

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ WATER RIGHTS PERMITTING APPLICATION

ADMINISTRATIVE INFORMATION CHECKLIST

Complete and submit this checklist for each application. See Instructions Page 5.

APPLICANT(S): San Antonio River Authority

Indicate whether the following items are included in your application by writing either Y (for yes) or N (for no) next to each item (all items are not required for every application).

Y/N	Y/N
<u>Y</u> Administrative Information Report	<u>N</u> Worksheet 3.0
<u>N</u> Additional Co-Applicant Information	<u>N</u> Additional W.S. 3.0 for each Point
<u>N</u> Additional Co-Applicant Signature Pages	<u>N</u> Recorded Deeds for Diversion Points
<u>Y</u> Written Evidence of Signature Authority	<u>N</u> Consent for Diversion Access
<u>Y</u> Technical Information Report	<u>N</u> Worksheet 4.0
<u>Y</u> USGS Map (or equivalent)	<u>N</u> TPDES Permit(s)
<u>Y</u> Map Showing Project Details	<u>N</u> WWTP Discharge Data
<u>N</u> Original Photographs	<u>N</u> Groundwater Well Permit
<u>N</u> Water Availability Analysis	<u>N</u> Signed Water Supply Contract
<u>N</u> Worksheet 1.0	<u>N</u> Worksheet 4.1
<u>N</u> Recorded Deeds for Irrigated Land	<u>N</u> Worksheet 5.0
<u>N</u> Consent for Irrigated Land	<u>N</u> Addendum to Worksheet 5.0
<u>N</u> Worksheet 1.1	<u>N</u> Worksheet 6.0
<u>N</u> Addendum to Worksheet 1.1	<u>N</u> Water Conservation Plan(s)
<u>N</u> Worksheet 1.2	<u>N</u> Drought Contingency Plan(s)
<u>Y</u> Worksheet 2.0	<u>N</u> Documentation of Adoption
<u>Y</u> Additional W.S. 2.0 for Each Reservoir	<u>N</u> Worksheet 7.0
<u>N</u> Dam Safety Documents	<u>N</u> Accounting Plan
<u>N</u> Notice(s) to Governing Bodies	<u>Y</u> Worksheet 8.0
<u>N</u> Recorded Deeds for Inundated Land	<u>Y</u> Fees
<u>N</u> Consent for Inundated Land	<u>Y</u> Public Involvement Plan

ADMINISTRATIVE INFORMATION REPORT

The following information is required for all new applications and amendments.

*****Applicants are REQUIRED to schedule a pre-application meeting with TCEQ Staff to discuss Applicant's needs prior to submitting an application. Call the Water Rights Permitting Team to schedule a meeting at (512) 239-4600.**

1. TYPE OF APPLICATION (Instructions, Page. 6)

Indicate, by marking X, next to the following authorizations you are seeking.

☐ New Appropriation of State Water

☒ Amendment to a Water Right *

☐ Bed and Banks

****If you are seeking an amendment to an existing water rights authorization, you must be the owner of record of the authorization. If the name of the Applicant in Section 2 does not match the name of the current owner(s) of record for the permit or certificate or if any of the co-owners is not included as an applicant in this amendment request, your application could be returned. If you or a co-applicant are a new owner, but ownership is not reflected in the records of the TCEQ, submit a change of ownership request (Form TCEQ-10204) prior to submitting the application for an amendment. See Instructions page. 6. Please note that an amendment application may be returned, and the Applicant may resubmit once the change of ownership is complete.***

Please summarize the authorizations or amendments you are seeking in the space below or attach a narrative description entitled "Summary of Request."

This amendment seeks to add two additional impoundments to Permit No. 13355, that will utilize the existing source of water currently identified in Permit No. 13355. These impoundments, listed below, would impound only groundwater based return flows. Permit No. 13355 states, "Permittee is not authorized to impound state water in the reservoir located on San Pedro Creek. Permittee shall maintain the reservoir full and spilling at all times with an alternate source of water. Permittee shall pass all inflows of state water downstream." Both of these impoundments are currently authorized by Temporary Water Use Permit No. 13842.

Alamo Street Gate: 8.20 acre-foot impoundment at 29.413062, -98.503012

Nueva Street Gate: 4.73 acre-foot impoundment at 29.423080, -98.496393

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

Indicate the number of Applicants/Co-Applicants 1
(Include a copy of this section for each Co-Applicant, if any)

What is the Full Legal Name of the individual or entity (applicant) applying for this permit?

San Antonio River Authority

(If the Applicant is an entity, the legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?
You may search for your CN on the TCEQ website at
<http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

CN : CN600790620 (leave blank if you do not yet have a CN).

What is the name and title of the person or persons signing the application? Unless an application is signed by an individual applicant, the person or persons must submit written evidence that they meet the signatory requirements in 30 TAC § 295.14.

First/Last Name: Derek Boese

Title: General Manager

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application? Y/N Y

What is the applicant's mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at
<https://tools.usps.com/go/ZipLookupAction!input.action>.

Name: San Antonio River Authority

Mailing Address: 100 E. Guenther St.

City: San Antonio State: TX ZIP Code: 78204

Indicate an X next to the type of Applicant:

<input type="checkbox"/> Individual	<input type="checkbox"/> Sole Proprietorship-D.B.A.
<input type="checkbox"/> Partnership	<input type="checkbox"/> Corporation
<input type="checkbox"/> Trust	<input type="checkbox"/> Estate
<input type="checkbox"/> Federal Government	<input type="checkbox"/> State Government
<input type="checkbox"/> County Government	<input type="checkbox"/> City Government
<input checked="" type="checkbox"/> Other Government	<input type="checkbox"/> Other _____

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: _____ SOS Charter (filing) Number: _____

3. APPLICATION CONTACT INFORMATION (Instructions, Page. 9)

If the TCEQ needs additional information during the review of the application, who should be contacted? Applicant may submit their own contact information if Applicant wishes to be the point of contact.

