

WATER LAW – RECENT DEVELOPMENTS

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Texas City Attorneys Association
SEMI-ANNUAL MEETING
In Conjunction with the
TEXAS MUNICIPAL LEAGUE ANNUAL CONFERENCE
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I. RECENT CASE LAW DEVELOPMENTS

A. Groundwater Cases

***City of Del Rio v. Clayton Sam Colt Hamilton Trust*, No. 04-06-00782-CV (Tex. App. – San Antonio, notice of appeal filed Nov. 11, 2006).**

Many cases over the past one-hundred plus years, since the Texas Supreme Court held declared groundwater was subject to the rule of capture in the *Houston & T.C. Ry Co. v. East*¹ case, have touched on the nature of ownership of groundwater beneath one's property. However, none of the cases have addressed whether the groundwater estate can be severed from the surface estate. The Edwards Aquifer Authority has consistently taken the position that based on the rule of capture, the landowner does not have a vested ownership interest in the groundwater beneath his or her property *until* it has been produced at the well head, and reduced to physical possession. Thus, by asserting that the property right is not a vested one, rights of property owners to pump water in the future cannot be "taken" by the Edwards Aquifer Act. Others contend that a landowner has a property right to the groundwater in place under his land, and the rule of capture is a rule of tort liability that limits a landowner's liability for damages to an adjoining property owner as a result of groundwater pumping. The exact ownership interest is important particularly if the groundwater estate is severed from the surface estate. Until the *City of Del Rio v. Clayton Sam Colt Hamilton Trust*, this issue has not been presented to a court.

The Clayton Sam Colt Hamilton Trust (Trust) conveyed a fifteen acre tract of land to the City of Del Rio. In the conveyance, the trust granted only the surface estate and reserved the groundwater rights associated with the property, as well as the mineral estate. Despite this language, the City took the position that the trust's reservation of water rights was ineffective, and had reserved nothing because the landowner had no vested property rights in the groundwater because it had not been produced and reduced to physical possession, or captured.

Based on this position, the City proceeded to drill a water well on the property to supplement the City's municipal water supply. The Trust sued the City in the Val Verde County District Court which ruled in favor of the trust. The court noted that "the ownership interest in the groundwater rights reserved in the deed is a valid and lawful reservation." The City appealed the decision to the San Antonio Court of Appeals. Currently, the parties have submitted briefing to the court.

***City of Amarillo v. Premium Standard Farms, Inc.*, 2007 WL 2163399 No. 07-06-00467-CV (Tex. App. – Amarillo, July 24, 2007) (Not Designated for Publication).**

This case involves a dispute between property owners over the production of groundwater. Premium Standard Farms (Premium) owns a swine and farming operation in the North Plains Groundwater Conservation District, which allows landowners to pump two acre-feet of groundwater per acre of land owned. The City of Amarillo (City) alleged that Premium was actually pumping ten times the permitted limits. After a failed attempt to get the District to

¹ 81 S.W. 279 (Tex. 1904).

enforce against Premium, the City filed suit under Texas Water Code § 36.119, which declares operating a well at a rate of production higher than the rate approved for the well is illegal, and allows a neighbor to sue for monetary damages and to enjoin the illegal usage.

Premium successfully argued that the phrase “higher rate of production” in section 36.119 refers to gallons per minute and not acre feet per year and thus, Premium could not be sued under section 36.119 because Premium’s wells are not subject to the gallons per minute restriction. The Court of Appeals upheld the lower court’s decision irrespective of whether or not section 36.119 created a private cause of action because there was no evidence in the record that the City had satisfied the elements of what the City believed as a cause of action.

The Texas Legislature addressed the issue with Senate Bill 1883, which amends Section 36.119 to provide that production of groundwater in violation of the district’s rules constitutes a nuisance and would be illegal and “wasteful *per se*.”² The legislation also provides landowners with a complaint and investigation process before groundwater districts, and allows landowners to sue well owners if the district fails to ensure compliance.

