



RESOLUTION OF THE HAYS COUNTY COMMISSIONERS COURT

**STATE OF TEXAS
COUNTY OF HAYS**

WHEREAS, Chapter 36 of the Texas Water Code states groundwater conservation districts may be created “in order to provide for the conservation, preservation, protection, recharging, and prevention of waste of groundwater, and of groundwater reservoirs or their subdivisions, and to control subsidence caused by withdrawal of water from those groundwater reservoirs or their subdivisions, consistent with the objectives of Section 59, Article XVI, Texas Constitution”; and

WHEREAS, in order to protect the private property rights of individuals, the Texas Legislature amended Chapter 36 of the Texas Water Code in 2011 by adding language which includes, “the legislature recognizes that a landowner owns the groundwater below the surface of the landowner’s land as real property”; and

WHEREAS, if aquifers are not reasonably regulated by local groundwater conservation districts, irreparable damage could be done to our natural resources and landowner property rights may be infringed upon by the commercial production of groundwater that results in the malicious drainage of the landowner’s real property; and

WHEREAS, in order for groundwater conservation districts to properly manage groundwater resources, districts require adequate funding for operations and the gathering of scientific information necessary for sound management strategies; and

WHEREAS, the Hays Trinity Groundwater Conservation District’s (HTGCD) enabling legislation provided limited funding mechanisms, one of which, connection fees, is ambiguous and requires clarification for fair and equitable implementation; and

WHEREAS, the HTGCD’s primary funding mechanism, connection fees, will diminish as permitted water reaches the maximum amount allowed, resulting in little to no funding for the district at a time when groundwater resource management will be of great importance;

NOW, THEREFORE, BE IT RESOLVED, that the Hays County Commissioners Court supports legislation to amend the HTGCD’s enabling legislation in the following ways:

1. Define connection fees according to the American Water Works Association schedule
2. Allow for the combination of connection fees and reasonable production fees
3. Removal of the provision for the Commissioners Court to appoint directors for vacancies on the board
4. Allow for the registration of commercial agricultural irrigation wells and the installation of meters on these wells only for the purpose to gain information of groundwater usage; and

BE IT FURTHER RESOLVED, that the Hays County Commissioners Court is committed to working with the HTGCD, its permittees, and our legislators to determine the most reasonable and fair amendments possible.

A draft version of possible legislation is attached.

PASSED AND APPROVED this 9th day of February, 2021.

Ruben Becerra
Hays County Judge

Debbie Ingalsbe
Commissioner, Precinct 1

Mark Jones
Commissioner, Precinct 2

Lon A. Shell
Commissioner, Precinct 3

Walt Smith
Commissioner, Precinct 4

Attest:

Elaine Cardenas
County Clerk