First and Last Name: Shaun Donovan

Title: Manager, Environmental Sciences

Organization Name: San Antonio River Authority

Mailing Address: 100 E. Guenther St.

City: San Antonio State: Texas ZIP Code: 78204

Phone Number: (210)302-3258

Fax Number: (210)302-3694

E-mail Address: [REDACTED]

4. WATER RIGHT CONSOLIDATED CONTACT INFORMATION (Instructions, Page. 9)

This section applies only if there are multiple Owners of the same authorization. Unless otherwise requested, Co-Owners will each receive future correspondence from the Commission regarding this water right (after a permit has been issued), such as notices and water use reports. Multiple copies will be sent to the same address if Co-Owners share the same address. Complete this section if there will be multiple owners and all owners agree to let one owner receive correspondence from the Commission. Leave this section blank if you would like all future notices to be sent to the address of each of the applicants listed in section 2 above.

I/We authorize all future notices be received on my/our behalf at the following:

First and Last Name: _____

Title: _____

Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone Number: _____

Fax Number: _____

E-mail Address: _____

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

- a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.
1. Does Applicant or Co-Applicant owe any fees to the TCEQ? **Yes / No** No
If **yes**, provide the following information:
Account number: _____ Amount past due: _____
2. Does Applicant or Co-Applicant owe any penalties to the TCEQ? **Yes / No** No
If **yes**, please provide the following information:
Enforcement order number: _____ Amount past due: _____
- b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicant's may check their status with the Comptroller at <https://mycpa.cpa.state.tx.us/coa/>
Is the Applicant or Co-Applicant in good standing with the Comptroller? **Yes / No** _____
- c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use - if required. See TWC §16.012(m) and 30 TAC § 297.41(a)(5). Applicants should check survey status on the TWDB website prior to filing:
https://www3.twdb.texas.gov/apps/reports/WU_REP/SurveyStatus_PriorThreeYears
Applicant has submitted all required TWDB surveys of groundwater and surface water?
Yes / No NA

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Derek Boese

General Manager

(Typed or printed name)

(Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under Title 30 Texas Administrative Code §295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

Signature: _____

(Use blue ink)

Date: _____

30 Jun 2024

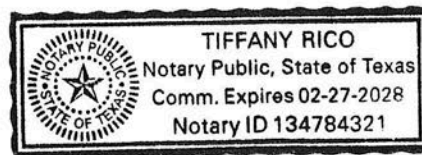
Subscribed and Sworn to before me by the said

on this 30th day of July, 20 24.

My commission expires on the 27th day of February, 20 28.

Notary Public

County, Texas



[SEAL]

If the Application includes Co-Applicants, each Applicant and Co-Applicant must submit an original, separate signature page



DELEGATION OF SIGNATURE AUTHORITY

Effective Date: February 16, 2022

Responsible Manager: General Manager

PROCEDURE STATEMENT

The General Manager shall execute contracts, obligations, undertakings, conveyances and other instruments when so authorized and directed by the Board of Directors through express authorization or through authorization through policy adoption. Additionally, the General Manager is granted authority concerning the contracting of professional services through the enabling act. No employee of the River Authority has the authority to commit the agency's resources without delegated authority of the General Manager.

PURPOSE

Provide guidelines regarding the delegation of Signature Authority for actions required during the normal course of River Authority operations. Through the delegation of Signature Authority process the River Authority intends to promote greater efficiency for certain activities, such as purchasing and contracting. This procedure ensures that the actions related to the review, approval and signature process for certain activities are properly authorized.

The Contracting Office of the Support Services Division ensures that the delegation of authority process meets all state, bylaw, statutory or other regulatory requirements.

DEFINITIONS

Cooperative Agreement: "Cooperative Agreement" is an alternate term for Interlocal Agreement.

District: The district of the River Authority is the counties of Bexar, Wilson, Karnes, and Goliad.

Employee: Means any person holding a position of employment in the service of the River Authority.

Interlocal Agreement: "Interlocal Agreement" is a contract between governments in accordance with Texas Government Code Chapter 791. Under this Chapter, governments are permitted to contract with each other and with agencies of the state for the performance of specific governmental functions and services to increase the efficiency and effectiveness of the parties.

Responsible Division: means the Contracting Office of the Support Services Division.

Signature Authority: As used in this policy, "Signature Authority" is the permission to execute transactions up to limits established by Exhibit A and all relevant policies. This approval attests to the appropriateness of the transaction within the River Authority's program objectives and budgetary authorizations.

PROCEDURE

Employees with delegated Signature Authority are accountable for their activities and decisions, and appropriate controls must be applied to ensure that documentation related to review and approval of items authorized and/or signed by a person or persons having the appropriate authority to do so.

1. Delegation of Signature Authority

- a. The General Manager may delegate signing authority for documents as necessary in accordance with statutory or other granted authority;
- b. Those delegated Signature Authority may only delegate signing authority in instances where further delegation is allowable, as outlined in Exhibit A;
- c. Those delegated authority not listed in Exhibit A must obtain and provide a Delegation of Signature Authority form (Exhibit B) on file with the Responsible Division that acknowledges the acceptance of responsibilities provided below.