B. Surface Water Rights Cases

Since the *City of Marshall v. City of Uncertain*³, there have not been any major surface water rights cases to emerge from the court system. However, there are several interesting cases pending in both state and federal court.

***Texas Comm’n on Environmental Quality et al. v. San Marcos River Foundation*, No. 13-06-00326-CV (Tex. App. – Corpus Christi, notice of appeal filed May 22, 2006).**

***Texas Comm’n on Environmental Quality v. Galveston Bay Conservation and Preservation Assoc. et al.*, No. 13-07-00443-CV (Tex. App. – Corpus Christie, notice of appeal filed Dec. 19, 2006).**

In 2000, the San Marcos River Foundation (SRMF) filed an application to appropriate approximately 1.3 million acre-feet per year of water in the Guadalupe and San Marcos Rivers to leave the water in the river and allow it to flow downstream. Similarly, the Galveston Bay Foundation, Galveston Bay Conservation & Preservation Association, Matagorda Bay Foundation, CADDO Lake Institute, and the Lower Colorado River Authority all filed applications similar to the SMRF application. Parties opposing these applications contended that an application which proposes a “use” that does not divert or impound water is not a “use” under the state law. In 2003, the Texas Commission on Environmental Quality (TCEQ) concluded that it lacked authority to issue permits to appropriate water that would simply be left in the stream. In that same year, the Texas Legislature enacted section 11.0235 of the Texas Water Code prohibiting the appropriation of state water exclusively for instream flows and inflows to bays and estuaries.⁴

² Tex. S.B. 1883, 80th Leg., R.S. (2007).

³ 206 S.W.3d 97 (Tex. 2006).

⁴ TEX. WATER CODE ANN. § 11.0235 (Vernon Supp. 2006).

The applicants, with the exception of the Lower Colorado River Authority, appealed the decisions of the TCEQ and the trial court conducted hearings in 2006. In granting the applicant's partial motion for summary judgment, the trial court held that the TCEQ had jurisdiction to consider the applications by SMRF, Galveston Bay Conservation & Preservation Association, Matagorda Bay Foundation, and the CADDO Lake Institute. The TCEQ and other opposing parties appealed the trial court's decisions arguing that the court erred in holding the TCEQ had jurisdiction over the applications, and in setting aside the TCEQ's order dismissing the application because state law does not allow appropriations for non-uses and non-diversions.

As a result of a docket control realignment order, the appeals of these two cases were transferred to the Thirteenth Court of Appeals in Corpus Christi, and both are set for oral argument on October 25, 2007.

***Tarrant Regional Water Dist. V. Rudolf Herrmann et al.*, No. 5:07-cv-00045-HE (W.D. Okla., complaint filed Jan. 11, 2007).**

Tarrant Regional Water District (Tarrant) has filed an action for declaratory and injunctive relief against the members of the Oklahoma Water Resources Board and the Oklahoma Water Conservation Storage Commission to enforce its rights to appropriate, transfer, and export stream water in Oklahoma pursuant to the Red River Compact, and the Supremacy and Commerce Clauses of the U.S. Constitution. Tarrant alleges that Oklahoma's policy of forbidding non-residents from acquiring water located in Oklahoma violates the Red River Compact, and unlawfully discriminates against interstate commerce in violation of the Commerce Clause. Oklahoma filed a motion to dismiss alleging that there is no live controversy, that 11th amendment immunity applies to Tarrant's claims under the Red River Compact, and there are indispensable parties (*i.e.* Arkansas and Louisiana) that are not joined. A hearing on the motion was held on September 5, 2007, and the Court took the motion under advisement.

