

How Do You Form a Groundwater Conservation District (GCD)?

Groundwater conservation districts (GCDs, or districts) can be created in three ways:

1. By the Legislature. Chapter 36 of the Texas Water Code (TWC) contains all the powers and duties given to GCDs by the legislature. The powers and duties given a new GCD include appointing temporary directors and setting up procedures for confirmation and subsequent directors' elections. The legislation creating the district can also give a district additional authority, such as water control and improvement authority, or limit a district's powers, such as the power of eminent domain, or limit the GCD's ad valorem tax rates.
2. By landowner petition. This procedure is based on state law in TWC, Subchapter B, Chapter 36 and requires 50 landowner signatures on the petition. First, the property owners within the proposed district's area file the petition with Texas Commission on Environmental Quality (TCEQ). Then TCEQ reviews the petition to see if it meets the requirements found in agency rules at Texas Administrative Code (TAC) Section 293.18, "Creation of a Groundwater Conservation District in a Groundwater Management Area." If the petition is approved, temporary directors are named and a confirmation election is held.
3. By TCEQ in a designated Priority Groundwater Management Area (PGMA). The process is almost the same as the process as the petition process, but need for a district occurs when local actions are not taken to create a GCD after a PGMA is designated. The process for PGMA designation includes extensive local participation through stakeholder outreach. If TCEQ creates a GCD on its own motion in a PGMA, temporary directors are appointed by the county commissioner's court(s) and an election is then held to elect directors.

An alternative to creating a new GCD is to add territory to an existing district if an existing district is willing to accept the new territory. One form of adding territory begins with a petition from an individual landowner directly to the GCD's board of directors. In this case, the board's decision is sufficient to include the property. For larger areas, groups of landowners or entire counties can petition a GCD's board for inclusion. After hearings and the board's acceptance of the petition, a confirmation election is held.

Resources and Useful Links

- TCEQ's GCD webpage at <https://www.tceq.texas.gov/groundwater/districts.html>
- The Texas Water Development Board's GCD webpage at https://www.twdb.texas.gov/groundwater/conservation_districts/index.asp
- The Railroad Commission of Texas *Groundwater Management* webpage, <https://www.rrc.texas.gov/oil-and-gas/environmental-cleanup-programs/guidance-documents-and-helpful-links/groundwater-management/>

- Texas A&M AgriLife Extension Service's *Questions about Groundwater Conservation Districts in Texas* (publication B-6120) at <https://twon.tamu.edu/wp-content/uploads/sites/3/2021/06/question-about-gcds.pdf>
- The Texas Alliance of Groundwater Districts website, <https://texasgroundwater.org/>

Other Frequently Asked Questions (FAQs)

To find additional FAQs visit the Texas Groundwater Protection Committee's FAQ webpage at <https://tgpc.texas.gov/frequently-asked-questions-faqs>.