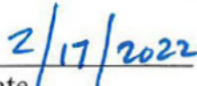
2. Employees with Signature Authority are responsible for assuring the following:

- a. An understanding of what is being approved;
- b. The information and supporting documentation is accurate and complete;
- c. The transaction is allowable, reasonable and justified;
- d. There are adequate funds to cover the expense;
- e. The funding source is appropriate for the expenditure.

The Responsible Division ensures that the delegation of Signature Authority process meets all state, bylaw, statutory or other regulatory requirements. This procedure may be modified to accommodate special needs, if authorized by the General Manager.

Approved


Derek Boese, General Manager


Date



DATE: [DATE]
TO: Contract Office
FROM: [DELEGATING PARTY]
SUBJECT: Delegation of Signature Authority

Contracting Office:

By means of this letter, I, [name and title], delegate the authority herein described to the [position title], on the following terms and conditions:

1. The [title] may review and execute, on my behalf, contracts in an amount and duration not to exceed [dollar limit] and [period of time].
2. The signature authority subject to this delegation are those relating to [describe nature of contracts].
3. The effective date of this delegation is [specify] and shall run [indicate time limit if any; if none, indicate that it shall run until revoked by delegating official or his/her successor].
4. The authority delegated is not subject to sub-delegation without my prior and express written consent.
5. This delegation is made pursuant to the River Authority Contract Approval and Signatory Authority Procedures.

[signature]

Name and Title [delegating official]

Date:

[signature]

Acknowledged and agreed:

Name and Title [delegate]

Date:

cc: File [delegating official]
Director of Legal Services [copy to be transmitted within three calendar days of execution]

Delegation of Signature Authority - Exhibit A

- Ability to Further Delegate only applies to those provided authority through Exhibit A, other than the General Manager
- The authority delegated through this exhibit does not replace or supersede any business process or routing requirements
- Authority may be re-delegated unless otherwise precluded (managers may re-delegate to supervisors)

	Signature Authority							Review and/or Approval				
Action Type	Board of Directors	General Manager	Deputy General Manager	Procurement (Purchasing or Contract Officer)	Division Director	Department	Ability to Further Delegate (Yes / No)	Legal Review	Department Manager	Other Approver (includes PMs)	Ability to Further Delegate (Yes / No)	Related Policy
Finance												
Auditor Selection	X						No				No	
Accounts Payable Signature Authority (checks and ACH deposits)		X	X		Finance		No		Finance		Yes	
Banking Depositories - Signature Authority		X	X		Finance	Sr Mgr Fin.	No		Finance		No	Bylaws Article IX
Budget Adoption	X						No				No	Bylaws Article VI
Budget Amendment - Increase (those that require board approval)	X						No		Finance		No	Bylaws Article VI
Budget Transfer Authority (across departments)		X	X				Yes		Finance		Yes	
Budget Transfer (within departments, across categories)		X	X		Finance		Yes		Finance		Yes	
Grant Application Authority	X	X	X		Finance		No		Finance		No	FN 015
Invoice Payment Approval (Bank Release)		X	X		Finance	Sr Mgr Fin.	No		Finance		No	
Investment Signature Authority (investment management and transactions)			X		Finance	Sr Mgr Fin.	No		Finance		No	Bylaws Article X
Tax Rate Adoption	X						No		Finance		No	
Tax Increment Financing Participation	X						No		Finance		No	Bylaws Article XII
Setting of Fees and Rates (e.g. lab, utilities)	X						No		Finance		No	
Notification of Fees and Rates (external)		X	X		Finance		Yes		Finance		Yes	
Contracts												
Procurement of Goods & Services (see supplemental Procurement Guideline)												
Contract (3 rd Party) - Goods and Services									Procurement	Contract Officer		Bylaws Article II
Approval of 3rd Party Terms and Conditions		X	X				No	Yes			No	
Costs less than \$5,000		X	X	X	ALL	Procurement	Yes				Yes	
Costs between \$5,000 and \$25,000		X	X	X	ALL	Procurement	Yes				No	
Between \$25,000 and \$150,000		X	X	X	Finance		No				No	
Between \$150,000.01 and \$500,000	X	X	X				Yes	Yes			No	
Professional Services - Between \$150,000.01 and \$500,000.01		X	X				Yes	Yes			No	
High Technology-Between \$50,000 and \$500,000.01	X	X	X						Information Technology			
Contracts in excess of \$500,000	X	X										
Emergency Purchase		X	X		Finance		No	Yes	Procurement		No	FN 0009
Purchasing Cooperative Agreements	X							Yes	Procurement	Contract Officer		Bylaws Article II;
Interlocal Agreement (ILA)	X											Bylaws Article II;
Primary		X	X				No				No	
Attest		X			Legal Services		No	Yes			No	
Change Orders to ILAs		X	X		Legal Services							

Delegation of Signature Authority - Exhibit A

- Ability to Further Delegate only applies to those provided authority through Exhibit A, other than the General Manager
- The authority delegated through this exhibit does not replace or supersede any business process or routing requirements
- Authority may be re-delegated unless otherwise precluded (managers may re-delegate to supervisors)