***City of Dallas and the Texas Water Development Bd. v. U.S. Dept. of the Interior et al.*, No. 3:07-cv-0060-P (N.D. Tex., complaints filed Jan. 10, 2007).**

The Texas Water Development Board (TWDB) and the City of Dallas filed a complaint seeking to reverse the decision of the United States Fish and Wildlife Service (FWS) to establish the Neches River National Wildlife Refuge without complying with the National Environmental Policy Act and other pertinent Executive Orders relating to deference to States when taking actions that affect policy making of the States. The establishment of the Refuge would preclude the acquisition through eminent domain of land necessary for the development of the Fastrill Water Reservoir because the geographical footprint of the Refuge overlaps in large degree to the proposed reservoir. The reservoir site had been long been recognized as a reservoir site and had been listed in the 1997 State Water Plan and the 2001 Water Plan as a desirable reservoir site. The site had also been listed in the 2006 Water Plan for Region C Planning Group (the region that include the Dallas-Ft. Worth Metroplex) as a major reservoir needed to meet regional water needs and as a unique reservoir site. Currently, the case remains at a stand-still. Motions to Dismiss filed by the FWS are pending before the Court.

C. Water Quality Cases

***Rapanos v. United States*, 126 S.Ct. 2208 (2006).**

The United States brought civil enforcement actions against the Rapanos developers for discharging fill material into protected wetlands in violation of the Clean Water Act. The Michigan wetlands in question were lying near ditches or man-made drains that eventually empty into traditional navigable waters. In a plurality opinion, Justice Scalia, who wrote the opinion, Chief Justice Thomas, and Justice Alito concluded that the phrase “water of the United States” does not include intermittent or ephemeral streams and a wetland may not be considered “adjacent to” remote “waters of the United States based on a mere hydrologic connection.” Thus, only those wetlands with a continuous surface connection to “waters of the United States” in their own right, so that there is no clear demarcation between the two, are considered to be “adjacent” and thus covered by the Act.

***National Assoc. of Homebuilders v. Defenders of Wildlife*, 127 S.Ct. 2518 (2007).**

Arizona sought Environmental Protection Agency (EPA) authorization to administer the States’ National Pollution Discharge Elimination System (NPDES) program. EPA initiated consultation with the United States Fish and Wildlife Service (FWS) per Section 7(a)(2) of the Endangered Species Act requirement for federal agencies to consult with FWS to insure that the proposed agency action will not jeopardize an endangered or threatened species. FWS’ regional office wanted potential impacts to be taken into account in the transfer of the program. However, EPA disagreed because the Clean Water Act (CWA) required the transfer of the NPDES program if the criteria in the CWA were met. In a five to four decision, the Supreme Court held that the Endangered Species Act duty to consult only applies to discretionary actions of the agency, and does not attach to mandatory duties where the agency is required to act by statute.

D. Drainage and Flooding Cases

***Texas Women’s Univ. v. Methodist Hosp.*, 221 S.W.3d 267 (Tex.App.-Houston [1st], 2006, no pet.).**

Texas Women’s University is connected to the Methodist Hospital by an underground tunnel system. During Tropical Storm Allison in June 2001, water entered the University through the entrances to Methodist’s Neurosensory Center underground parking garage and loading dock. The University sued the Hospital for damage under Texas Water Code § 11.086, among others, alleging that the Hospital diverted or impounded surface water through its garage and failed to take action, such as installing flood logs at the entrances, to prevent the diversion of surface water into the garage area and then to University.

Section 11.086 provides that “[n]o person may divert or impound the natural flow of surface water . . . , or permit a diversion . . . by him to continue, in a manner that damages the property of another by the overflow of the water diverted or impounded.”⁵ A person who is

⁵ TEX. WATER CODE ANN. § 11.086(a).

injured by overland flow of surface water caused by an unlawful diversion may recover damages.⁶ Surface water is not defined in the Texas Water Code, so the courts have interpreted the term to mean water that is diffused over the ground from falling rain or melting snow until it reaches some bed or channel in which water is accustomed to flow.⁷ A person, however, is not liable under section 11.086 for floodwaters because, unlike surface water which is owned and controlled by the property owner, floodwaters are owned by the State and the state has a duty to control floodwaters and to maintain facilities required for flood control.⁸

The trial court granted the Hospital's summary judgment motion which contended that the water was actually overland flow of water from the Harris Gully and the Braes Bayou. The University appealed alleging that the trial court erred in granting the motion because there was a fact issue as to the characterization of the water. The Court of Appeals agreed with the University, and in doing so addressed two issues with respect to the characterization of surface water: (1) the distinction between floodwaters and surface waters; and (2) the purported "touched by the hands of man" exception to the definition of surface waters.

