

SPECIAL DISTRICT LOCAL LAWS CODE

TITLE 6. WATER AND WASTEWATER

SUBTITLE H. DISTRICTS GOVERNING GROUNDWATER

CHAPTER 8850. BANDERA COUNTY RIVER AUTHORITY AND GROUNDWATER

DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8850.0101. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Bandera County River Authority and

Groundwater District.

Added by Acts 2023, 88th Leg., R.S., Ch. 240 (H.B. [3731](#)), Sec. 1, eff. September 1, 2023.

Sec. 8850.0102. NATURE OF DISTRICT. The district is a groundwater conservation district and water control and improvement district created under Section [59](#), Article XVI, Texas Constitution.

Added by Acts 2023, 88th Leg., R.S., Ch. 240 (H.B. [3731](#)), Sec. 1, eff. September 1, 2023.

Sec. 8850.0103. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of a water control and improvement district and a groundwater conservation district, as provided by general law and Section [59](#), Article XVI, Texas Constitution.

Added by Acts 2023, 88th Leg., R.S., Ch. 240 (H.B. [3731](#)), Sec. 1, eff. September 1, 2023.

Sec. 8850.0104. DISTRICT TERRITORY. The boundaries of the district are coextensive with the boundaries of Bandera County, Texas.

Added by Acts 2023, 88th Leg., R.S., Ch. 240 (H.B. [3731](#)), Sec. 1, eff. September 1, 2023.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8850.0201. COMPOSITION OF BOARD; TERMS. (a) The district is governed by a board of nine directors.

(b) Directors serve staggered four-year terms.

Added by Acts 2023, 88th Leg., R.S., Ch. 240 (H.B. [3731](#)), Sec. 1, eff. September 1, 2023.

Sec. 8850.0202. ELECTION OF DIRECTORS. Two directors are elected from each commissioners precinct. One director is elected at large.

Added by Acts 2023, 88th Leg., R.S., Ch. 240 (H.B. [3731](#)), Sec. 1, eff. September 1, 2023.

Sec. 8850.0203. ELECTION DATE. Every two years an election shall be held on the uniform election date in November to elect the appropriate number of directors.

Added by Acts 2023, 88th Leg., R.S., Ch. 240 (H.B. [3731](#)), Sec. 1, eff. September 1, 2023.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8850.0301. GROUNDWATER CONSERVATION DISTRICT POWERS. The district has the powers and duties provided by the general law of this state, including Chapter [36](#), Water Code, and Section [59](#), Article XVI, Texas Constitution, applicable to groundwater conservation districts.

Added by Acts 2023, 88th Leg., R.S., Ch. 240 (H.B. [3731](#)), Sec. 1, eff. September 1, 2023.

Sec. 8850.0302. LIMIT ON WATER CONTROL AND IMPROVEMENT DISTRICT POWERS. The district may exercise the powers of a water control and improvement district, including the powers provided by Chapters [49](#) and [51](#), Water Code, in any area of the district except an area that is included in the territory of the Bandera County Fresh Water Supply District No. 1.

Added by Acts 2023, 88th Leg., R.S., Ch. 240 (H.B. [3731](#)), Sec. 1, eff. September 1, 2023.

Sec. 8850.0303. ABANDONED, DETERIORATED, OPEN, OR UNCOVERED WATER WELLS. (a) In this section:

(1) "Abandoned well" and "deteriorated well" have the meanings assigned by Section [1901.255](#), Occupations Code.

(2) "Open or uncovered well" has the meaning assigned by Section [36.118](#), Water Code.

(b) The district may enter into a contract with a licensed water well driller to or a district employee may:

(1) cap an open, uncovered, or abandoned well; or

(2) plug and permanently close a deteriorated well.

(c) A district employee may plug a well under Subsection (b) only if the employee has received training in the proper method of plugging a well located in a karst topographic area.

(d) The district may require the owner or lessee of land on which an open or uncovered well is located to keep the well permanently closed or capped as provided by Section [36.118](#), Water Code.

(e) The district may use any money available to the district, including money from grants, fees, or tax revenues, to pay reasonable expenses incurred by the district in plugging or capping wells on land in the district under this section. The reasonable expenses constitute a lien on the land on which the well is located in accordance with Section [36.118\(e\)](#), Water Code.

(f) The district may enforce this section against any person by injunction, mandatory injunction, or other appropriate remedy in a court of competent jurisdiction as provided by Section [36.102](#), Water Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 240 (H.B. [3731](#)), Sec. 1, eff. September 1, 2023.

Sec. 8850.0304. CONFLICT OF LAWS. To the extent of a conflict between Chapter 36 and another chapter of the Water Code applicable to the district, Chapter 36 prevails.

Added by Acts 2023, 88th Leg., R.S., Ch. 240 (H.B. [3731](#)), Sec. 1, eff. September 1, 2023.