	Signature Authority							Review and/or Approval				
Action Type	Board of Directors	General Manager	Deputy General Manager	Procurement (Purchasing or Contract Officer)	Division Director	Department	Ability to Further Delegate (Yes / No)	Legal Review	Department Manager	Other Approver (includes PMs)	Ability to Further Delegate (Yes / No)	Related Policy
Task Order (Note: original agreement must include authorization to negotiate, execute, and amend)(Single Task order value not to exceed total contract value)									Procurement	Contract Officer		
Costs less than \$5,000		X	X	X	ALL	ALL	Yes				Yes	
Costs between \$5,000 and \$25,000		X	X	X	ALL	Procurement	No				No	
Between \$25,000 and \$150,000		X	X	X	Finance	Procurement	No				No	
Costs between \$150,000.01 and \$500,000		X	X				No				No	
Costs more than \$500,000		X					No					
Memorandum of Understanding (MOU)												
Primary		X	X				No				No	
Attest			X				No	Yes			No	
Personnel												
New Staff Authorization (budget cycle)	X						No				No	
Market Salary Adjustments		X					No				No	
Reallocation of Authorized Staff Position		X			HR		No				No	
Reclassification of Staff Position		X			HR		No				No	
Projects												
Alternate Delivery Method (CMAR, Design Build, etc.)	X							Yes				FN 0001
Change Order/Amendment - Signature Authority (Dollar thresholders apply to the single change order value. Cummulative change order that exceeds 25% of orginal contract require GM signature)												
Costs less than \$5,000		X	X	X	ALL		No				No	
Costs between \$5,000 and \$25,000		X	X	X	ALL		No				No	
Between \$25,000.01 and \$150,000		X	X	X			No				No	
Between \$150,000.01 and \$500,000		X	X				No	Yes			No	
>\$500,000.01		X										
Construction (Water Code Chapter 49 only)												
Change Orders > +/- \$150,000.01	X						No	Yes				
New Project Authorization	X											
New Project Funding – Existing Project	X	X	X									
Purchasing												
Procurement of Goods & Services (see supplemental Procurement Guideline)												
Goods and Non-Professional Services - Approval and Signature Authority									Procurement	Contract Officer		FN 0009
Costs less than \$5,000		X	X	X	ALL	ALL	Yes				Yes	
Costs between \$5,000 and \$25,000		X	X	X	ALL		No				No	
Between \$25,000 and \$150,000		X	X	X	Finance		No				No	
Between \$150,000 and \$500,000	X	X	X				No	Yes			No	
Costs ≥ \$500,000.01	X	X					No	Yes			No	
Emergency Purchase in excess of \$150,000	Ratification	X	X		Finance		No	Yes	Procurement		No	FN 0009
High Technology												
Costs less than \$5,000		X	X	X	ALL	ALL	Yes				Yes	
									Information Technology			
Costs between \$5,000 and \$25,000		X	X	X	ALL		No				No	

Delegation of Signature Authority - Exhibit A

- Ability to Further Delegate only applies to those provided authority through Exhibit A, other than the General Manager
- The authority delegated through this exhibit does not replace or supersede any business process or routing requirements
- Authority may be re-delegated unless otherwise precluded (managers may re-delegate to supervisors)

Signature Authority								Review and/or Approval				
Action Type	Board of Directors	General Manager	Deputy General Manager	Procurement (Purchasing or Contract Officer)	Division Director	Department	Ability to Further Delegate (Yes / No)	Legal Review	Department Manager	Other Approver (includes PMs)	Ability to Further Delegate (Yes / No)	Related Policy
Between \$25,000 and \$50,000.01		X	X	X	Finance		No		Information Technology		No	
Between \$50,000 and \$500,000.01	X	X	X				No	Yes	Information Technology		No	
Costs more than \$500,000	X	X					No	Yes	Information Technology		No	
Emergency Purchase in excess of \$50,000	Ratification	X	X		Finance		No	Yes	Procurement	Information Technology	No	FN 0009
Professional Services - Approval and Signature Authority									Procurement			FN 0001
Costs less than \$5,000		X	X	X	ALL	ALL	No				No	
Costs between \$5,000 and \$150,000		X	X	X	ALL		No				No	
Cost ≥ \$150,000.01		X	X				No				No	
Costs > \$150,000	Notice Required	X					No				No	Bylaws XIII
Construction Services												
Costs ≤ \$150,000		X	X	X			Yes				Yes	
Between \$150,000.01 and \$500,000	X	X	X				No				No	
Costs ≥ \$500,000.01	X	X					No	Yes			No	
Emergency Purchase in excess of \$150,000.01	Ratification	X	X		Finance		No	Yes	Procurement		No	FN 0009
Purchasing Card												FN 0005
Monthly Limit - \$5,000		X	X		ALL	ALL	Yes				Yes	
Monthly Limit - \$10,000		X	X		ALL	ALL	No				No	
Monthly Limit - Beyond \$10,000		X	X		Finance	ALL	No				No	
Fuel Card												
add values		X	X		Finance	Sr Mgr Fin.	Yes				Yes	
add values		X	X		Finance	Sr Mgr Fin.	No				No	
Surplus Property - Disposition	X											
Disposition of Surplus (Forms)		X	X		Finance	Sr Mgr Fin.	Yes				Yes	FN 0014
Real Estate												
Permits - SARA Board of Director Approved Projects		X	X		ALL	Eng. Manager	No	Yes		Project Manag	No	
Eminent Domain	X							Yes				RE0001 1.a., Bylaws XV
Land Acquisition												RE0001 1.a., Bylaws XV
Under \$100,000		X	X				No	Yes			No	
Over \$100,000	X						No	Yes			No	
Documents - Closing Documents		X	X		Technical Services		Yes	Yes			Yes	
Land Disposition	X							Yes				
Land Use Agreements												Bylaws XV
Short term land use agreements with terms of fifteen (15) years or less, including easements, leases, temporary use permits, licenses, utility dedications, rights of entry, and construction permits.		X	X		Technical Services	Real Estate Supervisor	No	Yes			No	
Plats and consent and indemnity agreements.		X	X				No	Yes			No	
Joint Use Agreements for the co-location of utilities or other improvements on SARA land, easements, or leases.		X	X				No	Yes			No	
Leases that may be canceled upon thirty (30) days notice.		X	X				No	Yes			No	
Easements across SARA's bed and banks.		X	X				No	Yes			No	
Minor easements that are less than 1 acre in size or less than \$50,000 in value.		X	X				No	Yes			No	