As to the first issue, the Court of Appeals, while conceding the line between surface water and floodwaters is a fine line, noted that surface water is that which does not follow a defined course or channel, does not gather into or form a natural body of water, and is unable to maintain its identity and existence as a body of water.⁹ A surcharge, or "back water effect" from a water course or channel is considered floodwaters.¹⁰ It may be difficult, though, to distinguish between water that is surcharge from a water course, or simply a volume of water that rapidly filled a watershed causing the level of accumulated rain water to rise quickly and damage another's property.¹¹ Thus, whether the water is surface water or floodwater is a fact issue.

As to the second issue, the Hospital had argued that a person cannot be liable under section 11.086 if the diffuse surface water becomes concentrated or channeled by manmade changes to the natural formation of the land.¹² The Court of Appeals rejected this argument noting that if surface water is no longer diffuse surface water once it has been in any way "touched by the hands of man," section 11.086 would be rendered meaningless because the property owner would have to show that the water was diverted by a person, but that it was not "touched by the hands of man."¹³

E. Utility Cases

***City of Galveston v. State of Texas*, 217 S.W.3d 466 (Tex. 2007).**

This case is one of first impression. Does a city have sovereign immunity from suit by the State? In 2001, a city water line ruptured along State Highway 275 causing over \$180,000 in

⁶ *Id.* at § 11.086(b).

⁷ See *Dietrich v. Goodman*, 123 S.W.3d 413, 417 (Tex.App.-Houston [14th] 2003, no pet.).

⁸ *Texas Women's Univ.*, 221 S.W. 3d at 278.

⁹ *Id.* at 278 and 282.

¹⁰ *Id.* at 280.

¹¹ *Id.*

¹² *Id.* at 281.

¹³ *Id.*

damage to the highway. The Attorney General filed suit in the name of the State of Texas to recover damages for negligent installation, maintenance, and upkeep of the water line. The City asserted governmental immunity. The Supreme Court noted that, while the State has the power to waive sovereign immunity from suit for cities, it has no authority to do so without the Legislature's clear and unambiguous consent.¹⁴ In a five to four split, the Supreme Court ruled in favor the City holding that there had been no waiver of sovereign immunity by the Legislature.

Op. Tex. Att'y Gen. No. GA-0482 (2006).

Senator Eddie Lucio, Jr. requested an opinion from the Texas Attorney General about whether water rights fees imposed by a the City of Brownsville were impermissible impact fees prohibited by Chapter 395 of the Texas Local Government Code. According to the Attorney General, unless the political subdivision complies with the requirements of Chapter 395 of the Local Government Code, assessing a fee to fund or recoup the cost of capital improvements or facility expansions is prohibited. However, a fee to procure a water supply, which is not a fee to fund the cost of constructing the capital improvements, is not an impact under Chapter 395, and therefore is not prohibited by that Chapter. The Attorney General expressed no opinion about whether the fee is permissible otherwise.

II. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY HAPPENINGS

A. Groundwater and Surface Water

In the Matter of the Proposed Designation of the Northern Trinity and Woodbrine Aquifers Priority Groundwater Management Area; SOAH Docket No. 582-07-3917; TCEQ Docket No. 2007-1012-MIS

On June 26, 2007, the Executive Director of the TCEQ filed its "Updated Evaluation for the North-Central Texas - Trinity and Woodbine Aquifers - Priority Groundwater Management Study Area" report and recommendations regarding the creation of a priority groundwater management area (PGMA) for the following counties: Collin, Cooke, Dallas, Delta, Denton, Ellis, Fannin, Grayson, Hood, Hunt, Johnson, Kaufman, Lamar, Montague, Navarro, Parker, Red River, Rockwall, Tarrant, and Wise. A PGMA is an area designated by the TCEQ that is presently experiencing critical groundwater problems, or one that is expected to experience problems in the next twenty-five (25) years. Once a PGMA is created, counties are given permissive authority to require demonstrations of water availability in order to obtain plat approval for land development. Additionally, groundwater conservation districts must be created for the PGMA, or all or part of the area must be annexed into an existing groundwater district. The local authorities are given two years to create a district or to be annexed into an existing district. If no action is taken by the local authorities within that time period, the TCEQ must create one or more groundwater conservation districts or add the area to an existing district. The preliminary hearing for the designation of the PGMA is set for October 23, 2007 in Ft. Worth.

¹⁴ *City of Galveston*, 217 S.W.3d at 471.

B. Water Quality

Small Municipal Separate Storm Sewer Systems, General Permit to Discharge Under the Texas Pollution Discharge Elimination System No. TXR040000.

On August 13, 2007, the TCEQ issued the general permit for small municipal separate storm sewer systems (MS4s) as part of its implementation of the federal Phase II storm water rules. All small MS4s, as defined in the federal Phase II rules, must obtain authorization from the TCEQ to discharge storm water from their storm water systems. Authorization may be obtained through an individual permit or through the newly issued general permit for small MS4s. Coverage under the general permit is permitted for small MS4s located in urbanized areas, as defined by the U.S. Census Bureau in the 2000 decennial census. Coverage is also permitted for “TCEQ designated MS4s.” To be designated by the TCEQ, the city must fall into one of two categories: (1) the MS4 serves a jurisdiction with 10,000 or more people, and the area has an average density of 1000 or more people per square mile; or (2) the MS4 substantially contributes pollutants to a physically interconnected regulated MS4. To date, the TCEQ has not designated any small MS4s outside of urbanized areas. Small MS4 operators that choose to obtain authorization under this general permit must submit a storm water management program (SWMP) and a completed notice of intent (NOI) form to the TCEQ on or before February 11, 2008.

C. Utility Matters

In the matter of the Petition from Double Diamond, Inc. for an Expedited Release from Water Certificate of Convenience and Necessity (CCN) No. 12362 of Northwest Grayson County WCID No. 1 in Grayson County; Application No. 35564-C (TCEQ Order Issued July 23, 2007).

This past summer, the Executive Director of the TCEQ issued his first expedited release order under the amendments to Chapter 13 of the Water Code relating to certificates of convenience and necessity (CCNs) enacted by the 79th Texas Legislature two years ago.¹⁵ In 2005, the Legislature amended Section 13.254 of the Water Code to allow landowners with at least 50 acres or more not in a platted subdivision actually receiving water or sewer service to petition the TCEQ for expedited release of the area from a CCN so that area may receive service from another retail public utility. To obtain the release, the petitioner must be able to demonstrate that:

- (1) a written request for service was submitted to the CCN holder that identifies the area to be served, the timeframe within which service is needed for current and projected service demands, the level and manner of service needed for current and projected service demands in the area, and any additional information the CCN holder needs that is reasonably related to determining the capacity or cost of providing service;
- (2) the CCN holder has been allowed 90 days to review and respond to the request;

¹⁵ See Tex. H.B. 2876, 79th Leg., R.S. (2005).

