

Board Members & Contact Information

BOARD OF DIRECTORS

Precinct 1

Ruben Martinez

Precinct 2

Stan Wilson, Secretary/Treasurer

Precinct 3

Paul Cline, President

Precinct 4

Laresa Yick

At Large

Mike Watson

CONTACT INFORMATION

Saratoga Underground Water Conservation District

P.O. Box 168

Lampasas, TX 76550

EMAIL: saratogauwcd@gmail.com

PHONE : (512) 734-4073

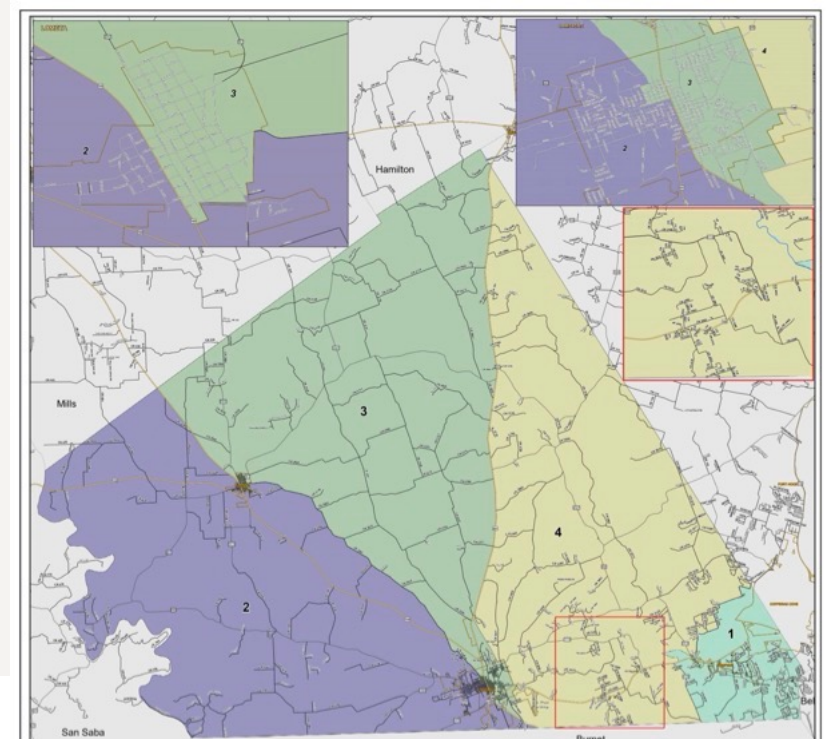
GENERAL MANAGER

Ardurra Group, Inc.

Project Leader:

James Bronikowski, PE, CFM

Precinct Map



**Need Commissioners Court Guidance on how SUWCD can best help with
Water for Lampasas County**

Outline

- Legislative Timeline
- Rule of Capture
- Governing Law
- Aquifer
- Groundwater Conservation District
- Groundwater Management Area
- Growth Challenges
- Options

Legislative Timeline

- 1904 *Houston & Texas Central Railroad Co. v. East* - Texas Supreme Court affirms **Rule of Capture**.
- 1917 Texas Constitution amended by Article 16, §59 - Declares natural resource preservation and conservation as public right and duty.
- 1971 62nd Legislature creates Water Code Chapter 52 governing Underground Water Conservation Districts.
- 1989 Lampasas Commissioners Court petitions Texas Legislature to create a Groundwater Conservation District for Lampasas County.
- 1989 Legislature 71R HB 3122 **creates Saratoga Underground Water Conservation District** for Lampasas County, subject to vote by residents. SUWCD board is county judge and commissioners.
- 1995 74th Legislature creates Texas Water Code Chapter 36, which **governs Groundwater Conservation Districts** as part of a major revision that repealed the former Chapter 52, reorganizing the state's legal framework for groundwater management
- 2005 Legislature 79R HB 3539 **changes SUWCD governance to “a board of five directors to be elected** according to the commissioners precinct method”
- 2005 Legislature HB 1763 creates The Texas **Groundwater Management Area Process** for cooperation between GCDs and defines
 - A **Desired Future Condition (DFC)** is a quantifiable future groundwater condition.
- 2018 Legislature HB 2803 consolidates GCD authorizations into SECTION 1.04. Subtitle H, Title 6, Special District Local Laws Code
- 2023 Legislature HB 3697 **severely limits county authority to guide development.**

Rule of Capture

Texas Water Development Board Report 361 June 2004

History and Evolution of the Rule of Capture

Harry Grant Potter, III Williams-Bailey Law Firm, L.L.P.

Overview

The common-law rule regarding groundwater is the rule of capture or the English rule, which essentially provides that, **absent malice or willful waste, landowners have the right to take all the water they can capture under their land** and do with it what they please, and they will not be liable to neighboring landowners even if in so doing they deprive their neighbors of the water's use.¹ The rule of capture is in contrast to "reasonable use" or the "American rule," which provides that the right of a landowner to withdraw groundwater is not absolute, but limited to the amount necessary for the reasonable use of his land, and that the rights of adjoining landowners are correlative and limited to reasonable use.

The Texas Supreme Court adopted the rule of capture in the landmark decision *Houston & Texas Central Railroad Co. v. East*. [1904] Since its adoption in Texas 100 years ago, the rule of capture has been widely criticized. Today, **Texas stands alone as the only western state that continues to follow the rule of capture.**

Conclusion

Since its adoption in Texas 100 years ago, the rule of capture has been modified to prevent (1) willful waste, (2) malicious harm to a neighbor, and (3) subsidence. Further, the Texas Supreme Court has consistently acknowledged that this common-law rule can be modified by the Legislature. Any lingering doubt was resolved in 1917 by the adoption of the Conservation Amendment, which vests the Legislature with the power to regulate the state's natural resources, including groundwater.