Delegation of Signature Authority - Exhibit A

- Ability to Further Delegate only applies to those provided authority through Exhibit A, other than the General Manager
- The authority delegated through this exhibit does not replace or supersede any business process or routing requirements
- Authority may be re-delegated unless otherwise precluded (managers may re-delegate to supervisors)

[illegible]

SAN ANTONIO RIVER AUTHORITY

CHAPTER 276, PAGE 556,

ACTS OF THE 45TH LEGISLATURE, 1937,

AND AS SUBSEQUENTLY AMENDED

FOREWORD

The organic act of the SAN ANTONIO RIVER AUTHORITY was enacted in 1937 by the 45th Legislature, H. B. No. 726, Chapter 276, Page 556. This Act has been subsequently added to and amended by the following laws: Spec. L., Page 1083, 46th Legislature (1939); Chapter 60, Page 82, 53rd Legislature (1953); Chapter 37, Page 1469, 55th Legislature (1957); Chapter 37, Page 78, 56th Legislature (1959); Chapter 233, Page 466, 57th Legislature (1961); Chapter 836, Page 2488, 61st Legislature (1969); Chapter 301, Page 776; Chapter 604, Page 1893, 64th Legislature (1975); Chapter 60, Page 123, 67th Legislature (1981); Chapter 701, Page 5139, 70th Legislature (1987); Chapter 1148 s 15, Page 3866, 84th Legislature (2015); and H. B. 1535, 88th Legislature (2023).

The statute has been before the appellate courts in *San Antonio River Authority v. Sheppard*, 157 Tex. 63, 299, S. W. 2d 920 (1957); *City of San Antonio v. Trease*, 243 S. W. 2d 187, err. ref. (1951); *San Antonio River Authority v. Lewis*, 343 S. W. 2d 475; aff. 363 S. W. 2d 444 (1962); and *San Antonio River Authority v. Hunt*, 405 S. W. 2d 700, ref. n.r.e. (1966).

Revised: February 1, 1990

Reprinted: January 5, 2001

Revised: April 11, 2017

Revised: August 3, 2023

INDEX

Section 1	Definitions.	1
Section 1-a	Application of Sunset Act.....	2
Section 2	District Created	2
Section 2-a	Boundaries of the District	2
Section 3	Powers of the District.	2
Section 5	Partnership with Nonprofit Organization	15
Section 6	District Constabulary	15
Section 8	Duties of Certain State Officers.....	16
Section 9	Governing Body of the District; Qualifications of Members of the Board; Vacancies; Term of Office.....	16
Section 10	Election of Directors	16
Section 11	Compensation and Expenses of Directors	17
Section 12	Removal of Directors and Officers	17
Section 13	Organization and Meetings of the Board; Officers; Quorum	17
Section 13-a	Training for Board Members	18
Section 13-b	Policies to Separate Policy Making and Staff Functions	18
Section 13-c	Public Testimony at Board Meetings.....	18
Section 13-d	Complaint Information Requirements	18
Section 14	Powers of the Board and Executive Committee; Bonds Required	19
Section 14-b	Fiscal Year	20
Section 15	Payment of Debts.....	20
Section 15-a	Taxation	20
Section 15-b	Rendition, Assessment, Levying and Collection of Taxes	22
Section 16	Issuance of Bonds	22
Section 17	Purchase of Bonds by District.	25
Section 17-a	Bonds Legal for Investment and Security.....	25
Section 18	Property of the District.	25
Section 19	Bonds, Tax Free	26
Section 20	Appeal Bond Not Required.....	26
Section 21	Full Authority to Issue Bonds	26
Section 21-a	Contract with Bexar County	26
Section 21-b	Pollution Control Districts	27
Section 22	Liberal Construction; Conflicts.	31
Section 23	Domicile.....	31
Section 24	Constitutional Conformity	31
Section 25	Severability Clause	32

Subject Index	33
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SAN ANTONIO RIVER AUTHORITY

Section 1. Definitions. The words and phrases used in this Act shall, unless the same be inconsistent with the context, be construed as follows:

- (a) 'District' shall mean the San Antonio River Authority.
- (b) 'Section 59' shall mean Section 59 of Article 16 of the Constitution of Texas, as the same now provides.

Repealed, H. B. 1535, 88th Legislature.

- (c) 'Board' or 'Directors' shall be understood to mean the Board of Directors of this District, or the members thereof in their official capacity.
- (d) 'Federal' shall mean or relate to the Government of the United States of America, and/or its functions or subsidiary agencies.
- (e) 'State' shall mean or relate to the Government of the State of Texas, and/or such of its functions and agencies as are appropriate to accomplish the objects of this Act.
- (f) 'Persons' means and includes an individual, partnership, association, corporation, business trust, legal representative, or receiver or any organized group of persons.
- (g) 'Professional services' shall mean those services rendered, either individually or by firms, by accountants, attorneys, engineers, surveyors, geologists, physicians, surgeons, laboratory technicians, bond brokers, fiscal advisers, appraisers, statisticians, researchers and by such other vocations, callings, occupations or employments involving labor, skill, education, special knowledge and compensation or profit, but the labor and skill involved therein being predominantly mental or intellectual rather than physical or manual. Amended, H. B. 83, 57th Legislature.
- (h) 'Flood Plain' shall mean the area of the channel of a river or stream and those portions of land abutting and adjacent to such channel which are reasonably required to carry floodwaters. Added, S. B. 704, 61st Legislature.
- (i) 'San Antonio River Basin' shall mean all of the area except Bandera, Real and Kerr Counties which has topographic characteristics causing surface

waters to flow into the San Antonio River and its tributaries. Added, S. B.704, 61st Legislature.

