x 
Montford x 
Rat liff x 
Sims x 
Uribe x 
Zaffirini x 

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:

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

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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;
Thence S 0°14' 10" W, 727' to a point for corner;
Thence S 89°45' 50" E, 150' to a point for corner;
Thence S 0°14' 10" W, 388' to a point of intersection with the northerly right of way line of U. S. Highway No. 290, said point being on a curve to the left in said right of way line from which point the radius of said curve bears N 01° 27'30" W, 5,679.65',
(central angle = 7°31'30"");
Thence around the arc of the curve a distance of 745.94', (L.C. = N 84° 46'45" E, 745.41') to the end of the curve;
Thence N 72° 03' E, 1,350.0' to an angle point;
Thence S 17° 57' E, 100.0' to an angle point;
Thence N 72° 03' E, pass the easterly boundary line of Section 2, Block OP, 1,054.9' to a point for the beginning of a curve to which said right of way line from which point the radius of said
curve bears S 17° 57' E, 2,914.93' (central angle = 32° 34');

Thence around the arc of said curve a distance of 1,656.83', (L.C.

= N 88° 20' E, 1,634.62'), to the end of said curve;

Thence S 75° 23' E, 1,917.8' to an angle point;

Thence N 14° 37' E, 20.0' to an angle point;

Thence S 75° 23' E, 1,100.0' to an angle point;

Thence S 14° 37' W, 20.0' to an angle point;

Thence S 75° 23' E, 2,000.0' to an angle point;

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Thence S 75° 23' E, 700.0' to an angle point;

Thence N 14° 37' E, 20.0' to an angle point;

Thence S 75° 23' E, 2,000.0' to an angle point;

Thence S 14° 37' W, 50.0' to an angle point;

Thence S 75° 23' E, 4,500.0' to an angle point;

Thence N 14° 37' E, 100.0' to an angle point;

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Thence S 75° 23' E, 1,929.0' to a point of intersection with the
easterly boundary line of Survey 72 and in the westerly boundary
line of Survey 69, being a point in the east line of the T.A.

Kincaid lands and in the west line of the C. E. Davidson lands, and

from which the northeasterly corner of said Survey 72 bears
northerly 950';

Thence with said property linee and the westerly line of said
Survey 69, N 00° 27' 22" E, 309.92' to a point for corner;

Thence across said C. E. Davidson lands and Survey 69, S 75° 00'
38" E., 859.6' and S 74° 17' 38" E, 1,780.0', 300' northerly from and
parallel to the northerly right of way of said Highway No. 290
(also I H 10), to a point for corner;

Thence N 11° 52' E, 1,520.0' to a point for corner;

Thence S 74° 17' 38" E, 1,460.0' to a point for corner;

Thence S 11° 52' W, 1,520.0' to a point for corner said point being
300.0' northerly from the northerly right of way line of Highway
290 and I H 10;

Thence S 74° 17' 38" E, 7,107.9', 300.0' northerly of and parallel
with said northerly highway right of way, crossing the easterly
line of Survey 69 and the westerly line of Survey 52, continuing to
a point in the westerly line of that tract of land conveyed from C.
E. Davidson to Tommy Mitchell, being a point in the westerly
boundary line of Survey 50;

Thence with the westerly boundary line of said Survey 50, N 00° 27'
22" E, 1,322.2' to a point in the westerly boundary line of Survey
49, near the northwesterly corner of said Mitchell lands;

Thence EAST along the northerly boundary line of said Mitchell
lands and crossing Taylor Box Road 850.35' to a point near the
easterly right of way of Taylor Box Road;

Thence S 31° 03' 32" W, along the easterly right of way of said
Taylor Box Road 937.19' to a point, at the northwesterly corner of
a 8.12 acre tract;

Thence with the northerly line of said 8.12 acre tract of land, S
74° 17' 38" E, 709.4' to a point for corner;

Thence with the easterly line of said 8.12 acres , S 15° 42' 22" E,
at 702.1' pass the southeasterly corner of said 8.12 acres,
continuing 1,835.44' in all across access road, Highway 290 and I H
10 to a point 300.0' southerly from the south right of way line of
said I H 10 for corner;

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

S 87° 16' 16" W, 527.1'; S 77° 24' 19" W, 738.24'; N 74° 17' 38" W,
200.0'; N 60° 15' 28" W, 309.23'; N 45° 51' 03" W, 682.37'; N 57°
35' 41" W, 522.02'; N 74° 17' 38" W, 550.0'; N 68° 35' W, 502.49';

N 74° 17' 38" W, 7917.5'; N 75° 00' 38" W, 600.36' to a point
located 300.0' southerly from the said right of way of I H 10,
being located at a point in the westerly boundary line of said
Survey 69 in the westerly line of the C. E. Davidson lands and the
easterly line of said T. A. Kincaid lands;

Thence with said property lines and the west line of said Survey 69
N 00° 27' 22" E, 619.83' to a point in the westerly line of said
Survey 69, the easterly line of Survey 72 and at a point in the

S.B. No. 1635
1. Thence in a westerly direction with the original southerly right of way of U.S. Highway 290;
2. Thence across the line of survey 6, 1,600.0' to a point on the right of way line from
   which point the radius of said curve bears S 14° 37' W, 2,814.93'
   (central angle = 32° 34');
3. Thence across the line of curve 761.71', (L.C. = S 84° 47' 32"
   W, 761.6') to a point for corner;
4. Thence S 09° 14' 10" W, 4,064.1' to a point in the common boundary line between Surveys 1 and 2, Block OP;
5. Thence N 96° 49' W, 840.0' with the northerly boundary line of
   Section 1, Block OP, to a point in the easterly boundary line of Survey 1, Block OP, G. C. & S. F. RR. CO., the same being the
   southerly corner of Survey 2, Block OP;
6. Thence S 09° 14' 10" W, 2,649.0' to a point in the northerly line
   of Section 17, Block MN, G. C. & S. F. RR. CO.;
7. Thence N 96° 51' 50" W, 3,374.0' with the southerly line of Surveys
   1 and 24, Block OP, to a point for corner, 500' easterly from the
   easterly right of way line of State Highway No. 163;
8. Thence 500' easterly from and parallel to the easterly right of way
   line of said Highway 163: S 01° 12' E, 3,761.18'; S 03° 11' E,
   357.83' and S 05° 10' E, 5,581.0' to a point for corner;
9. Thence S 89° 44' W, at 582.05' pass the centerline of said Highway
   163 at Highway Station 172+01, continuing S 89° 44' W, with the
   common boundary line between the Sarah Seay property and the
   Arlington Helbing property, 5,321.29' in all to a point for corner;
10. Thence NORTH 12° 36' 46" to a point of intersection with the
    southerly boundary line of Survey 25, Block OP;
11. Thence S 89° 52' 20" E, 441.6' with the southerly boundary line of
    Survey 25, Block OP to a point for corner;
12. Thence N 1,560.0' crossing IH 10 to a point for corner;
13. Thence N 26° 50' W, 875.0' to a point for corner;
14. Thence N 15° 30' W, 450.0' to a point for corner;
15. Thence N 10° 30' W, 550.0' to a point for corner;
16. Thence N 25° 30' E, 580.0' to a point for corner;
17. Thence N 12° 30' E, 1,427.0' to a point in the common boundary line between Surveys 25 and 26, Block OP;
18. Thence N. 3,575.0' to the most westerly northwest corner of the
    water control district;
19. Thence N 89° 51' 56" E, 6,452.32' to a point for corner;
20. Thence N 91° 37' 20" E, 1,304.0' to a point for corner;
21. Thence S 58° 22' 40" E, 699.0' to a point in the westerly boundary
    line of Survey 3, Block OP;
22. Thence N. with the westerly boundary line of Surveys 3 and 4, Block
    OP, 6,288.67' to the northwesterly corner of Survey 4;
Thence E. 5,280.0' with the northerly boundary line of said Survey 4 to its northeast corner;
Thence S. 5,280.0' with the easterly boundary line of said Survey 4 to its southeast corner;
Thence W. 4,480.0' with the southerly boundary line of said Survey 4 to a point for corner;
Thence S. 1,326.67' to a point for corner;
Thence S 89° 45' E, 1,162.0' to a point for corner;
Thence S 0° 15' W, 695.1' to a point for corner;
Thence N 89° 45' W, 1,117.0' to a point for corner;
Thence S 0° 15' W, 631.0' to a point for corner;
Thence N 89° 45' W, 836.0' to the place of beginning
and containing 4,477.587 acres of land and being those lands contained in the Crockett County Water Control and Improvement District No. 1 of Crockett County, Texas.

