

**SUBJECT:** Creating the Prairielands Groundwater Conservation District

**COMMITTEE:** Natural Resources — favorable, without amendment

**VOTE:** 7 ayes — Ritter, Corte, T. King, Lucio, Martinez Fischer, D. Miller, Smithee  
0 nays  
4 absent — Callegari, Creighton, Frost, Laubenberg

**SENATE VOTE:** On final passage, April 16 — 31-0, on Local and Uncontested Calendar

**WITNESSES:** For — Mike Ford, Somervell County; Justin Lewis, Hill County; John Matthews, Johnson County; Brian Sledge, Ellis County  
Against — None

**BACKGROUND:** Texas Constitution, Art. 16, sec. 59 allows creation of conservation and reclamation districts to conserve and develop the water resources of the state.

Water Code, ch. 36 outlines provisions for groundwater conservation districts (GCDs). A GCD's principal power is to require that all wells, with certain exceptions, be registered and permitted in order to control subsidence, prevent degradation of water quality, or prevent waste of groundwater. Wells with permits are subject to GCD rules governing spacing, drilling, equipping, and completion or alteration.

Eight new GCDs were created in 2007 by the 80th Legislature in 11 counties, including the Colorado County, Culberson County, Lavaca County, McLennan County, Northern Trinity, Panola County, Tablerock, and Upper Trinity GCDs.

According to a joint report by the Texas Commission on Environmental Quality and the Texas Water Development Board to the 81st Legislature, 97 GCDs have been created in the state, including 93 established

(confirmed) districts and four unconfirmed districts. The 93 established districts cover all or part of 145 of the state's 254 counties.

**DIGEST:**

SB 1544 would create the Prairielands Groundwater Conservation District (PGCD) to be initially composed of Ellis, Hill, Johnson, and Somervell counties as allowed by Art 16, sec. 59 of the Texas Constitution for the conservation and development of the state's natural resources. The PGCD would overlap the boundaries of these four counties.

***Authority of the district.*** The PGCD would have the same powers and duties applicable to groundwater conservation districts in the state, including rules governing well spacing and the registering and reporting of exempt wells.

The district could not impose a tax, but could assess a production fee based on the amount of groundwater authorized by permit to be withdrawn from a well or the amount of water actually withdrawn. The fee could not exceed:

- \$1 per acre-foot annually for groundwater used for agricultural purposes; or
- 30 cents per thousand gallons annually for groundwater used for nonagricultural purposes.

***Board of directors.*** The PGCD would be governed by an eight-member board of directors serving staggered four-year terms, with the term of one director from each represented county expiring on August 31 of each odd-numbered year. The board would be composed of two directors appointed by each of the commissioners courts of Ellis, Hill, Johnson, and Somervell counties. The bill also would provide for the appointment of the initial board of directors and establish eligibility requirements for board members.

Navarro County would be included in the PGCD, with equal board representation, if the Texas Commission on Environmental Quality designated all or a portion of the county as a priority groundwater management area and with approval of the Navarro County Commissioners Court.

The bill would take effect September 1, 2009.