Section 1-a. APPLICATION OF SUNSET ACT.

- (a) The District is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the District were a state agency scheduled to be abolished September 1, 2035, and every 12th year after that year. Amended, H. B. 1535, 88th Legislature.
- (b) The District shall pay the cost incurred by the Sunset Advisory Commission in performing the review. The Sunset Advisory Commission shall determine the cost, and the District shall pay the amount promptly on receipt of a statement from the Sunset Advisory Commission detailing the cost. Amended, S.B. 523, 84th Legislature.

Section 2. District Created. Under the authority of, and in pursuance with the policy of, Section 59 of Article 16, of the Constitution of Texas, there is hereby created within the State of Texas, in addition to the Districts into which the State has heretofore been divided, a Conservation and Reclamation District to be known as 'San Antonio River Authority' (hereinafter called the 'District'), which is hereby declared to be a governmental agency, a municipality, body politic and corporate, vested with all the authority and full sovereignty of the State, in behalf of the State, insofar as intended by this Act, and with the authority to exercise the powers, rights, privileges and functions hereinafter specified. The creation of such District is hereby determined to be essential to the accomplishment of the purposes of Section 59 of Article 16 of the Constitution of the State of Texas, including but not limited to the construction, maintenance and operation of navigable canals or waterways, hereinafter authorized, and the control of the waters of those parts of all rivers, streams and tributaries thereof which are within the boundaries of the District as hereinafter defined. Amended, H. B. 83, 57th Legislature.

Section 2-a. Boundaries of the District. The District shall include all of that part of the State of Texas within the boundaries of the Counties of Bexar, Wilson, Karnes and Goliad.

It is hereby found and determined that all of the land included in the District will be benefited by the exercise of the power conferred by this Act. Added, H. B. 83, 57th Legislature.

Section 3. POWERS OF THE DISTRICT. The District is hereby invested with all of the powers of the State of Texas under Article 16, Section 59, of the Constitution of the State of Texas to effectuate the construction, maintenance and operation of navigable canals or waterways, to effectuate flood control, to effectuate the conservation and use, for all beneficial purposes, of ground, storm, flood and unappropriated flow waters in the District, to effectuate irrigation, to effectuate soil conservation, to effectuate sewage treatment, to effectuate pollution prevention, to encourage and develop parks, recreational facilities and to preserve fish, to effectuate forestation and reforestation, and to do all things as are required therefor, subject only to: (i) declarations of policy by the Legislature of the State of Texas as to the use of water; (ii) continuing supervision and control by the State Board of Water Engineers and any board or agency which may thereafter succeed to its duties; (iii) the provisions of Section 4, page 212, Acts of the Thirty-fifth Legislature, 1917, as subsequently amended (codified under Article 7471, Vernon's Civil Statutes of the State of Texas), prescribing the priorities of uses for water; and (iv) the rights heretofore or hereafter

legally acquired in water by municipalities and other users. Subject to the foregoing, it shall be the duty of the District to exercise for the greatest practicable measure of the conservation and beneficial utilization of all ground, storm, flood and unappropriated flow waters of the District, in the manner and for the particular purposes specified hereinafter in this Section 3 and elsewhere in this Act the following powers, rights, privileges and functions, to wit: Amended, H. B. 1535, 88th Legislature.

(a) Navigation:

(1) To promote, construct, maintain and operate, and/or to make practicable, promote, aid and encourage, the construction, maintenance and operation of navigable canals or waterways and all navigational systems or facilities auxiliary thereto using the natural bed and banks of the San Antonio River to its junction with the Guadalupe River where practicable and thence traversing such route as may be found by the District to be most feasible and practicable to connect with the Intracoastal Canal and/or with any new canal to be constructed and/or with any harbor at or near San Antonio Bay or the Gulf of Mexico, and also using such new correlated artificial waterways, together with all locks and other works, structures and artificial facilities as may be necessary and convenient for the construction, maintenance and operation of said navigable canals or waterways and all navigational systems or facilities auxiliary thereto. The District is empowered to construct, or cause to be constructed, said system of artificial waterways, canals, locks, works and other facilities so as to connect the watershed area of the San Antonio River, including navigation to or at a point near the City of San Antonio, with the Intracoastal Canal and/or with any new canal to be constructed and/or with any harbor at or near San Antonio Bay or the Gulf of Mexico;

(2) To control, develop, store and use the natural flow and floodwaters of the San Antonio River and its tributaries for the purpose of operating and maintaining said navigable canals or waterways and all navigational systems or facilities auxiliary thereto, provided, however, that such navigational use shall be subordinate to consumptive use of water, and navigation shall be incidental thereto;