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

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

SECTION 6. POWERS. (a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.
(b) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Water Commission.

SECTION 7. BOARD OF DIRECTORS. (a) The district is governed by a board of five directors.
(b) Temporary directors serve until initial permanent directors are elected under Section 9.
(c) Initial permanent directors serve until permanent directors are elected under Section 10.
(d) Permanent directors other than initial permanent directors serve staggered four-year terms.
(e) Each director must qualify to serve as director in the manner provided by Sections 51.078 and 51.079, Water Code.
(f) A director serves until the director's successor has qualified.

SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of directors is composed of:
(1) Wade Richardson
(2) Larry Williams
(3) George Bunger
(4) Reid Homsley
(5) Johnny Jones
(b) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy. If at any time there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill all vacancies on the board.

SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. (a) The temporary board of directors shall call and hold an election to confirm establishment of the district and to elect five initial directors.
(b) A person who desires to be a candidate for the office of initial director may file an application with the temporary board
to have the candidate's name printed on the ballot as provided by
Section 51.075, Water Code.
(c) At the confirmation and initial directors' election, the
temporary board of directors shall have the names of the five
persons serving as temporary directors placed on the ballot
together with the name of any candidate filing for the office of
director as provided by Subsection (b) of this section and blank
spaces to write in the names of other persons. If the district is
created at the 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 directors' election in its election report to
the Texas Water Commission.
(d) Subsection (a), Section 41.001, Election Code, does not
apply to a confirmation and initial directors' election held as
provided by this section.
(e) Except as provided by this section, a confirmation and
initial directors' election must be conducted as provided by
Subsections (b) through (g), Section 52.056, Water Code, and the
Election Code.
SECTION 10. ELECTION OF DIRECTORS. (a) On the first
Saturday in 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 in the district for the election of two
directors who shall each serve two-year terms and three directors
who 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.
(b) To be qualified to be elected and serve as a director, a
person must be a resident of the district, at least 18 years of
age, and not disqualified under Section 50.026, Water Code.
SECTION 11. ADDITIONAL AUTHORITY. (a) A property tax
authorized for the district under Chapter 52, Water Code, may not
exceed five cents on each $100 of assessed valuation.
(b) At a regular meeting of the board of directors, if the
board determines that the tax levied and collected under Subsection
(a) of this section is no longer sufficient for the purposes stated
in that subsection, the board may call and hold an election to
approve an increase in property taxes not to exceed an additional
cents on each $100 of assessed valuation in excess of the
limitation provided by Subsection (a) of this section. If a
majority of the qualified voters approve an increase in the amount
of taxes in excess of the limitation provided by Subsection (a) of
this section, the district may levy and collect additional taxes in
the amount as limited in this subsection approved by the voters at
the election called and held for that purpose.
SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.
(a) The proper and legal notice of the intention to introduce this
Act, setting forth the general substance of this Act, has been
published as provided by law, and the notice and a copy of this Act
have been furnished to all persons, agencies, officials, or
entities to which they are required to be furnished by the
constitution and other laws of this state, including the governor,
who has submitted the notice and Act to the Texas Water Commission.
(b) The Texas Water Commission has filed its recommendations
relating to this Act with the governor, lieutenant governor, and
speaker of the house of representatives within the required time.
(c) All requirements of the constitution and laws of this
state and the rules and procedures of the legislature with respect
to the notice, introduction, and passage of this Act are fulfilled
and accomplished.
SECTION 13. EMERGENCY. The importance of this legislation
and the crowded condition of the calendars in both houses create an
emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several
days in each house be suspended, and this rule is hereby suspended,
and that this Act take effect and be in force from and after its
passage, and it is so enacted.
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
TO: Honorable H. Tati Santiesteban, Chairman  
   Committee on Natural Resources  
   Senate Chamber  
   Austin, Texas

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

71FSB1635
SENATE FAVORABLE COMMITTEE REPORT

Lt. Governor William P. Hobby  
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred SB 1635 by Sims have on April 19, 1989, had the same 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:

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Committee Clerk: ___________________  Chairman: ___________________

Paper clip the original and one copy of this form to the original bill and retain one copy for your file.
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 _______ on 4-19-1987
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

[Signature]
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.

