RESOLUTION NO. #04-003

LONE STAR GROUNDWATER CONSERVATION DISTRICT

RESOLUTION ADOPTING 2005 WATER USE FEES FOR THE LONE STAR GROUNDWATER CONSERVATION DISTRICT PURSUANT TO RULE 8.1 OF THE RULES OF THE LONE STAR GROUNDWATER CONSERVATION DISTRICT

THE STATE OF TEXAS §

COUNTY OF MONTGOMERY §

WHEREAS, the Lone Star Groundwater Conservation District ("District") was created by the Legislature of the State of Texas in Acts 2001, 77th Leg., R.S., ch. 1321, p. 3246, § 1(a);

WHEREAS, pursuant to said Act, § 5(a), the Board of Directors of the District has the permitting and general management powers granted under Chapter 36 of the Texas Water Code;

WHEREAS, § 36.101 of the Texas Water Code authorizes a groundwater conservation district to make and enforce rules to provide for conserving, preserving, protecting, and recharging of the groundwater or of a groundwater reservoir or its subdivisions in order to control subsidence or prevent waste of groundwater and to carry out the powers and duties provided by Chapter 36 of the Texas Water Code;

WHEREAS, the Board of Directors of the District has adopted rules for the District;

WHEREAS, Rule 8.1 of the rules of the District authorizes the Board of Directors of the District to establish by resolution a regulatory water use fee to accomplish the purposes of the District;

WHEREAS, Rule 8.3 of the rules of the District authorizes the Board of Directors of the District to establish by resolution a groundwater transport fee for the transportation of groundwater out of the District;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LONE STAR GROUNDWATER CONSERVATION DISTRICT AS FOLLOWS:

A regulatory water use fee of $1 per acre-foot of groundwater used for "agricultural use", as that term is defined by § 36.001(20), TEX. WATER CODE ANN. (Vernon Supp. 2004), and a regulatory water use fee of $0.02 per 1,000 gallons of groundwater used for all uses other than "agricultural use", as that term is defined by § 36.001(20), TEX. WATER CODE ANN. (Vernon Supp. 2004), are hereby adopted as the regulatory water use fees of the District for the calendar year 2005. Notwithstanding the previous sentence, in the event that the application of these adopted rates results in a total annual regulatory water use fee payment of less than ($10.00) for an individual permit issued by the District, the regulatory water use fee payment to be assessed to such a permit shall be the Minimum Regulatory Water Use Fee, which is hereby established as ($10.00) and so adopted. The District shall impose a 50 percent export surcharge in addition to the District's regulatory water use fee for in-District use for transportation of groundwater out of the District. Such fees to be assessed as set forth in the Rules of the District for the time period of January 1, 2005, through December 31, 2005; and

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The fees so adopted shall be effective January 1, 2005, and continue in effect until modified by the Board of Directors of the District.

AND IT IS SO ORDERED.

PASSED AND ADOPTED this 10th day of August, 2004.

LONE STAR GROUNDWATER CONSERVATION DISTRICT

By: _____
Richard J. Tramm, President

ATTEST:

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Paula J. Hargis, Secretary/Treasurer