In its decisions over the past half-century, the Texas Supreme Court has overwhelmingly reiterated the Legislature's power to regulate groundwater. If such regulation were to be adopted on a statewide basis, it could make the rule of capture obsolete. But so far, the Legislature has not accepted the Court's invitation to regulate groundwater more comprehensively. The Court has thus far shown substantial deference to the Legislature but the cautions of Justices Will Wilson and Nathan Hecht should be heeded: it is unlikely that the Supreme Court will forever use deference to the Legislature to justify maintaining the rule of capture in the face of changing circumstances.

[Emphasis added]

Source: https://www.twdb.texas.gov/publications/reports/numbered_reports/doc/R361/R361.pdf

GOVERNING LAW

TEXAS WATER CODE

TITLE 2. WATER ADMINISTRATION

SUBTITLE E. GROUNDWATER MANAGEMENT

CHAPTER 35. GROUNDWATER STUDIES [Governs GMAs]

CHAPTER 36. GROUNDWATER CONSERVATION DISTRICTS

TEXAS ADMINISTRATIVE CODE

Title 16 ECONOMIC REGULATION

Part 4 TEXAS DEPARTMENT OF LICENSING AND REGULATION

Chapter 76 WATER WELL DRILLERS AND WATER WELL PUMP
INSTALLERS

Aquifer

WATER CODE
TITLE 2. WATER ADMINISTRATION
SUBTITLE E. GROUNDWATER MANAGEMENT
CHAPTER 36. GROUNDWATER CONSERVATION DISTRICTS
SUBCHAPTER A. GENERAL PROVISIONS
Sec. 36.001. DEFINITIONS.

(5) "Groundwater" means water percolating below the surface of the earth.

(6) "Groundwater reservoir" means a specific subsurface water-bearing reservoir having ascertainable boundaries containing groundwater.

Aquifers in Lampasas County

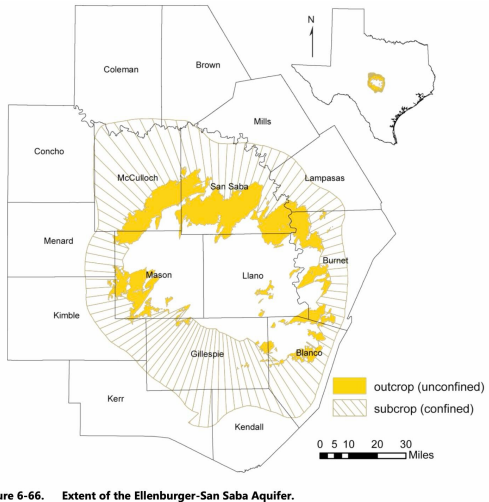


Figure 6-66. Extent of the Ellenburger-San Saba Aquifer.

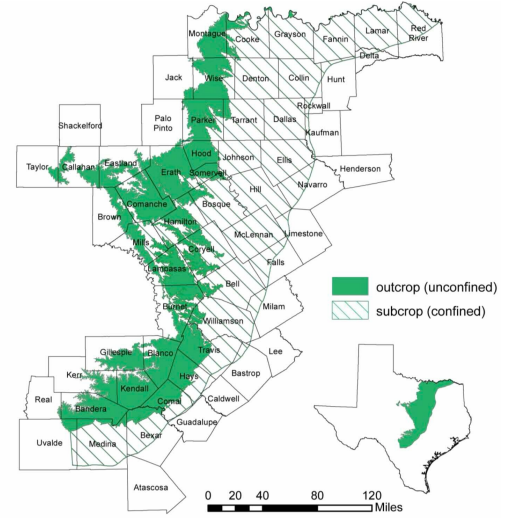
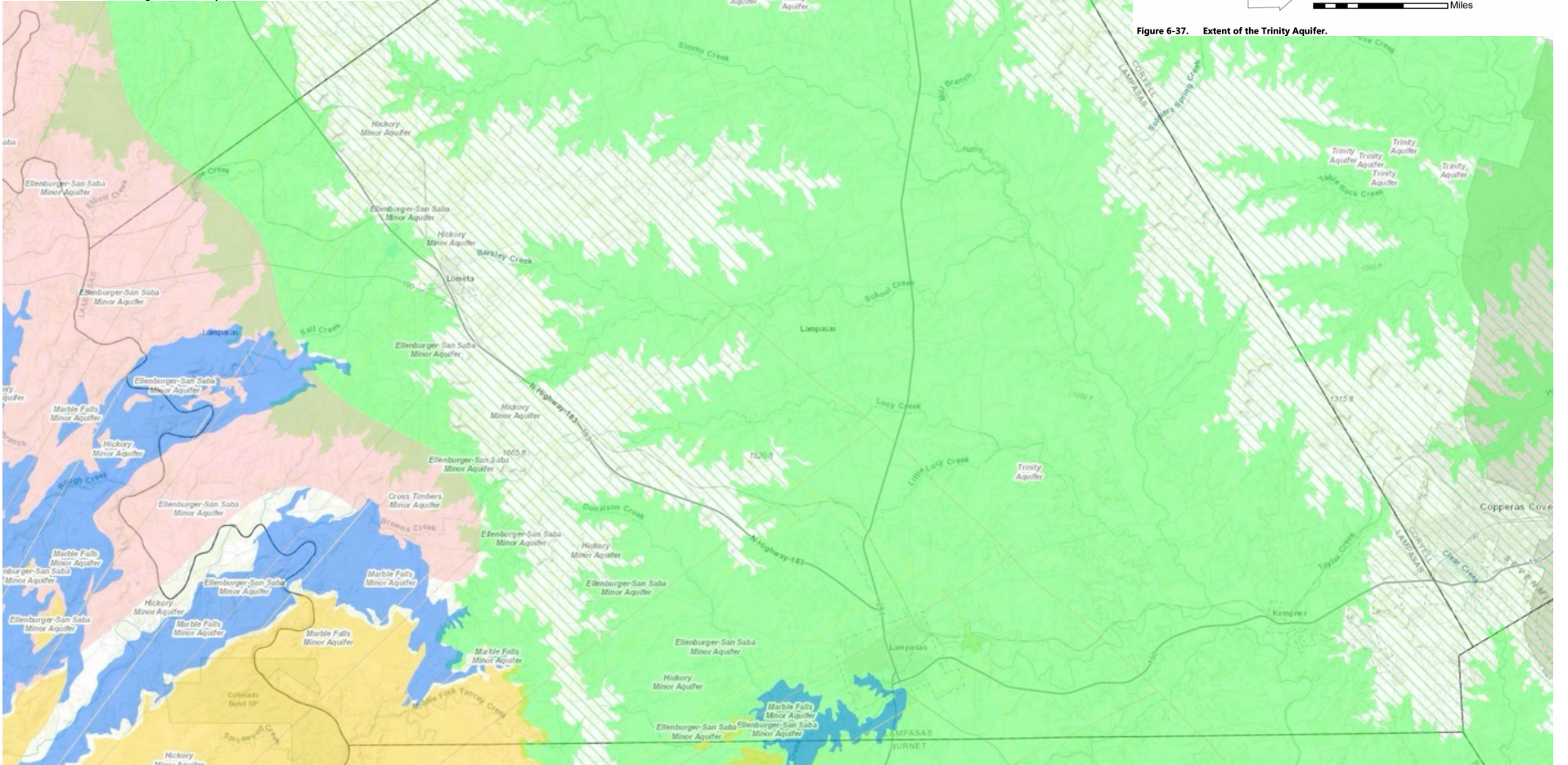