(3) In the case of the construction of said navigable canals or waterways and all navigational systems or facilities auxiliary thereto by the Federal Government or otherwise, the District shall have the power to construct, maintain and operate lateral connecting canals and turning basins to serve local needs, and shall also have the power to provide, construct, acquire, purchase, take over, lease from others, lease to others, and to maintain and operate, develop, regulate and/or by franchise control wharves, docks, warehouses, grain elevators, bunkering facilities, belt or terminal railroads, floating plants, lighterage, towing facilities, and all other facilities incident to or in aid of the efficient operation and development of said canals or waterways and all navigational systems or facilities auxiliary thereto, and any ports incident thereto, whether the same be upon land or upon water;

(4) In the event the construction and/or maintenance and operation of said

navigable canals or waterways and all navigational systems or facilities auxiliary thereto is taken over by the Federal Government or any agency of the Federal Government, then and in such event the District shall be fully authorized to make and enter into any such contracts as may be lawfully required by the Federal Government, including such assignments and transfers of property and rights of property and easements and privileges and any and all other lawful things and acts may be necessary and required in order to meet the requirements of the Federal Government or any agency of the Federal Government in taking over the construction and/or maintenance and operation of said navigable canals or waterways and all navigational systems or facilities auxiliary thereto;

(5) The District may grant a franchise or right to any person or body politic or corporate for the use of said navigable canals or waterways and all navigational systems or facilities auxiliary thereto or any facility thereof in aiding navigation and no person or body politic or corporate may provide, maintain or operate any facility of aid of navigation in any way connected with said navigable canals or waterways and all navigational systems or facilities auxiliary thereto and intended for use by the public within the meaning and intent of this Act, except by and under the franchise granted by this District, in the form of an ordinance as provided by this Act, which franchise may be for any term not to exceed fifty (50) years. Such ordinance granting franchise may contain provisions for the payment of reasonable fees, and/or other charges to be paid to the District, and shall contain provisions adequate to regulate the fees, tolls, rates or exactions to be demanded for the use of, or service to be rendered by any means or facility to be provided or operated under any such franchise, to the end that the same will be uniform, reasonable, and without discrimination against any person, both as to charges and the conditions of use or service, and such ordinance shall contain all provisions reasonably required to procure service adequate to serve the public necessity and convenience. The District may grant a franchise for the design, construction, repair, enlargement, alteration, maintenance, operation of, and service from, or use of any facility to be provided for use in aid of navigation on said navigable canals or water ways and all navigational systems or facilities auxiliary thereto, whether upon land, or in or upon water. The right hereby granted shall include the right to require uniform and adequate analytic accounting systems and forms, periodic verified reports based thereon, and the right of audit by the District, and other reasonable regulations designed to protect the public. In order to procure observance of the conditions of a franchise granted hereunder, and/or compliance with the rules and regulations established by ordinance of the District (to be adopted and promulgated as elsewhere is provided in this Act) hereunder, such ordinance may provide reasonable and commensurate penalties as provided by Section 49.004, Water Code. The forfeiture or suspension of a franchise granted under this Act, where not otherwise provided in any such franchise, may be only because of discrimination in rendering service, affording use, or in taking or demanding a toll, rate or charge. Forfeiture or suspension of a franchise granted hereunder, unless otherwise provided therein, shall be upon a decree of a District Court within the County in which this District may

maintain its general office. The District may likewise by ordinance establish rules necessary or designed to protect the physical property owned by it, or physical property owned or operated by another under a franchise hereunder granted, and/or to effect the safety or efficient use of the same, and in such ordinance may provide reasonable and commensurate penalties for the violation thereof, as provided by Section 49.004, Water Code; Amended, H. B. 1535, 88th Legislature.

(b) Flood Control and Flood Plain Management.

To prevent and aid in the prevention of damage to persons and property by the overflow of any and all rivers, streams or tributaries thereof within the District including the study and designation of flood plains and the regulation thereof;

(c) Water Conservation, Storage, Procurement, Distribution and Supply:

(1) To store and conserve to the greatest beneficial use the storm, flood and unappropriated flow waters of any and all rivers, streams or the tributaries thereof within the District, so as to prevent the escape of any water without maximum beneficial use either within or without the District;

(2) For the conservation of water for uses either within or without the District, including providing water supply for cities and towns, and the right to sell water and stand-by service to any person, firm, or corporation, including cities and towns and other public agencies within or without the District; provided that it is the intent of this Act to establish a District that is concerned primarily with the conservation, control, storage, distribution and sale of water in bulk quantities in the public interest and only incidentally with the retail sale of water insofar as it does not compete with municipal water distributors and then only when necessary or convenient as a service to the public;

(3) To acquire water appropriation permits either within or without the District directly from the State Board of Water Engineers or to purchase or otherwise acquire such permits or certified filings either within or without the District from the owners thereof;

(4) To purchase water, water supply facilities or conservation storage capacity either within or without the District from any person, firm, corporation, State agency or other public agency, or from the United States or its agencies;

(5) To execute water supply contracts with users of water within or without the District. Included in the services for which the District may contract, and for which it may make charges, is that of standby service as well as for the actual delivery of water;

(6) To provide water for the development of commercial and industrial enterprises within or without the District;