Paper clip the original to the bill; retain one copy for reporting committee files; deliver one copy to the bill sponsor.
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;
Thence S 00°14' 10" W, 727' to a point for corner;
2. Thence S 89°45' 50" E, 150' to a point for corner;
3. Thence S 00°14' 10" W, 388' to a point of intersection with the
northerly right of way line of U. S. Highway No. 290, said point
being on a curve to the left in said right of way line from which
point the radius of said curve bears N 01° 27'30" W, 5,679.65',
(central angle = 7°31'30");
4. Thence around the arc of the curve a distance of 745.94', (L.C. = N
84° 46'45" E, 745.41') to the end of the curve;
5. Thence N 81° 01' E, 1,008.8' to a point for the beginning of a
curve to the left in said right of way line, from which point the
radius of said curve bears N 08° 59' W, 5,679.65 ' (central angle =
8° 58');
6. Thence around the arc of said curve a distance of 888.85', (L.C.
= N 76°32'E, 887.95'), to the end of the curve;
7. Thence N 72° 03' E, 112.7' to an angle point;
8. Thence N 17° 57' W, 100.0' to an angle point;
9. Thence N 72° 03' E, 1,350.0' to an angle point;
10. Thence S 17° 57' E, 100.0' to an angle point;
11. Thence N 72° 03' E, pass the easterly boundary line of Section 2,
Block OP, 1,054.9' to a point for the beginning of a curve to the
right in said right of way line from which point the radius of said
curve bears S 17° 57' E, 2,914.93' (central angle = 32° 34' );
12. Thence around the arc of said curve a distance of 1,656.83', (L.C.
= N 88° 20' E, 1,634.62'), to the end of said curve;
13. Thence S 75° 23' E, 1,917.8' to an angle point;
Thence N 14° 37' E, 20.0' to an angle point;
Thence S 75° 23' E, 1,100.0' to an angle point;
Thence S 14° 37' W, 20.0' to an angle point;
Thence S 75° 23' E, 2,000.0' to an angle point;
Thence N 14° 37' E, 30.0' to an angle point;
Thence S 75° 23' E, 700.0' to an angle point;
Thence N 14° 37' E, 20.0' to an angle point;
Thence S 75° 23' E, 2,000.0' to an angle point;
Thence S 14° 37' W, 50.0' to an angle point;
Thence S 75° 23' E, 4,500.0' to an angle point;
Thence N 14° 37' E, 100.0' to an angle point;
Thence S 75° 23' E, 500.0' to an angle point;
Thence S 14° 37' W, 100.0' to an angle point;
Thence S 75° 23' E, 1,929.0' to a point of intersection with the
easterly boundary line of Survey 72 and in the westerly boundary
line of Survey 69, being a point in the east line of the T.A.
Kincaid lands and in the west line of the C. E. Davidson lands, and
from which point the northeasterly corner of said Survey 72 bears
northerly 950';
Thence with said property linee and the westerly line of said
Survey 69, N 00°27'22" E, 309.92' to a point for corner;
Thence across said C. E. Davidson lands and Survey 69, S 75° 00'
38" E., 859.6' and S 74° 17'38"E, 1,780.0', 300' northerly from and
parallel to the northerly right of way of said Highway No. 290
( also I H 10), to a point for corner;
Thence N 11° 52' E, 1,520.0' to a point for corner;
Thence S 74° 17' 38" E, 1,460.0' to a point for corner;
Thence S 11° 52' W, 1,520.0' to a point for corner said point being
300.0' northerly from the northerly right of way line of Highway
290 and I H 10;
Thence S 74° 17' 38" E, 7,107.9', 300.0' northerly of and parallel
with said northerly highway right of way, crossing the easterly
line of Survey 69 and the westerly line of Survey 52, continuing to
a point in the westerly line of that tract of land conveyed from C.
E. Davidson to Tommy Mitchell, being a point in the westerly
boundary line of Survey 50;
Thence with the westerly boundary line of said Survey 50, N 00° 27'
22" E, 1,322.2' to a point in the westerly boundary line of Survey
49, near the northwesterly corner of said Mitchell lands;
Thence EAST along the northerly boundary line of said Mitchell
lands and crossing Taylor Box Road 850.35' to a point near the
easterly right of way line of Taylor Box Road;
Thence S 31° 03' 32" W, along the easterly right of way of said
Taylor Box Road 937.19' to a point, at the northwesterly corner of
a 8.12 acre tract;
Thence with the northerly line of said 8.12 acre tract of land, S
74° 17' 38" E, 709.4'to a point for corner;
Thence with the easterly line of said 8.12 acres, S 15° 42' 22" E,
at 702.1' pass the southeasterly corner of said 8.12 acres,
continuing 1,835.44' in all across access road, Highway 290 and I H
10 to a point 300.0' southerly from the south right of way line of
said I H 10 for corner;
S.B. No. 1635

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, 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
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,
80.0' to an angle point; N 14° 37' E, 30.0' to an angle point; N 75° 23' W, 2,000.0' to an angle point; S 14° 37' W, 20.0' to an angle point; N 75° 23' W, 1,100.0' to an angle point; N 14° 37' E, 20.0' to an angle point; N 75° 23' W, 1,917.8' to a point for the beginning of a curve to the left in said Right of way line from which point the radius of said curve bears S 14° 37' W, 2,814.93' (central angle = 32° 34');
Thence around the arc of the curve 1,600.0', (L.C. = S 88° 20' W, 1,578.54') to the end of the curve;
Thence S 72° 03' W, 2,517.6' to a point for the beginning of a curve to the right in said right of way line from which point the radius of said curve bears N 17° 57' W, 5,779.65' (central angle = 8° 58');
Thence around the arc of said curve 904.50', (L.C. = S 76° 32' W, 903.58') to the end of the curve;
Thence S 81° 01' W, 1,008.8' to a point for the beginning of a curve to the right in said right of way line from which point the radius of said curve bears N 8° 59' W, 5,779.65' (central angle = 7° 33' 04'');
Thence around the arc of said curve 761.71', (L.C. = S 84° 47' 32" W, 761.16") to a point for corner;
Thence S 00° 14' 10" W, 4,064.1' to a point in the common boundary line between Surveys 1 and 2, Block OP;
Thence N 89° 43' W, 840.0' with the northerly boundary line of Section 1, Block OP, to a point in the easterly boundary line of Survey 1, Block OP, G. C. & S. F. RR. Co., the same being the
southwesterly corner of Survey 2, Block OP;
Thence S 00° 14' 10" W, 2,649.0' to a point in the northerly line
of Section 17, Block MN, G. C. & S. F. RR. CO.;
Thence N 89° 51' 50" W, 3,374.0' with the southerly line of Surveys
1 and 24, Block OP, to a point for corner, 500' easterly from the
easterly right of way line of State Highway No. 163;
Thence 500' easterly from and parallel to the easterly right of way
line of said Highway 163: S 01° 12' E, 3,761.18'; S 03° 11' E,
357.83' and S 05° 10' E, 5,581.0' to a point for corner;
Thence S 89° 44' W, at 562.05' pass the centerline of said Highway
163 at Highway Station 172+01, continuing S 89° 44' W, with the
common boundary line between the Sarah Seay property and the
Arlington Helbing property, 5,321.29' in all to a point for corner;
Thence NORTH 12,364.93' to a point of intersection with the
southerly boundary line of Survey 25, Block OP;
Thence S 89° 52' 20" E, 441.6' with the southerly boundary line of
Survey 25, Block OP to a point for corner;
Thence N 1,560.0' crossing IH 10 to a point for corner;
Thence N 26° 50' W, 875.0' to a point for corner;
Thence N 15° 30' W, 450.0' to a point for corner;
Thence N 7° 30' W, 550.0' to a point for corner;
Thence N 25° 30' E, 580.0' to a point for corner;
Thence N 12° 30' E, 1,427.0' to a point in the common boundary line
between Surveys 25 and 26, Block OP;
Thence N. 3,575.0' to the most westerly northwest corner of the
water control district;
Thence N 89° 53' 43" E, 6,452.32' to a point for corner;
Thence N 31° 37' 20" E, 1,304.0' to a point for corner;
Thence S 58° 22' 40" E, 699.0' to a point in the westerly boundary
line of Survey 3, Block OP;
Thence N. with the westerly boundary line of Surveys 3 and 4, Block
OP, 6,288.67' to the northwesterly corner of Survey 4;
Thence E. 5,280.0' with the northerly boundary line of said Survey
4 to its northeast corner;
Thence S. 5,280.0' with the easterly boundary line of said Survey 4
to its southeast corner;
Thence W. 4,480.0' with the southerly boundary line of said Survey
4 to a point for corner;
Thence S. 1,325.67' to a point for corner;
Thence S 89° 45' E, 1,162.0' to a point for corner;
Thence S 0° 15' W, 695.1' to a point for corner;
Thence N 89° 45' W, 1,117.0' to a point for corner;
Thence S 0° 15' W, 631.0' to a point for corner;
Thence N 89° 45' W, 836.0' to the place of beginning
and containing 4,477.587 acres of land and being those lands
contained in the Crockett County Water Control and Improvement
District No. 1 of Crockett County, Texas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A person who desires to be a candidate for the office of initial director may file an application with the temporary board to have the candidate's name printed on the ballot as provided by Section 51.075, Water Code.
(c) At the confirmation and initial directors' election, the temporary board of directors shall have the names of the five persons serving as temporary directors placed on the ballot together with the name of any candidate filing for the office of director as provided by Subsection (b) of this section and blank spaces to write in the names of other persons. If the district is created at the election, the temporary directors, at the time the vote is canvass, shall declare the five persons who receive the most votes to be elected as the initial directors and shall include the results of the directors' election in its election report to the Texas Water Commission.