Figure 6-37. Extent of the Trinity Aquifer.



Trinity Aquifer in Lampasas County

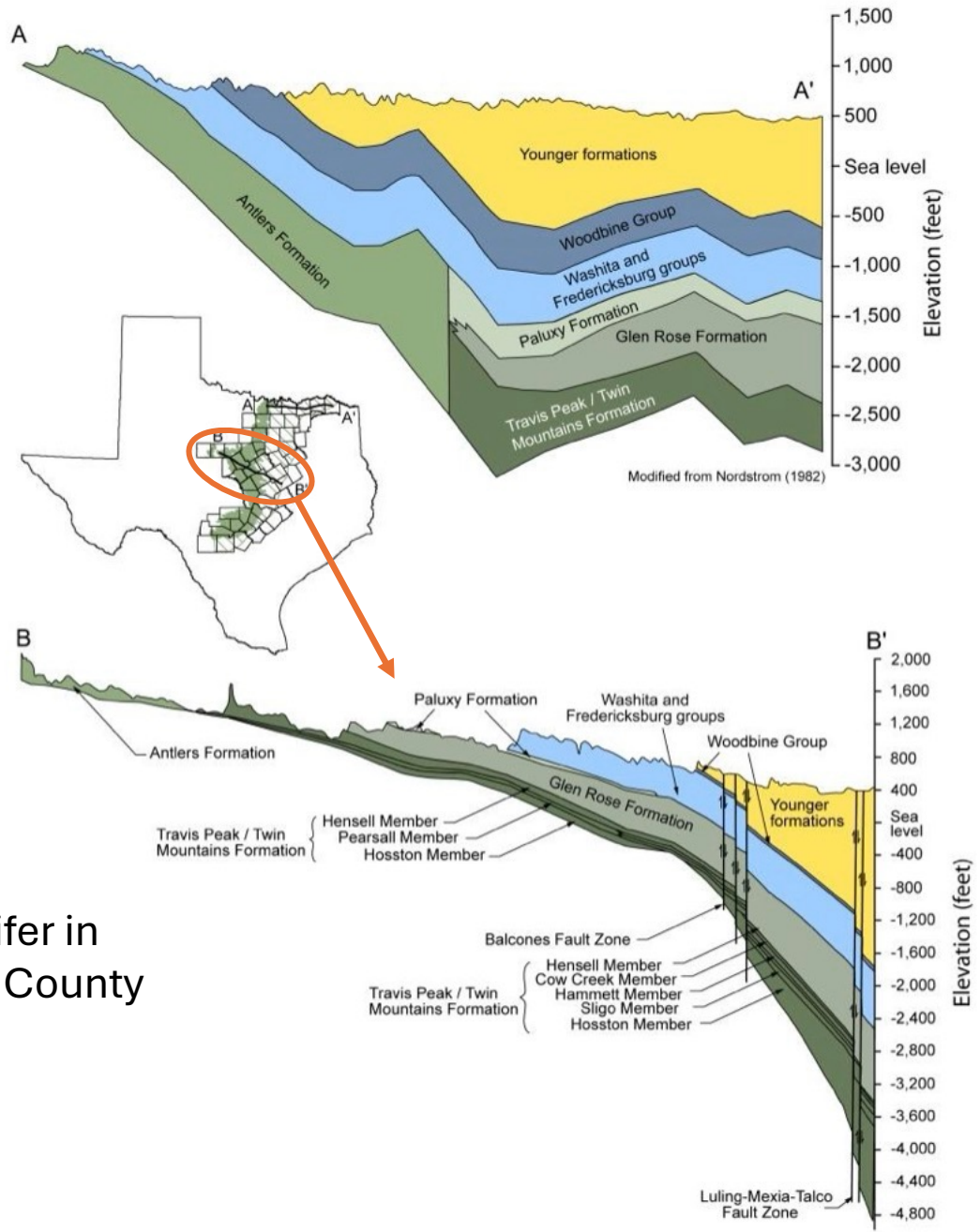


Figure 6-38. Structural cross-sections of the northern Trinity Aquifer, shown in shades of green (modified from Klemt and others; 1975; Nordstrom, 1982).

TEXAS WATER CODE CHAPTER 36

TITLE 2. WATER ADMINISTRATION

SUBTITLE E. GROUNDWATER MANAGEMENT

CHAPTER 36. GROUNDWATER CONSERVATION DISTRICTS

Sec. 36.0015 (b) Groundwater conservation districts created as provided by this chapter are the **state's preferred method of groundwater management** in order to protect property rights, balance the conservation and development of groundwater to meet the needs of this state, and **use the best available science** in the conservation and development of groundwater through rules developed, adopted, and promulgated by a district in accordance with the provisions of this chapter.

