RESOLUTION NO. #16-011

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LONE STAR GROUNDWATER CONSERVATION DISTRICT AMENDING AND RE-ADOPTING 2017 WATER USE FEES 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 (the "District") was created by the Legislature of the State of Texas by the Act of May 17, 2001, 77th Leg., R.S., ch. 1321, 2001 Tex. Gen. Laws 3246, as amended (the "Enabling Act"), as a groundwater conservation district operating under Chapter 36, Texas Water Code, and the Enabling Act; and

WHEREAS, pursuant to said Act, § 5(a), the District Board of Directors of the District (the "Board") 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;

WHEREAS, the District Board of Directors and District's Budget & Finance Committee worked diligently to forecast all reasonably anticipated revenues, expenses, and activities, and, after giving much consideration to these important factors, proposed and ADOPTED a $0.015 per 1,000 gallons increase on July 12, 2016, for all groundwater permitted other than agricultural use for the calendar year 2017;

WHEREAS, members of the Budget and Finance Development Committee and staff has re-reviewed anticipated revenue for 2017 and have made recommended revisions to AMEND the 2017 Water Use Fees for consideration and possible approval;

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); a regulatory water use fee of $0.075 per 1,000 gallons for all uses, other than "agricultural use", of groundwater permitted in the Gulf Coast Aquifer; and a regulatory water use fee of $0.06 per 1,000 gallons for all uses, other than "agricultural use", of groundwater permitted in the Catahoula Restrict Aquifer, are hereby adopted as the AMENDED regulatory water use fees of the District for the calendar year 2017. 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, 2017, through December 31, 2017;

2. The AMENDED regulatory water use and groundwater transport fees so adopted shall be effective January 1, 2017, and continue in effect until modified by the Board of Directors;

3. The AMENDED 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 September, 2016.

LONE STAR GROUNDWATER CONSERVATION DISTRICT

By: _____
Richard J. Tramm, President

ATTEST:

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Rick Moffatt, Secretary