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

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

SECTION 10. ELECTION OF DIRECTORS. (a) On the first Saturday in 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 in the district for the election of two directors who shall each serve two-year terms and three directors who 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.
(b) To be qualified to be elected and serve as a director, a person must be a resident of the district, at least 18 years of age, and not disqualified under Section 50.026, Water Code.

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

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

SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS. (a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Water Commission.
(b) The Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

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

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

Subscribed and sworn to before me this the 6th day of February, 19__ , to certify which witness my hand and seal of office.

CHARLOTTE DUSEK
Notary Public in and for Crockett County, Texas

November 2, 1992
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. Those 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.
By Sims  
(Hilderbran)
Substitute the following for S.B. No. 1635:

By Junell

S.B. No. 1635

C.S.S.B. No. 1635

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Emerald 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 Emerald 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 Emerald 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°14' 10" W, 727' to a point for corner;
2. Thence S 89°45' 50" E, 150' to a point for corner;
3. Thence S 00°14' 10" W, 388' to a point of intersection with the
   northerly right of way line of U. S. Highway No. 290, said point
   being on a curve to the left in said right of way line from which
   point the radius of said curve bears N 01° 27'30" W, 5,679.65',
   (central angle = 7°31'30");
4. Thence around the arc of the curve a distance of 745.94', (L.C. = N
   84° 46'45" E, 745.41') to the end of the curve;
5. Thence N 81° 01' E, 1,008.8' to a point for the beginning of a
   curve to the left in said right of way line, from which point the
   radius of said curve bears N 08° 59' W, 5,679.65' (central angle =
   8° 58');
6. Thence around the arc of said curve a distance of 888.85', (L.C.
   = N 76°32' E, 887.95'), to the end of the curve;
7. Thence N 72° 03' E, 112.7' to an angle point;
8. Thence N 17° 57' W, 100.0' to an angle point;
9. Thence N 72° 03' E, 1,350.0' to an angle point;
10. Thence S 17° 57' E, 100.0' to an angle point;
11. Thence N 72° 03' E, pass the easterly boundary line of Section 2,
    Block OP, 1,054.9' to a point for the beginning of a curve to the
    right in said right of way line from which point the radius of said
    curve bears S 17° 57' E, 2,914.93' (central angle = 32° 34');
12. Thence around the arc of said curve a distance of 1,656.83', (L.C.
    = N 88° 20' E, 1,634.62'), to the end of said curve;
13. Thence S 75° 23' E, 1,917.8' to an angle point;
14. Thence N 14° 37' E, 20.0' to an angle point;
Thence S 75° 23' E, 1,100.0' to an angle point;
Thence S 14° 37' W, 20.0' to an angle point;
Thence S 75° 23' E, 2,000.0' to an angle point;
Thence N 14° 37' E, 30.0' to an angle point;
Thence S 75° 23' E, 700.0' to an angle point;
Thence N 14° 37' E, 20.0' to an angle point;
Thence S 75° 23' E, 2,000.0' to an angle point;
Thence S 14° 37' W, 50.0' to an angle point;
Thence S 75° 23' E, 4,500.0' to an angle point;
Thence N 14° 37' E, 100.0' to an angle point;
Thence S 75° 23' E, 500.0' to an angle point;
Thence S 14° 37' W, 100.0' to an angle point;
Thence S 75° 23' E, 1,929.0' to a point of intersection with the
easterly boundary line of Survey 72 and in the westerly boundary
line of Survey 69, being a point in the east line of the T.A.
Kincaid lands and in the west line of the C. E. Davidson lands, and
from which point the northeasterly corner of said Survey 72 bears
northerly 950';
Thence with said property linee and the westerly line of said
Survey 69, N 00°27'22" E, 309.92' to a point for corner;
Thence across said C. E. Davidson lands and Survey 69, S 75° 00'
38" E., 859.6' and S 74° 17'38"E, 1,780.0', 300' northerly from and
parallel to the northerly right of way of said Highway No. 290
( also I H 10), to a point for corner;
Thence N 11° 52' E, 1,520.0' to a point for corner;
Thence S 74° 17' 38" E, 1,460.0' to a point for corner;
Thence S 11° 52' W, 1,520.0' to a point for corner said point being
300.0' northerly from the northerly right of way line of Highway 290 and I H 10;
Thence S 74° 17' 38" E, 7,107.9', 300.0' northerly of and parallel with said northerly highway right of way, crossing the easterly line of Survey 69 and the westerly line of Survey 52, continuing to a point in the westerly line of that tract of land conveyed from C. E. Davidson to Tommy Mitchell, being a point in the westerly boundary line of Survey 50;
Thence with the westerly boundary line of said Survey 50, N 00° 27' 22" E, 1,322.2' to a point in the westerly boundary line of Survey 49, near the northwesterly corner of said Mitchell lands;
Thence EAST along the northerly boundary line of said Mitchell lands and crossing Taylor Box Road 850.35' to a point near the easterly right of way line of Taylor Box Road;
Thence S 31° 03' 32" W, along the easterly right of way of said Taylor Box Road 937.19' to a point, at the northwesterly corner of a 8.12 acre tract;
Thence with the northerly line of said 8.12 acre tract of land, S 74° 17' 38" E, 709.4' to a point for corner;
Thence with the easterly line of said 8.12 acres, S 15° 42' 22" E, at 702.1' pass the southeasterly corner of said 8.12 acres, continuing 1,835.44' in all across access road, Highway 290 and I H 10 to a point 300.0' southerly from the south right of way line of said I H 10 for corner;
Thence in a westerly direction, 300.0' southerly from and parallel with said southerly right of way line of said I H 10, crossing Surveys 50, 52, and 69, as follows:
C.S.S.B. No. 1635

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

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

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

N 75° 23' W, 1,855.0' to an angle point; S 14° 37' W, 100.0' to an angle point; N 75° 23' W, 600.0' to an angle point; N 14° 37' E, 100.0' to an angle point; N 75° 23' W, 4,500.0' to an angle point;
S 14° 37' W, 15.0' to an angle point; N 75° 23' W, 300.0' to an angle point; N 14° 37' E, 15.0' to an angle point; N 75° 23' W, 700.0' to an angle point; S 14° 37' W, 15.0'; N 75° 23' W, 1,000.0' to an angle point; N 14° 37' E, 15.0'; N 75° 23' W, 620.0' to an angle point; S 14° 37' W, 30.0' to an angle point; N 75° 23' W, 80.0' to an angle point; N 14° 37'E, 30.0' to an angle point; N 75° 23' W, 2,000.0' to an angle point; S 14° 37' W, 20.0' to an angle point; N 75° 23' W, 1,100.0' to an angle point; N 14° 37' E, 20.0' to an angle point; N 75° 23' W, 1,917.8' to a point for the
beginning of a curve to the left in said Right of way line from which point the radius of said curve beasr S 14° 37' W, 2,814.93' (central angle = 32° 34');

Thence around the arc of the curve 1,600.0', (L.C. = S 88° 20' W, 1,578.54') to the end of the curve;

Thence S 72° 03' W, 2,517.6' to a point for the beginning of a curve to the right in said right of way line from which point the radius of said curve bears N 17° 57' W, 5,779.65' (central angle = 8° 58');

Thence around the arcs of said curve 904.50', (L.C. = S 76° 32' W, 903.58') to the end of the curve:

Thence S 81° 01' W, 1,008.8' to a point for the beginning of a curve to the right in said right of way line from which point the radius of said curve bears N 8° 59' W, 5,779.65' (central angle = 7° 33' 04');

Thence around the arc of said curve 761.71', (L.C. = S 84° 47' 32" W, 761.16') to a point for corner;