[Emphasis added]

SHALL:

Sec. 36.064 Hold quarterly meetings IAW Open Meetings Act

Sec. 36.065 Keep a complete account of all its meetings and proceedings

Sec. 36.101, 102, 1071(f) & 117 Make and enforce rules for groundwater production

Sec. 36.107 & 1.08 Develop a cooperative management plan reviewed by TWDB

Sec. 36.102 Require & file drillers logs

Sec. 36.113 Require Permits for drilling or altering wells, EXCEPT

Sec. 36.117 domestic or livestock water on tract larger than 10ac.

MAY:

Sec. 36.116 Regulate well spacing and production

Sec. 36.201 Levy ad-valorem taxes

Sec. 36.205 Assess fees for admin, production or export

Sec. 36.303 Dissolve

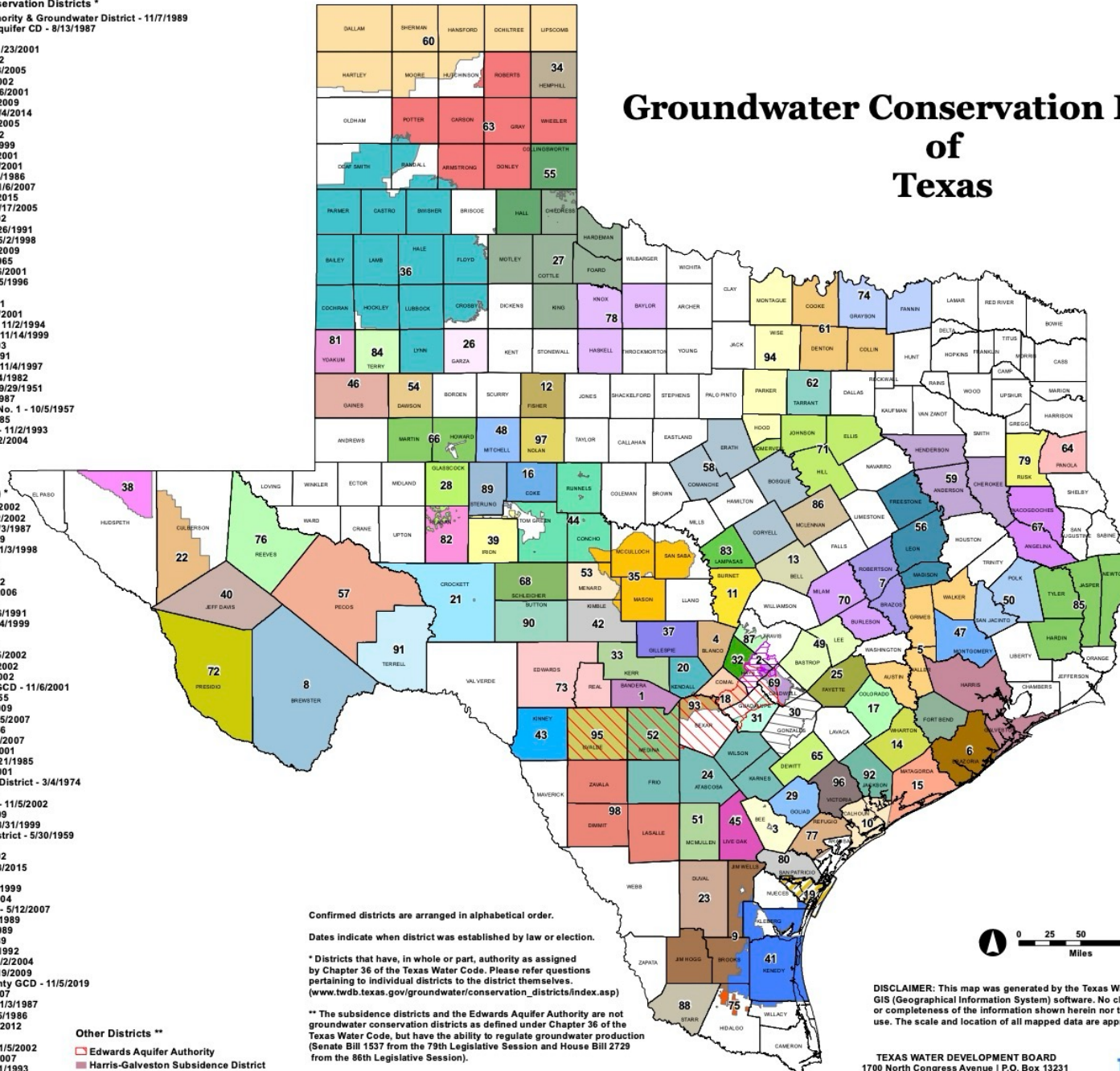
Sec. 36.351 Consolidate with another district

Groundwater Conservation Districts of Texas

- Confirmed Groundwater Conservation Districts ***
1. Bandera County River Authority & Groundwater District - 11/7/1989
 2. Barton Springs/Edwards Aquifer CD - 8/13/1987
 3. Bee GCD - 1/20/2001
 4. Blanco-Pedernales GCD - 1/23/2001
 5. Bluebonnet GCD - 11/5/2002
 6. Brazoria County GCD - 11/8/2005
 7. Brazos Valley GCD - 11/5/2002
 8. Brewster County GCD - 11/6/2001
 9. Brush Country GCD - 11/3/2009
 10. Calhoun County GCD - 11/4/2014
 11. Central Texas GCD - 9/24/2005
 12. Clear Fork GCD - 11/5/2002
 13. Clearwater UWCD - 8/21/1999
 14. Coastal Bend GCD - 11/6/2001
 15. Coastal Plains GCD - 11/6/2001
 16. Coke County UWCD - 11/4/1986
 17. Colorado County GCD - 11/6/2007
 18. Comal Trinity GCD - 6/17/2015
 19. Corpus Christi ASRCD - 6/17/2005
 20. Cow Creek GCD - 11/5/2002
 21. Crockett County GCD - 1/26/1991
 22. Culberson County GCD - 5/2/1998
 23. Duval County GCD - 7/25/2009
 24. Evergreen UWCD - 8/30/1965
 25. Fayette County GCD - 11/6/2001
 26. Garza County UWCD - 11/5/1996
 27. Gateway GCD - 5/3/2003
 28. Glasscock GCD - 8/22/1981
 29. Goliad County GCD - 11/6/2001
 30. Gonzales County UWCD - 11/2/1994
 31. Guadalupe County GCD - 11/14/1999
 32. Hays Trinity GCD - 5/3/2003
 33. Headwaters GCD - 11/5/1991
 34. Hemphill County UWCD - 11/4/1997
 35. Hickory UWCD No. 1 - 8/14/1982
 36. High Plains UWCD No.1 - 9/29/1951
 37. Hill Country UWCD - 8/8/1987
 38. Hudspeth County UWCD No. 1 - 10/5/1957
 39. Irion County WCD - 8/2/1985
 40. Jeff Davis County UWCD - 11/2/1993
 41. Kenedy County GCD - 11/2/2004