(3) the CCN holder has refused to provide the service, is not capable of providing the service on a continuous and adequate basis within the timeframe, at the level, or in the manner reasonably needed or requested by current and projected service demands in the area, or conditions the provision of service on the payment of costs not properly allocable directly to the petitioner's service request; and

(4) the alternate retail public utility from which the petitioner will be requesting service is capable of providing continuous and adequate service within the timeframe, at the level, and in the manner reasonably needed or requested by current and projected service demands in the area.¹⁶

On May 24, 2006, Double Diamond, Inc. (Petitioner) requested service from the Northwest Grayson County Water Control and Improvement (WCID) No. 1's for a five phase development beginning in January 2007 and ending in January 2009. In June 2006, the WCID indicated its willingness to provide the service, and provided preliminary cost estimates, and requested additional information and asked the Petitioner to submit a non-standards service agreement to the WCID. In December 2006, the Petitioner applied to the TCEQ for an expedited release from the WCID's CCN.

After several rounds of information exchanges, the TCEQ ultimately decided that the Petitioner failed to meet the criteria of Section 13.254(a-1) for an expedited release. The TCEQ determined that the Petitioner failed to show that the WCID had refused to provide service and that the WCID had affirmatively stated that it had the ability to provide the service. The TCEQ found that the Petitioner failed to show that the WCID was incapable of providing the requisite service. It appears that the TCEQ's decision on this element hinges on the fact that the Petitioner was requesting service from the WCID at a far higher level than what it was expecting its "alternative" provider would be providing. The Petitioner had requested service from the WCID for 1,099 connections by July 7, 2007, but its alternative provider had only submitted plans to the TCEQ for a system that would only support 200 connections.

The TCEQ found that the Petitioner had failed to show that the WCID had conditioned the service on payment of costs not properly allocated directly to the Petitioner's request, and that the alternate retail provider, Double Diamond Utilities Company, was capable of providing the service at the level the Petitioner had requested of the District.

¹⁶ TEX. WATER CODE ANN. § 13.254(a-1).

III. WATER RELATED LEGISLATION - 80TH TEXAS LEGISLATIVE SESSION

CHAMBER	BILL NUMBER	AUTHOR	SUBJECT	EFFECTIVE DATE	COMPANION BILL
HB	3	Puente Hilderbran	Relating to the management of the water resources of the state, including the protection of instream flows and freshwater inflows, and to the management of groundwater in the area regulated by the Edwards Aquifer Authority and to the operations and oversight of the authority.	06/15/2007	NA
HB	4	Puente	Relating to water conservation.	06/15/2007	NA
HB	147	Phillips	Relating to the deferral of an administrative penalty imposed by the Texas Commission on Environmental Quality against certain utilities and districts.	09/01/2007	NA
HB	149	Phillips	Relating to rates charged for water or sewer services by an entity that takes over a nonfunctioning water or sewer system.	09/01/2007	NA
HB	462	Miller	Relating to the authority of certain municipalities to collect an infrastructure fee from certain governmental entities.	06/15/2007	NA
HB	536	Truitt	Relating to the consent required for a municipality to annex a water or sewer district.	09/01/2007	NA
HB	899	Smith, Wayne	Relating to the operation and functions of the Texas Board of Professional Engineers and the regulation of the practice of engineering.	09/01/2007	SB320
HB	1254	Bonnen	Relating to environmental permitting fees and electronic reporting.	09/01/2007	NA
HB	1391	Turner	Relating to the provision of water and utility service.	09/01/2007	NA
HB	1495	Callegari Flynn Murphy Crabb	Relating to a bill of rights for property owners whose property may be acquired by governmental or private entities through the use of eminent	06/15/2007	NA