Thence S 00° 14' 10" W, 4,064.1' to a point in the common boundary line between Surveys 1 and 2, Block OP;

Thence N 89° 49' W, 840.0' with the northerly boundary line of Section 1, Block OP, to a point in the easterly boundary line of Survey 1, Block OP, G. C. & S. F. RR. CO., the same being the southwesterly corner of Survey 2, Block OP;

Thence S 00° 14' 10" W, 2,649.0' to a point in the northerly line of Section 17, Block MN, G. C. & S. F. RR. CO.;

Thence N 89° 51' 50" W, 3,374.0' with the southerly line of Surveys 1 and 24, Block OP, to a point for corner, 500' easterly from the
easterly right of way line of State Highway No. 163;

Thence 500' easterly from and parallel to the easterly right of way line of said Highway 163: S 01° 12' E, 3,761.18'; S 03° 11' E, 357.83' and S 05° 10' E, 5,581.0' to a point for corner;

Thence S 89° 44' W, at 562.05' pass the centerline of said Highway 163 at Highway Station 172+01, continuing S 89° 44' W, with the common boundary line between the Sarah Seay property and the Arlington Helbing property, 5,321.29' in all to a point for corner;

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

Thence S 89° 52' 20" E, 441.6' with the southerly boundary line of Survey 25, Block OP to a point for corner;

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

Thence N 26° 50' W, 875.0' to a point for corner;

Thence N 15° 30' W, 450.0' to a point for corner;

Thence N 7° 30' W, 550.0' to a point for corner;

Thence N 25° 30' E, 580.0' to a point for corner;

Thence N 12° 30' E, 1,427.0' to a point in the common boundary line between Surveys 25 and 26, Block OP;

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

Thence N 89° 58' 43" E, 6,452.32' to a point for corner;

Thence N 31° 37' 20" E, 1,304.0' to a point for corner;

Thence S 58° 22' 40" E, 699.0' to a point in the westerly boundary line of Survey 3, Block OP;

Thence N. with the westerly boundary line of Surveys 3 and 4, Block OP, 6,288.67' to the northwesterly corner of Survey 4;
Thence E. 5,280.0' with the northerly boundary line of said Survey
4 to its northeast corner;
3 Thence S. 5,280.0' with the easterly boundary line of said Survey 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.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The legislature
1 finds that the boundaries and field notes of the district form a
2 closure. A mistake in the field notes or in copying the field
3 notes in the legislative process does not affect the organization,
4 existence, or validity of the district, the right of the district
5 to levy and collect taxes, or the legality or operation of the
6 district or its governing body.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) At the confirmation and initial directors' election, the temporary board of directors shall have the names of the five persons serving as temporary directors placed on the ballot together with the name of any candidate filing for the office of director as provided by Subsection (b) of this section and blank spaces to write in the names of other persons. If the district is created at the 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 directors' election in its election report to
the Texas Water Commission.

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

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

SECTION 10. ELECTION OF DIRECTORS. (a) On the first
Saturday in 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 in the district for the election of two
directors who shall each serve two-year terms and three directors
who 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.

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

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

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

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

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

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

SECTION 13. EMERGENCY. The importance of this legislation
and the crowded condition of the calendars in both houses create an
emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several
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.
The Honorable Gib Lewis  
Speaker of the House of Representatives  

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).
(x) 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. (x) yes ( ) no
A criminal justice policy impact statement was prepared. ( ) yes (x) no
A water development policy impact statement was requested. (x) yes ( ) no
(x) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for
placement on the (x) Local, ( ) Consent, or ( ) Resolutions Calendar.

This measure (x) proposes new law. ( ) amends existing law.

House Sponsor of Senate Measure ________ Hilderbrand

The measure was reported from Committee by the following vote:

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<th>AYE</th>
<th>NAY</th>
<th>PNV</th>
<th>ABSENT</th>
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<tr>
<td>Smith, T., Ch.</td>
<td>x</td>
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<td>Willy, V.C.</td>
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<td>Collazo, C.B.O.</td>
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<tr>
<td>Culberson</td>
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<td>Holzhauser</td>
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<td>Junell</td>
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<td>Yost</td>
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Total
7 aye
0 nay
0 present, not voting
2 absent

[Signatures]

CHAIRMAN
COMMITTEE COORDINATOR
SB 1635 By: Sims (Hilderbran)  
CSSB 1635 By: Junell  

Committee on  
Natural Resources  

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
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.
FISCAL NOTE
April 11, 1989

TO: Honorable H. Tati Santiesteban, Chairman  In Re: Senate Bill No. 1635
      Committee on Natural Resources   By: Sims
      Senate Chamber
      Austin, Texas

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
May 10, 1989

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
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, 552 and Article XVI, 559(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,

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
Speaker of the House Gib Lewis, House of Representatives
Senator H. Tati Santiesteban, Chairman, Senate Natural Resources Committee
Senator Bill Sims, State Senate

P. O. Box 13087 Capitol Station • 1700 North Congress Ave. • Austin, Texas 78711-3087 • Area Code 512/463-7830
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, SS2 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
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.
A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Emerald 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 Emerald 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 Emerald 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 02, 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;
Thence S 00°14' 10" W, 727' to a point for corner;
Thence S 89°45' 50" E, 150' to a point for corner;
Thence S 00°14' 10" W, 388' to a point of intersection with the
northerly right of way line of U. S. Highway No. 290, said point
being on a curve to the left in said right of way line from which
point the radius of said curve bears N 01° 27'30" W, 5,679.65',
(central angle = 7°31'30"");
Thence around the arc of the curve a distance of 745.94', (L.C. = N
84° 46'45" E, 745.41') to the end of the curve;
Thence N 81° 01' E, 1,008.8' to a point for the beginning of a
curve to the left in said right of way line, from which point the
radius of said curve bears N 08° 59' W, 5,679.65 ' (central angle =
8° 58' );
Thence around the arc of said curve a distance of 888.85', (L.C.
= N 76°32'E, 887.95'), to the end of the curve;
Thence N 72° 03' E, 112.7' to an angle point;
Thence N 17° 57' W, 100.0' to an angle point;
Thence N 72° 03' E, 1,350.0' to an angle point;
Thence S 17° 57' E, 100.0' to an angle point;
Thence N 72° 03' E, pass the easterly boundary line of Section 2,
Block OP, 1,054.9' to a point for the beginning of a curve to the
right in said right of way line from which point the radius of said
curve bears S 17° 57' E, 2,914.93' (central angle = 32° 34' );
Thence around the arc of said curve a distance of 1,656.83', (L.C.
= N 88° 20' E, 1,634.62'), to the end of said curve;
Thence S 75° 23' E, 1,917.8' to an angle point.
Thence N 14° 37' E, 20.0' to an angle point;
Thence S 75° 23' E, 1,100.0' to an angle point;
Thence S 14° 37' W, 20.0' to an angle point;
Thence S 75° 23' E, 2,000.0' to an angle point;
Thence N 14° 37' E, 30.0' to an angle point;
Thence S 75° 23' E, 700.0' to an angle point;
Thence N 14° 37' E, 20.0' to an angle point;
Thence S 75° 23' E, 2,000.0' to an angle point;
Thence S 14° 37' W, 50.0' to an angle point;
Thence S 75° 23' E, 4,500.0' to an angle point;
Thence N 14° 37' E, 100.0' to an angle point;
Thence S 75° 23' E, 500.0' to an angle point;
Thence S 14° 37' W, 100.0' to an angle point;
Thence S 75° 23' E, 1,929.0' to a point of intersection with the
easterly boundary line of Survey 72 and in the westerly boundary
line of Survey 69, being a point in the east line of the T.A.
Kincaid lands and in the west line of the C. E. Davidson lands, and
from which point the northeasterly corner of said Survey 72 bears
northerly 950';
Thence with said property lines and the westerly line of said
Survey 69, N 00°27'22" E, 309.92' to a point for corner;
Thence across said C. E. Davidson lands and Survey 69, S 75° 00'
38" E., 859.6' and S 74° 17'38"E, 1,780.0', 300' northerly from and
parallel to the northerly right of way of said Highway No. 290
( also I H 10), to a point for corner;
Thence N 11° 52' E, 1,520.0' to a point for corner;
Thence S 74° 17' 38" E, 1,460.0' to a point for corner;
Thence S 11° 52' W, 1,520.0' to a point for corner said point being
300.0' northerly from the northerly right of way line of Highway
290 and I H 10;
Thence S 74° 17' 38" E, 7,107.9', 300.0' northerly of and parallel
with said northerly highway right of way, crossing the easterly
line of Survey 69 and the westerly line of Survey 52, continuing to
a point in the westerly line of that tract of land conveyed from C.
E. Davidson to Tommy Mitchell, being a point in the westerly
boundary line of Survey 50;
Thence with the westerly boundary line of said Survey 50, N 00° 27'
22" E, 1,322.2' to a point in the westerly boundary line of Survey
49, near the northwesterly corner of said Mitchell lands;
Thence EAST along the northerly boundary line of said Mitchell
lands and crossing Taylor Box Road 850.35' to a point near the
easterly right of way line of Taylor Box Road;
Thence S 31° 03' 32" W, along the easterly right of way of said
Taylor Box Road 937.19' to a point, at the northwesterly corner of
a 8.12 acre tract;
Thence with the northerly line of said 8.12 acre tract of land, S
74° 17' 38" E, 709.4' to a point for corner;
Thence with the easterly line of said 8.12 acres, S 15° 42' 22" E,
at 702.1' pass the southeasterly corner of said 8.12 acres,
continuing 1,835.44' in all across access road, Highway 290 and I H
10 to a point 300.0' southerly from the south right of way line of
said I H 10 for corner;
Thence in a westerly direction, 300.0' southerly from and parallel
with said southerly right of way line of said I H 10, crossing