- Confirmed Groundwater Conservation Districts (Cont.) ***
42. Kimble County GCD - 5/3/2002
 43. Kinney County GCD - 1/12/2002
 44. Lipan-Kickapoo WCD - 11/3/1987
 45. Live Oak UWCD - 11/7/1988
 46. Llano Estacado GCD - 11/3/1998
 47. Lone Star GCD - 11/6/2001
 48. Lone Wolf GCD - 2/2/2002
 49. Lost Pines GCD - 11/5/2002
 50. Lower Trinity GCD - 11/7/2006
 51. McMullen GCD - 11/6/2001
 52. Medina County GCD - 8/26/1991
 53. Menard County UWCD - 8/14/1999
 54. Mesa UWCD - 1/20/1990
 55. Mesquite GCD - 11/4/1986
 56. Mid-East Texas GCD - 11/5/2002
 57. Middle Pecan GCD - 11/5/2002
 58. Middle Trinity GCD - 5/4/2002
 59. Neches & Trinity Valleys GCD - 11/6/2001
 60. North Plains GCD - 1/2/1955
 61. North Texas GCD - 12/1/2009
 62. Northern Trinity GCD - 5/15/2007
 63. Panhandle GCD - 1/21/1956
 64. Panola County GCD - 11/6/2007
 65. Pecan Valley GCD - 11/6/2001
 66. Permian Basin UWCD - 9/21/1985
 67. Pineywoods GCD - 11/6/2001
 68. Plateau UWC and Supply District - 3/4/1974
 69. Plum Creek CD - 5/1/1993
 70. Post Oak Savannah GCD - 11/5/2002
 71. Prairielands GCD - 9/1/2009
 72. Presidio County UWCD - 8/31/1999
 73. Real-Edwards C and R District - 5/30/1959
 74. Red River GCD - 9/1/2009
 75. Red Sands GCD - 11/5/2002
 76. Reeves County GCD - 11/3/2015
 77. Refugio GCD - 11/6/2001
 78. Rolling Plains GCD - 1/26/1999
 79. Rusk County GCD - 6/5/2004
 80. San Patricio County GCD - 5/12/2007
 81. Sandy Land UWCD - 11/7/1989
 82. Santa Rita UWCD - 8/19/1989
 83. Saratoga UWCD - 11/7/1989
 84. South Plains UWCD - 2/8/1992
 85. Southeast Texas GCD - 11/2/2004
 86. Southern Trinity GCD - 6/19/2009
 87. Southwestern Travis County GCD - 11/5/2019
 88. Starr County GCD - 1/6/2007
 89. Sterling County UWCD - 11/3/1987
 90. Sutton County UWCD - 4/5/1986
 91. Terrell County GCD - 11/6/2012
 92. Texana GCD - 11/6/2001
 93. Trinity Glen Rose GCD - 11/5/2002
 94. Upper Trinity GCD - 11/6/2007
 95. Uvalde County UWCD - 9/1/1993
 96. Victoria County GCD - 8/5/2005
 97. Wes-Tex GCD - 11/6/2012
 98. Wintergarden GCD - 1/17/1998

- Other Districts ****
- Edwards Aquifer Authority
 - Harris-Galveston Subsidence District
 - Fort Bend Subsidence District
 - County Boundaries



Confirmed districts are arranged in alphabetical order.

Dates indicate when district was established by law or election.

* Districts that have, in whole or part, authority as assigned by Chapter 36 of the Texas Water Code. Please refer questions pertaining to individual districts to the district themselves. (www.twdb.texas.gov/groundwater/conservation_districts/index.asp)

** The subsidence districts and the Edwards Aquifer Authority are not groundwater conservation districts as defined under Chapter 36 of the Texas Water Code, but have the ability to regulate groundwater production (Senate Bill 1537 from the 79th Legislative Session and House Bill 2729 from the 86th Legislative Session).

Groundwater Conservation District GIS Data created by the Texas Commission on Environmental Quality. For more information, please contact TCEQ at 512-239-1000 or wras@teq.texas.gov.

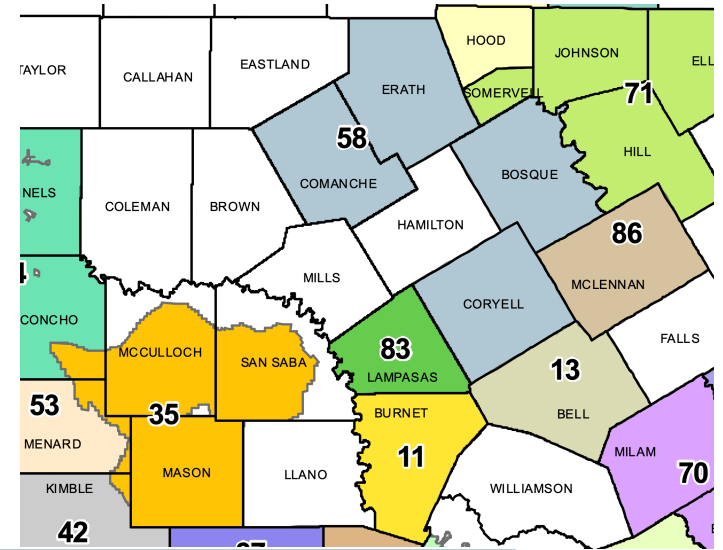
DISCLAIMER: This map was generated by the Texas Water Development Board using GIS (Geographical Information System) software. No claims are made to the accuracy or completeness of the information shown herein nor to its suitability for a particular use. The scale and location of all mapped data are approximate. Map date: NOV-2019