CHAMBER	BILL NUMBER	AUTHOR	SUBJECT	EFFECTIVE DATE	COMPANION BILL
			domain authority.		
HB	1656	Puente	Relating to regulation of irrigation systems and irrigators.	06/15/2007	NA
HB	1717	McReynolds	Relating to the identification requirements for any device with the appearance of a fire hydrant that is nonfunctioning or otherwise unavailable for use in a fire emergency.	06/15/2007	SB1441
HB	1850	Flores	Relating to an inspection performed by a plumbing inspector or qualified plumbing inspection business for a political subdivision.	09/01/2007	NA
HB	2006	Woolley Corte, Frank Callegari Cook, Robby Orr	Relating to the use of eminent domain authority.	VETOED	NA
HB	2018	Brown, Betty	Relating to eligibility for a municipal setting designation related to potential impacts to groundwater quality of solid waste activities.	05/25/2007	NA
HB	2091	Hill	Relating to municipal consent to the addition to a political subdivision of land located in the extraterritorial jurisdiction of the municipality.	06/15/2007	NA
HB	2482	Cook, Robby	Relating to the requirements regarding persons who service or maintain on-site sewage disposal systems; imposing an administrative penalty.	09/01/2007	NA
HB	2654	Puente	Relating to the regulation of the use of an injection well to inject nonhazardous brine from a desalination operation or to inject nonhazardous drinking water treatment residuals.	09/01/2007	SB1343
HB	2983	Creighton	Relating to a petition for the creation of a fresh water supply district.	09/01/2007	SB1179
HB	2984	Creighton	Relating to the qualification of supervisors of a fresh water	09/01/2007	SB1178

CHAMBER	BILL NUMBER	AUTHOR	SUBJECT	EFFECTIVE DATE	COMPANION BILL
			supply district.		
HB	3017	Puente	Relating to the certification of water treatment specialists.	06/15/2007	NA
HB	3098	Puente	Relating to the fees imposed by the Texas Commission on Environmental Quality in connection with plans that are subject to review and approval under the commission's rules for the protection of the Edwards Aquifer.	09/01/2007	NA
HB	3378	Truitt	Relating to the requirements governing municipal consent to the creation or expansion of certain water districts.	06/15/2007	NA
SB	3	Averitt	Relating to the development, management, and preservation of the water resources of the state; providing penalties.	06/16/2007	NA
SB	99	Zaffirini	Relating to the identification of and provision of assistance to colonias and for tracking the progress of certain state-funded projects that benefit colonias.	06/15/2007	NA
SB	662	Wentworth	Relating to transmittal to the Texas Water Development Board and a local groundwater conservation district of certain information by a person applying to subdivide a tract of land.	09/01/2007	HB1313
SB	688	Shapleigh	Relating to the area served by certain municipal drainage utility systems.	06/16/2007	NA
SB	714	Fraser	Relating to reports regarding certain water wells required by a groundwater conservation district.	09/01/2007	NA
SB	781	Lucio	Relating to remedies available if a subdivider fails to provide water or sewer services in certain subdivisions near an international border.	06/15/2007	NA
SB	1037	Duncan	Relating to the prevention of surface water or groundwater pollution from certain	09/01/2007	HB3230

CHAMBER	BILL NUMBER	AUTHOR	SUBJECT	EFFECTIVE DATE	COMPANION BILL
			evaporation pits.		
SB	1271	West, Royce	Relating to county authority to acquire a water or sewer utility system and provide water and sewer services within a municipality.	06/16/2007	NA
SB	1383	Seliger	Relating to district hearings and citizen suits for illegally drilling or operating a water well.	06/15/2007	HB2962
SB	1436	West, Royce	Relating to the transfer of responsibility for the National Flood Insurance Program from the Texas Commission on Environmental Quality to the Texas Water Development Board and the administration and funding of the program and to the creation of a center to study elevation and related data; providing for the imposition of penalties.	06/15/2007	HB 3073

IV. GROUNDWATER DISTRICTS - 80TH TEXAS LEGISLATIVE SESSION

COUNTY	DISTRICT	BILL
Panola	Panola County Groundwater Conservation District	HB1498
Tarrant	Northern Trinity Groundwater Conservation District	HB4028
Lavaca	Lavaca County Groundwater Conservation District	HB4029
Colorado	Colorado County Groundwater Conservation District	HB4032
Hood, Montague, Parker, and Wise	Upper Trinity Groundwater Conservation District	SB1983
McLennan	McLennan County Groundwater Conservation District	SB1985