71R6051 SHH-D    4
Surveys 50, 52, and 69, as follows:

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

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

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

N 75° 23' W, 1,855.0' to an angle point; S 14° 37' W, 100.0' to an angle point; N 75° 23' W, 600.0' to an angle point; N 14° 37' E, 100.0' to an angle point; N 75° 23' W, 4,500.0' to an angle point;

S 14° 37' W, 15.0' to an angle point; N 75° 23' W, 300.0' to an angle point; N 14° 37' E, 15.0' to an angle point; N 75° 23' W, 700.0' to an angle point; S 14° 37' W, 15.0'; N 75° 23' W, 1,000.0' to an angle point; N 14° 37' E, 15.0'; N 75° 23' W, 620.0' to an angle point; S 14° 37' W, 30.0' to an angle point; N 75° 23' W, 80.0' to an angle point; N 14° 37'E, 30.0' to an angle point; N 75° 23' W, 2,000.0' to an angle point; S 14° 37' W, 20.0' to an angle point; N 75° 23' W, 1,100.0' to an angle point; N 14° 37' E, 20.0'
to an angle point; N 75° 23' W, 1,917.8' to a point for the
beginning of a curve to the left in said Right of way line from
which point the radius of said curve bears S 14° 37' W, 2,814.93'
(central angle = 32° 34');
Thence around the arc of the curve 1,600.0', (L.C. = S 88° 20' W,
1,578.54') to the end of the curve;
Thence S 72° 03' W, 2,517.6' to a point for the beginning of a
curve to the right in said right of way line from which point the
radius of said curve bears N 17° 57' W, 5,779.65' (central angle =
8° 58');
Thence around the arc of said curve 904.50', (L.C. = S 76° 32' W,
903.58') to the end of the curve:
Thence S 81° 01' W, 1,008.8' to a point for the beginning of a
curve to the right in said right of way line from which point the
radius of said curve bears N 8° 59' W, 5,779.65' (central angle =
7° 33' 04'');
Thence around the arc of said curve 761.71', (L.C.= S 84° 47' 32''
W, 761.16') to a point for corner;
Thence S 00° 14' 10'' W, 4,064.1' to a point in the common boundary
line between Surveys 1 and 2, Block OP;
Thence N 89° 49' W, 840.0' with the northerly boundary line of
Section 1, Block OP, to a point in the easterly boundary line of
Survey 1, Block OP, G. C. & S. F. RR. CO., the same being the
southwesterly corner of Survey 2, Block OP:
Thence S 00° 14' 10'' W, 2,649.0' to a point in the northerly line
of Section 17, Block MN, G. C. & S. F. RR. CO.;
Thence N 89° 51' 50'' W, 3,374.0' with the southerly line of Surveys
1 and 24. Block OP, to a point for corner, 500' easterly from the easterly right of way line of State Highway No. 163;

Thence 500' easterly from and parallel to the easterly right of way line of said Highway 163: S 01° 12' E, 3,761.18'; S 03° 11' E, 357.83' and S 05° 10' E, 5,581.0' to a point for corner;

Thence S 89° 44' W, at 562.05' pass the centerline of said Highway 163 at Highway Station 172+01, continuing S 89° 44' W, with the common boundary line between the Sarah Seay property and the Arlington Helbing property, 5,321.29' in all to a point for corner;

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

Thence S 89° 52' 20" E, 441.6' with the southerly boundary line of Survey 25, Block OP to a point for corner;

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

Thence N 26° 50' W, 875.0' to a point for corner;

Thence N 15° 30' W, 450.0' to a point for corner;

Thence N 7° 30' W, 550.0' to a point for corner;

Thence N 25° 30' E, 580.0' to a point for corner;

Thence N 12° 30' E, 1,427.0' to a point in the common boundary line between Surveys 25 and 26, Block OP;

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

Thence N 89° 58' 43" E, 6,452.32' to a point for corner;

Thence N 31° 37' 20" E, 1,304.0' to a point for corner;

Thence S 58° 22' 40" E, 699.0' to a point in the westerly boundary line of Survey 3, Block OP;

Thence N. with the westerly boundary line of Surveys 3 and 4, Block
OP, 6,288.67' to the northwesterly corner of Survey 4;

Thence E. 5,280.0' with the northerly boundary line of said Survey
4 to its northeast corner;

Thence S. 5,280.0' with the easterly boundary line of said Survey 4
to its southeast corner;

Thence W. 4,480.0' with the southerly boundary line of said Survey
4 to a point for corner;

Thence S. 1,326.67' to a point for corner;

Thence S 89° 45' E, 1,162.0' to a point for corner;

Thence S 0° 15' W, 695.1' to a point for corner;

Thence N 89° 45' W, 1,117.0' to a point for corner;

Thence S 0° 15' W, 631.0' to a point for corner;

Thence N 89° 45' W, 836.0' to the place of beginning

and containing 4,477.587 acres of land and being those lands
contained in the Crockett County Water Control and Improvement
District No. 1 of Crockett County, Texas.

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

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

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

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

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

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

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

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

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

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

SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of
directors is composed of:
(1) Wade Richardson
(2) Larry Williams
(3) George Bungert
(4) Reid Homsley
(5) Johnny Jones

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

SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

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

(c) At the confirmation and initial directors' election, the temporary board of directors shall have the names of the five persons serving as temporary directors placed on the ballot together with the name of any candidate filing for the office of director as provided by Subsection (b) of this section and blank spaces to write in the names of other persons. If the district is created at the 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 directors' election in its election report to
the Texas Water Commission.