TEXAS WATER DEVELOPMENT BOARD
1700 North Congress Avenue | P.O. Box 13231
Austin, Texas 78711-3231
www.twdb.texas.gov
512-463-7847

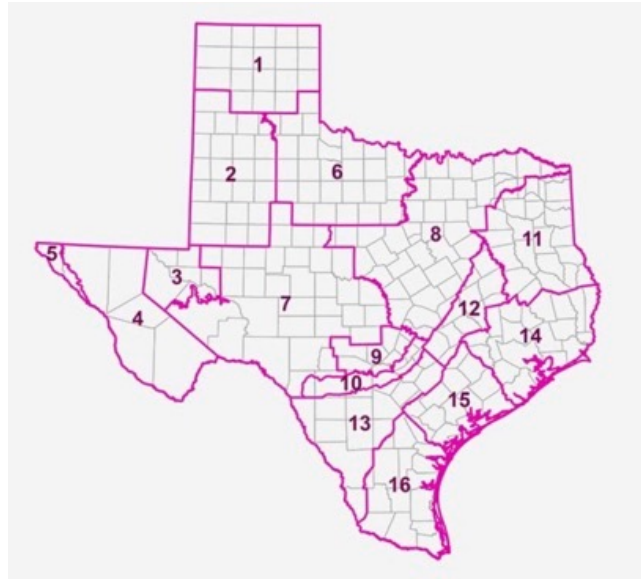


Neighboring GCDs

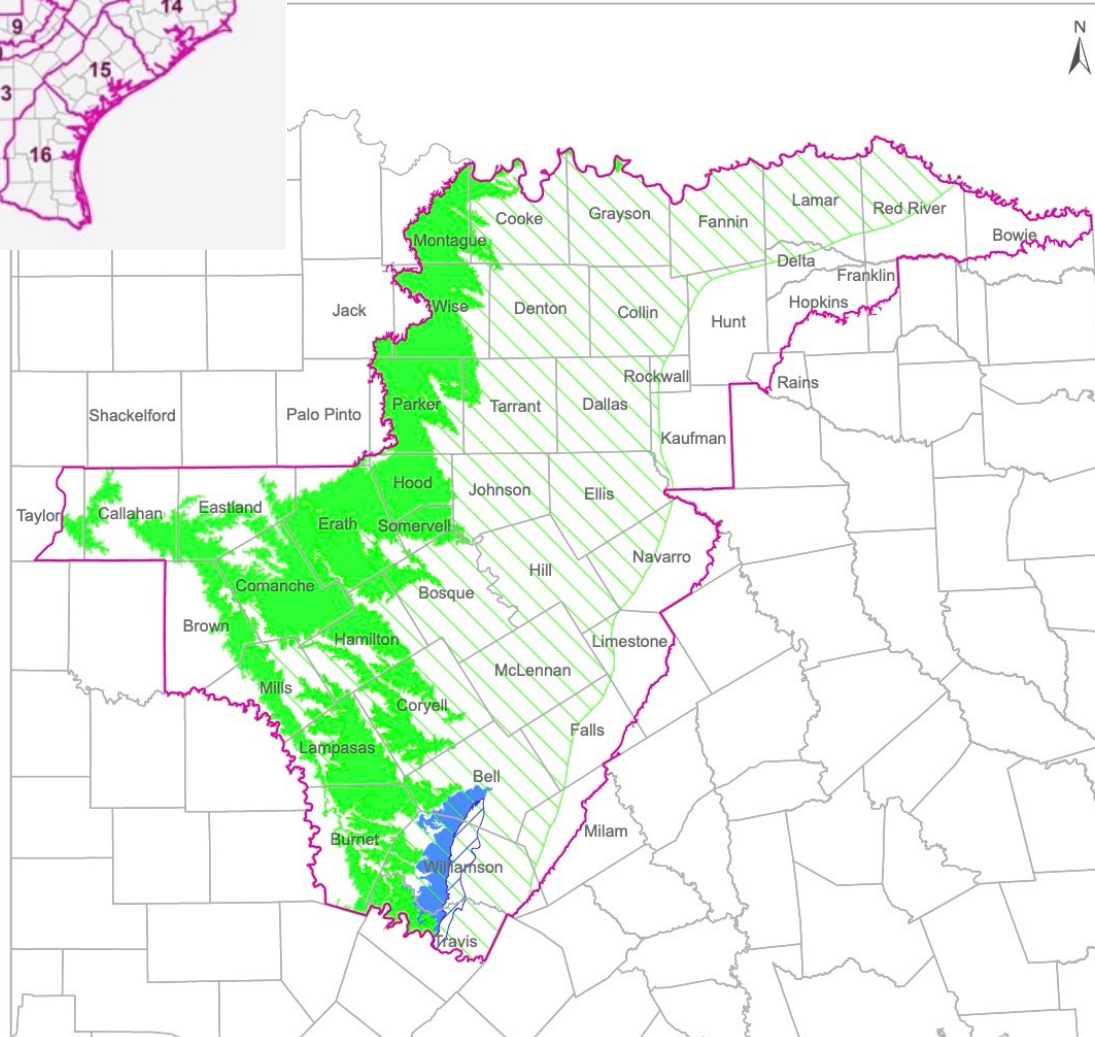
For reference,
Lampasas County
\$0.5500/\$100



