# RESOLUTION NO. #10-004

# LONE STAR GROUNDWATER CONSERVATION DISTRICT

## RESOLUTION ADOPTING 2011 WATER USE FEES FOR THE LONE STAR GROUNDWATER CONSERVATION DISTRICT PURSUANT TO RULE 9.1 AND RULE 9.3 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), as amended ("Act");

**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**, §§ 36.205 and 36.122 of the Texas Water Code and the Act authorize the District to assess fees on the production of groundwater within its jurisdiction and for the transfer of such water for use outside of the District;

**WHEREAS,** the assessment of such fees serve a legitimate regulatory purpose;

**WHEREAS**, Rule 9.1 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 9.3 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:**

1. A regulatory water use fee of $1 per acre-foot of groundwater permitted 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 $0.06 per 1,000 gallons of groundwater permitted 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 2011. 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 for use outside of the District, subject to the Act and District Rules. Such fees set forth above shall be assessed as set forth in the Rules of the District for the time period of January 1, 2011, through December 31, 2011;

2. The regulatory water use and groundwater transport fees so adopted shall be effective January 1, 2011, and continue in effect until modified by the Board of Directors;

3. The regulatory water use and groundwater transport fees so adopted shall supersede any and all such fees previously adopted by Resolution or other action of the Board of Directors; and

4. The General Manager is further authorized to take any and all reasonable action necessary for the implementation of this resolution.

AND IT IS SO ORDERED.

PASSED AND ADOPTED this 13th day of July, 2010.

**LONE STAR GROUNDWATER CONSERVATION DISTRICT**

By: _____
Richard J. Trahm, President

ATTEST:

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Sam W. Baker, Secretary