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

(e) Except as provided by this section, a confirmation and
initial directors' election must be conducted as provided by
*Subsections (b) through (g), Sections 52.058(b) through (f), Water Code, and the Election Code.

SECTION 10. ELECTION OF DIRECTORS. (a) On the first
Saturday in 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 in the district for the election of two
directors who shall each serve two-year terms and three directors
who 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.

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

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

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

SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.
(a) The proper and legal notice of the intention to introduce this
Act, setting forth the general substance of this Act, has been
published as provided by law, and the notice and a copy of this Act
have been furnished to all persons, agencies, officials, or
entities to which they are required to be furnished by the
constitution and other laws of this state, including the governor,
who has submitted the notice and Act to the Texas Water Commission.
(b) The Texas Water Commission has filed its recommendation
relating to this Act with the governor, lieutenant governor, and
speaker of the house of representatives within the required time.
(c) All requirements of the constitution and laws of this
state and the rules and procedures of the legislature with respect
to the notice, introduction, and passage of this Act are fulfilled
and accomplished.

SECTION 13. EMERGENCY. The importance of this legislation
and the crowded condition of the calendars in both houses create an
emergency and an imperative public necessity that the
constitutional rule requiring bills to be read on three several
days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.
AN ACT
relating to the creation, administration, powers, duties, operation, and financing of the Emerald 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 Emerald 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 Emerald 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;
Thence S 00°14' 10" W, 727' to a point for corner;
Thence S 89°45' 50" E, 150' to a point for corner;
Thence S 00°14' 10" W, 388' to a point of intersection with the
northerly right of way line of U. S. Highway No. 290, said point
being on a curve to the left in said right of way line from which
point the radius of said curve bears N 01° 27'30" W, 5,679.65',
(central angle = 7°31'30"");
Thence around the arc of the curve a distance of 745.94', (L.C. = N
84° 46'45" E, 745.41') to the end of the curve;
Thence N 81° 01' E, 1,008.8' to a point for the beginning of a
curve to the left in said right of way line, from which point the
radius of said curve bears N 08° 59' W, 5,679.65 '(central angle =
8° 58"');
Thence around the arc of said curve a distance of 888.85', (L.C.
= N 76°32' E, 887.95'), to the end of the curve;
Thence N 72° 03' E, 112.7' to an angle point;
Thence N 17° 57' W, 100.0' to an angle point;
Thence N 72° 03' E, 1,350.0' to an angle point;
Thence S 17° 57' E, 100.0' to an angle point;
Thence N 72° 03' E, pass the easterly boundary line of Section 2,
Block OP, 1,054.9' to a point for the beginning of a curve to the
right in said right of way line from which point the radius of said
curve bears S 17° 57' E, 2,914.93' (central angle = 32° 34"');
Thence around the arc of said curve a distance of 1,656.83', (L.C.
= N 88° 20' E, 1,634.62'), to the end of said curve;
Thence S 75° 23' E, 1,917.8' to an angle point;
Thence N 14° 37' E, 20.0' to an angle point;
Thence S 75° 23' E, 1,100.0' to an angle point;
Thence S 14° 37' W, 20.0' to an angle point;
Thence S 75° 23' E, 2,000.0' to an angle point;
Thence N 14° 37' E, 30.0' to an angle point;
Thence S 75° 23' E, 700.0' to an angle point;
Thence N 14° 37' E, 20.0' to an angle point;
Thence S 75° 23' E, 2,000.0' to an angle point;
Thence S 14° 37' W, 50.0' to an angle point;
Thence S 75° 23' E, 4,500.0' to an angle point;
Thence N 14° 37' E, 100.0' to an angle point;
Thence S 75° 23' E, 500.0' to an angle point;
Thence S 14° 37' W, 100.0' to an angle point;
Thence S 75° 23' E, 1,929.0' to a point of intersection with the easterly boundary line of Survey 72 and in the westerly boundary line of Survey 69, being a point in the east line of the T.A. Kincaid lands and in the west line of the C. E. Davidson lands, and from which point the northeasterly corner of said Survey 72 bears northerly 950';
Thence with said property linee and the westerly line of said Survey 69, N 00°27'22" E, 309.92' to a point for corner;
Thence across said C. E. Davidson lands and Survey 69, S 75° 00' 38" E, 859.6' and S 74° 17'38"E, 1,780.0', 300' northerly from and parallel to the northerly right of way of said Highway No. 290 (also I H 10), to a point for corner;
Thence N 11° 52' E, 1,520.0' to a point for corner;
Thence S 74° 17' 38" E, 1,460.0' to a point for corner;
Thence S 11° 52' W, 1,520.0' to a point for corner said point being 300.0' northerly from the northerly right of way line of Highway 290 and I H 10;
Thence S 74° 17' 38" E, 7,107.9', 300.0' northerly of and parallel with said northerly highway right of way, crossing the easterly line of Survey 69 and the westerly line of Survey 52, continuing to a point in the westerly line of that tract of land conveyed from C. E. Davidson to Tommy Mitchell, being a point in the westerly boundary line of Survey 50;
Thence with the westerly boundary line of said Survey 50, N 00° 27' 22" E, 1,322.2' to a point in the westerly boundary line of Survey 49, near the northwesterly corner of said Mitchell lands;
Thence EAST along the northerly boundary line of said Mitchell lands and crossing Taylor Box Road 850.35' to a point near the easterly right of way line of Taylor Box Road;
Thence S 31° 03' 32" W, along the easterly right of way of said Taylor Box Road 937.19' to a point, at the northwesterly corner of a 8.12 acre tract;
Thence with the northerly line of said 8.12 acre tract of land, S 74° 17' 38" E, 709.4'to a point for corner;
Thence with the easterly line of said 8.12 acres, S 15° 42' 22" E, at 702.1' pass the southeasterly corner of said 8.12 acres, continuing 1,835.44' in all across access road, Highway 290 and I H 10 to a point 300.0' southerly from the south right of way line of said I H 10 for corner;
Thence in a westerly direction, 300.0' southerly from and parallel
with said southerly right of way line of said I H 10, crossing
Surveys 50, 52, and 69, as follows:
S 87° 16' 16" W, 52.7'; S 77° 24'19" W, 738.24'; N 74° 17'38" W,
200.0'; N 60° 15' 28" W, 309.23'; N 45° 51' 03" W, 682.37'; N 57°
35' 41" W, 522.02'; N 74° 17' 38" W, 550.0'; N 68° 35' W, 502.49';
N 74° 17' 38" W, 7917.5'; N 75° 00' 38" W, 600.36' to a point
located 300.0' southerly from the said right of way of I H 10,
being located at a point in the westerly boundary line of said
Survey 69 in the westerly line of the C. E. Davidson lands and the
easterly line of said T. A. Kincaid lands;
Thence with said property lines and the west line of said Survey 69
N 00° 27' 22" E, 619.83' to a point in the westerly line of said
Survey 69, the easterly line of Survey 72 and at a point in the
original southerly right of way of U. S. Highway 290;
Thence in a westerly direction with the original southerly right of
way of said highway 290 crossing Surveys 72,73,89,94, and 3 all in
Block OP, G. C. and S.F. RR.CO., as follows:
N 75° 23' W, 1,855.0' to an angle point, S 14° 37' W, 100.0' to an
angle point; N 75° 23' W, 600.0' to an angle point; N 14° 37' E,
100.0' to an angle point; N 75° 23' W, 4,500.0' to an angle point;
S 14° 37' W, 15.0' to an angle point; N 75° 23' W, 300.0' to an
angle point; N 14° 37' E, 15.0' to an angle point; N 75° 23' W,
700.0' to an angle point; S 14° 37' W, 15.0'; N 75° 23' W, 1,000.0'
to an angle point; N 14° 37' E, 15.0'; N 75° 23' W, 620.0' to an
angle point; S 14° 37' W, 30.0' to an angle point; N 75° 23' W,
80.0' to an angle point; N 14° 37'E, 30.0' to an angle point; N 75°
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23' W, 2,000.0' to an angle point; S 14° 37' W, 20.0' to an angle point; N 75° 23' W, 1,100.0' to an angle point; N 14° 37' E, 20.0' to an angle point; N 75° 23' W, 1,917.8' to a point for the beginning of a curve to the left in said Right of way line from which point the radius of said curve beasr S 14° 37' W, 2,814.93' (central angle = 32° 34');