GCD	OpEx	Staff	Tax Rate	Counties
35 Hickory	\$910K	4/\$487K	\$0.0298/\$100	2656 sqmi Mason+ part of McCulloch, San Saba, Concho, Menard, Kimble
11 Central Texas	\$855K	3/\$395K	\$0.0055/\$100	995 sqmi Burnet
13 Clearwater	\$984K	4/\$387K	\$0.0022/\$100	1,088 sqmi Bell
58 Middle Trinity	\$1,295K	5/\$443K	\$0.0060/\$100	4,079 sqmi Comanche, Erath, Bosque, Coryell
83 Saratoga	\$57K	0.3/\$18K	NA	713 sqmi Lampasas
86 Southern Trinity	\$180K	0.8/\$115K	NA	1,037 sqmi McLennan



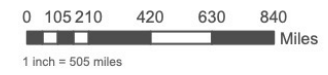
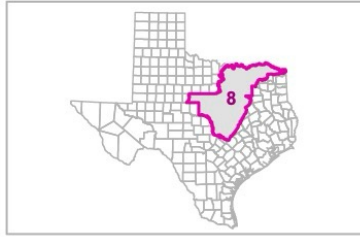
Groundwater Management Area 8



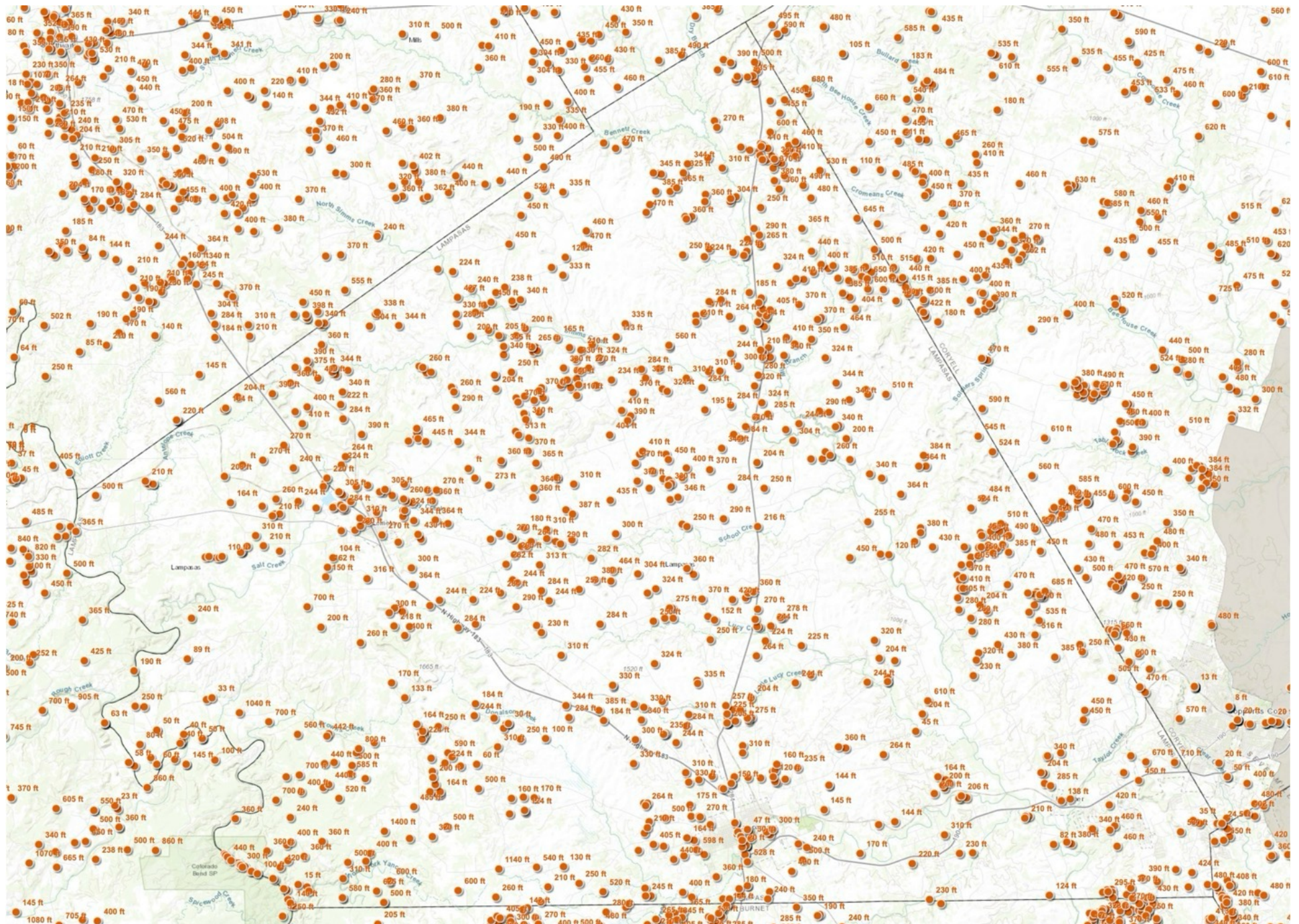
- Groundwater Management Areas
- Counties
- Major Aquifers**
- Edwards - Trinity Plateau (outcrop)
- Edwards BFZ (outcrop)
- Edwards BFZ (subcrop)
- Trinity (outcrop)
- Trinity (subcrop)