Thence around the arc of the curve 1,600.0', (L.C. = S 88° 20' W, 1,578.54') to the end of the curve;

Thence S 72° 03' W, 2,517.6' to a point for the beginning of a curve to the right in said right of way line from which point the radius of said curve bears N 17° 57' W, 5,779.65' (central angle = 8° 58');

Thence around the ars of said curve 904.50', (L.C. = S 76° 32' W, 903.58') to the end of the curve;

Thence S 81° 01' W, 1,008.8' to a point for the beginning of a curve to the right in said right of way line from which point the radius of said curve bears N 8° 59' W, 5,779.65' (central angle = 7° 33' 04'');

Thence around the arc of said curve 761.71', (L.C. = S 84° 47' 32" W, 761.16') to a point for corner;

Thence S 00° 14' 10" W, 4,064.1' to a point in the common boundary line between Surveys 1 and 2, Block OP;

Thence N 89° 49' W, 840.0' with the northerly boundary line of Section 1, Block OP, to a point in the easterly boundary line of Survey 1, Block OP, G. C. & S. F. RR. CO., the same being the southwesterly corner of Survey 2, Block OP:
Thence S 00° 14' 10" W, 2,649.0' to a point in the northerly line of Section 17, Block MN, G. C. & S. F. RR. CO.;
Thence N 89° 51' 50" W, 3,374.0' with the southerly line of Surveys 1 and 24, Block OP, to a point for corner, 500' easterly from the easterly right of way line of State Highway No. 163;
Thence 500' easterly from and parallel to the easterly right of way line of said Highway 163: S 01° 12' E, 3,761.18'; S 03° 11' E, 357.83' and S 05° 10' E, 5,581.0' to a point for corner;
Thence S 89° 44' W, at 562.05' pass the centerline of said Highway 163 at Highway Station 172+01, continuing S 89° 44' W, with the common boundary line between the Sarah Seay property and the Arlington Helbing property, 5,321.29' in all to a point for corner;
Thence NORTH 12,364.93' to a point of intersection with the southerly boundary line of Survey 25, Block OP;
Thence S 89° 52' 20" E, 441.6' with the southerly boundary line of Survey 25, Block OP to a point for corner;
Thence N 1,560.0' crossing IH 10 to a point for corner;
Thence N 26° 50' W, 875.0' to a point for corner;
Thence N 15° 30' W, 450.0' to a point for corner;
Thence N 7° 30' W, 550.0' to a point for corner;
Thence N 25° 30' E, 580.0' to a point for corner;
Thence N 12° 30' E, 1,427.0' to a point in the common boundary line between Surveys 25 and 26, Block OP;
Thence N 3,575.0' to the most westerly northwest corner of the water control district;
Thence N 89° 53' 43" E, 6,452.32' to a point for corner;
Thence N 31° 37' 20" E, 1,304.0' to a point for corner;
Thence S 58° 22' 40" E, 699.0' to a point in the westerly boundary
de line of Survey 3, Block OP;
Thence N. with the westerly boundary line of Surveys 3 and 4, Block
OP, 6,288.67' to the northwesterly corner of Survey 4;
Thence E. 5,280.0' with the northerly boundary line of said Survey
to its northeast corner;
Thence S. 5,280.0' with the easterly boundary line of said Survey 4
to its southeast corner;
Thence W. 4,480.0' with the southerly boundary line of said Survey
to a point for corner;
Thence S. 1,326.67' to a point for corner;
Thence S 89° 45' E, 1,162.0' to a point for corner;
Thence S 0° 15' W, 695.1' to a point for corner;
Thence N 89° 45' W, 1,117.0' to a point for corner;
Thence S 0° 15' W, 631.0' to a point for corner;
Thence N 89°45' W, 836.0' to the place of beginning
and containing 4,477.587 acres of land and being those lands
contained in the Crockett County Water Control and Improvement
District No. 1 of Crockett County, Texas.

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

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

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

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

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

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

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

(d) Permanent directors other than initial permanent
directors serve staggered four-year terms.
(e) Each director must qualify to serve as director in the manner provided by Sections 51.078 and 51.079, Water Code.

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

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

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

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

SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

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

(c) At the confirmation and initial directors' election, the
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temporary board of directors shall have the names of the five
persons serving as temporary directors placed on the ballot
together with the name of any candidate filing for the office of
director as provided by Subsection (b) of this section and blank
spaces to write in the names of other persons. If the district is
created at the 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 directors' election in its election report to
the Texas Water Commission.

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

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

SECTION 10. ELECTION OF DIRECTORS. (a) On the first
Saturday in 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 in the district for the election of two
directors who shall each serve two-year terms and three directors
who 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.

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

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

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

SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

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

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

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

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

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.

Speaker of the House

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 0, one present not voting.

Chief Clerk of the House

Approved:

________________________________________________________
Date

Governor

14
May 10, 1989

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
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, Section 2 and Article XVI, Section 59(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,

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
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 Glb 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, SS2 and Article XVI, SS9(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 coterminal 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 52.050(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.
TO:   Honorable H. Tati Santiesteban, Chairman  
      Committee on Natural Resources  
      Senate Chamber  
      Austin, Texas  

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:

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.
S.B. No. 1635

President of the Senate

I hereby certify that S.B. No. 1635(1) passed the Senate on April 27 (2), 1989, by the following vote:
Y eas 31 (3), Nays 0 (4); and that the Senate concurred in House amendment on May 24 (5), 1989, by the following vote: Y eas 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: Y eas 141 (9), Nays 1 (10), one present, voted not voting.

Chief Clerk of the House

Approved:

Date

Governor
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.

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

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 yea, 1 nay.
APR 27 1989 Read third time, , and passed by 31 yea, 0 nay.

SECRETARY OF THE SENATE

OTHER ACTION:

APR 27 1989 Engrossed
April 27, 1989 Sent to House

Engrossing Clerk

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 amended, sent to Printer at 3:00 p.m.
5-16-89 Printed and Distributed
MAY 16 1989 Sent to Committee on Calendars 3:41 p.m.
MAY 22 1989 Read Second time (amended): passed to third reading (amended)

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 yea, 1 nay, I present not voting.

Caption ordered amended to conform to body of bill.
Returned to Senate.

CHIEF CLERK OF THE HOUSE

\[\text{MAY 23 1989 Returned from House without amendment.}\
\text{MAY 23 1989 Returned from House with \_\_\_ amendments.}\
\text{MAY 23 1989 Concurred in House amendments by a viva voce vote 31 yea, 0 nay.}\]
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