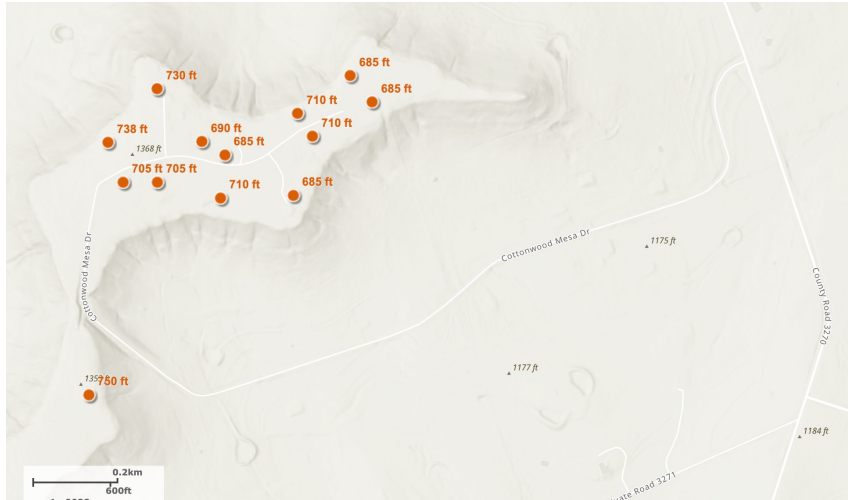


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 Updated 5/20/2021

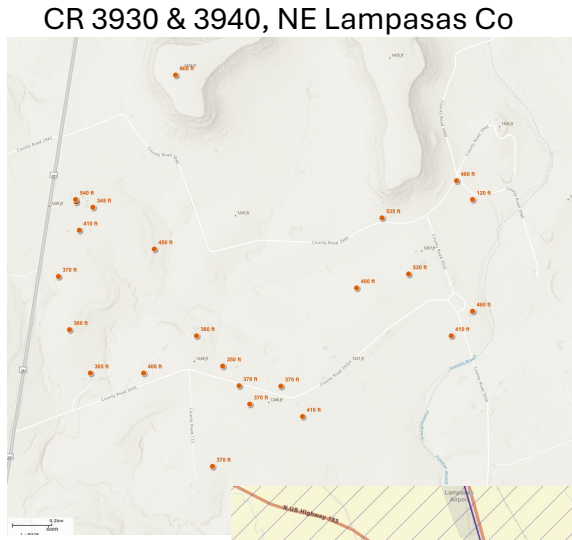


TWDB database map of wells registered in Lampasas County



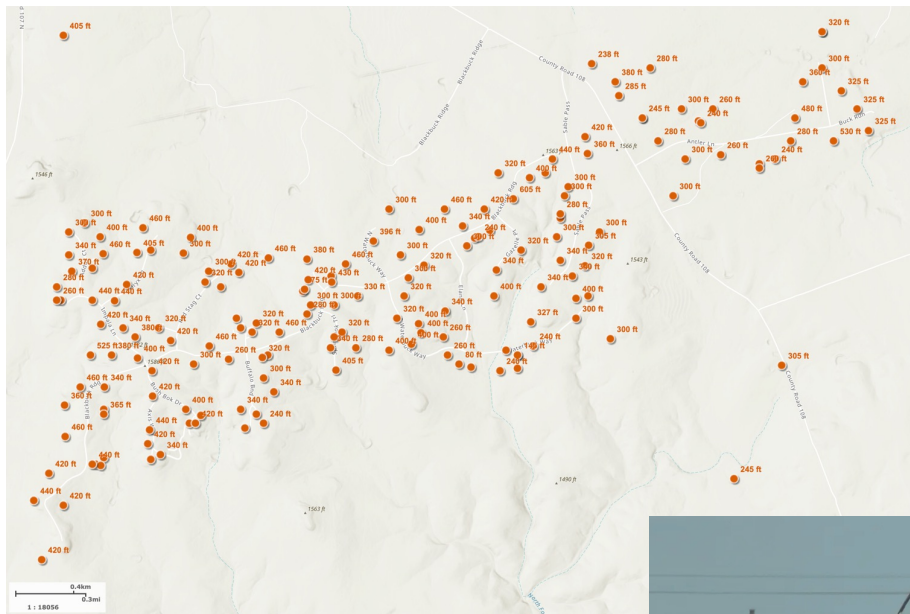


Cottonwood Mesa, NE Lampasas Co

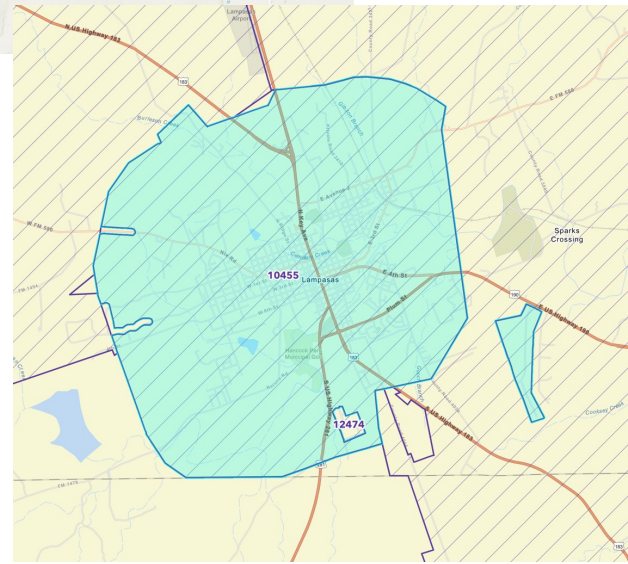


CR 3930 & 3940, NE Lampasas Co

Growing Water Demand



Blackbuck Ridge, NW Burnet Co



City of Lampasas?



Data Centers?

Options – SUWCD Activities

- Dissolve – Revert to Right of Capture = No local control or data
- Consolidate – But Adjacents are taxing districts.
- Continue – At what activity level?
 1. Maintain Rules, Register and Permit Wells, Collect Fees.
Meetings and Records Compliance. Financial reporting.
Bare minimum participation in GMA8 to satisfy Desired Future Condition requirement.
 2. Require accurate driller logs and well reports, confirm construction.
Work with landowners to Identify wells and Plug Abandoned Wells.
Assist with individual Well applications and inquiries.
Inform the Public about groundwater production.
Promote responsible water use and alternative sources.
 3. Proactively update Rules consistent with evolving legislation and best practices -
Anticipate new usages, simplify procedures for the public.
 4. Understand the sources and status of District groundwater.
Fully Cooperate with GCDs, GMAs, and CTWA to Develop and Manage to DFC

Options – SUWCD Resources

- People
 - Volunteers
 - Part time contracted individual
 - Shared staff – County, WCID, HCSWCD
 - Consulting firm – Ardurra engaged
- Money
 - Fees – Applications + Annual
 - County stipend – Commissioners oversee scope
 - Ad-Valorem tax – voter approval, overhead cost
 - Grants - \$95K TWDB monitoring equipment pending