- (7) To bring water into the boundaries of the District;
- (8) To construct, acquire, equip, to acquire storage rights at, and operate and maintain dams and reservoirs, either within or without the District, had in carrying out the powers conferred upon the District, or to exercise such powers in conjunction with others;
- (9) To construct, operate and maintain or otherwise provide water supply lines, water purification and water pumping systems and facilities either within or without the District; Amended, H. B. 1535, 88th Legislature.
- (10) Power to execute contracts with municipalities and others involving the construction of reservoirs, dams, water supply lines, water purification and pumping facilities, and the furnishing of water supply service substantially in the manner prescribed by Chapter 342, Acts of the Regular Session of the Fifty-first Legislature, for Districts organized and created pursuant to Article 16, Section 59, of the Constitution, extended so as to permit such contracts with individuals, partnerships, and all classes of corporations, and to permit the inclusion of provisions for the operation, maintenance and ownership of such properties, but the powers granted the District in this Subsection are not to be considered a limitation on the powers, rights, privileges and functions otherwise granted herein;
- (11) To acquire from the United States Government, through the Secretary of the Army or the Secretary of the Interior or any other of its officials authorized to make such contracts, or from the State of Texas or any agency thereof, or from any privately financed reservoirs, unsold conservation storage capacity at any dam within or without the District now constructed or to be constructed either by or with the assistance of the United States Government or the State of Texas, or by both. It may acquire additional conservation storage capacity which may be provided at any such dam;

(d) Irrigation:

To provide water for irrigation of lands within and without the District, and incident thereto, to construct, operate and maintain supply lines and pumping systems and facilities either within or without the District;

(e) Soil Conservation:

For the conservation of soils and other surface resources within the District against destructive erosion, thereby preventing the increased flood menace incident thereto, and for the prevention of sedimentation and siltation of lands, channels and reservoirs, including the right either to act as local sponsoring agent of upstream soil and water conservation and flood prevention projects authorized by State or Federal Agencies in conjunction with Soil Conservation Districts or to aid and supplement the work of such upstream soil and water conservation and flood prevention projects, all in furtherance of the purposes of

the District as provided by this Act. In connection therewith, the District is authorized to make arrangements satisfactory to the Secretary of Agriculture of the United States for defraying costs of operating and maintaining such projects, in accordance with regulations presented by the Secretary of Agriculture; provided, however, that any portion of the total construction cost of any such project which is allocable to flood control and/or soil conservation shall be paid for or financed by funds which have their source in the county in which each particular project is situated and which funds may be of any kind or character, except taxes collected in accordance with the provisions of Sections 15-a and 15-b of this Act; Amended, H. B. 1535, 88th Legislature.

(f) Sewage Treatment and Solid Waste Disposal.

As a necessary aid to the conservation, control, preservation, purification and distribution of surface and ground waters within the District, the District shall have the power to construct, own, operate, maintain or otherwise provide, within the San Antonio River Basin, sewage gathering, treatment and/or disposal services, including solid waste disposal services, to charge for such services, and to make contracts in reference thereto with counties, municipalities and others. Provided, however, that the District shall not exercise the powers hereinabove granted by this Section 3(f) within the boundaries of Kerr, Real, or Bandera Counties unless the Commissioners Court of such county or counties shall first have consented by a majority vote thereof to the exercise of such power within such county or counties;

(g) Pollution Prevention.

To provide for the study, correcting and control of both artificial and natural pollution including organic, inorganic and thermal, of all ground or surface water within the San Antonio River Basin. In this connection, the District is given the power by ordinance to promulgate rules and regulations with regard to such pollution, both artificial and natural, with the right of policing by said District to enforce such rules and regulations and of providing reasonable and commensurate penalties for the violation of any rules and regulations, as provided by Section 49.004, Water Code. Provided, however, that no ordinance enacted pursuant to the powers hereinabove given the District by this Section 3(g) shall be promulgated in any county or counties outside the existing boundaries of the District; Amended, H. B. 1535, 88th Legislature.

(h) Parks, Recreational Facilities and Preservation of Fish:

For the encouragement and development of parks, recreational facilities and the preservation of fish, the District shall have the power to acquire additional land adjoining any permanent work of improvement constructed within the District for the purpose of developing parks, or recreational facilities. The District may negotiate contracts with any county, municipality, municipal corporation, person, firm, corporation, non-profit organization, or State or Federal agency for the operation and/or maintenance of any such park, or recreational facility. The preservation of fish shall be in accordance with rules and regulations, if any, prescribed by the Game and Fish Commission of the State of Texas;

(i) Forestation and Reforestation:

To forest and reforest and to aid in foresting and reforesting of all areas within the District;

(j) Contractual:

To make contracts and to execute instruments necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this Act, with the United States, its agencies, counties, cities, all municipal corporations, political subdivisions and districts, and with private persons, partnerships, associations, nonprofit organizations, and corporations. The District shall make and execute such contracts and instruments in accordance with the following procedures: Amended, H. B. 1535, 88th Legislature.

(1) Concerning any wholesale contract for the sale, purchase, procurement, distribution and/or supply of water or conservation storage capacity, or for the construction of a navigable canal or waterway, or any contract authorized by Section 1, Chapter 84, page 140, Acts of the 52nd Legislature, 1951, as subsequently amended (codified under Article 7048b, Vernon's Civil Statutes of Texas), the Manager shall cause a notice describing the general nature of such contract to be published once each week for two (2) consecutive weeks in a newspaper of general circulation in each county in the District within which such contract is to have effect. Such contract may be considered and acted upon at the regular meeting of the Board next following the last date of publication or, without further notice, at any meeting thereafter. The affirmative vote of a majority of the membership of the Board shall be required for the approval of confirmation or ratification of any such contract. The District may use any such contract as the sole basis, or as a supplement to the basis, for securing its bonds; Amended, H. B. 1535, 88th Legislature.

(2) Concerning any construction, maintenance, operation or repair contract, contract for the purchase of material, equipment or supplies or any contract for services, not including any purchase, procurement, or contract described by Section 49.278, Water Code, if the contract will require an estimated expenditure of more than the maximum amount for which competitive bidding is required by Chapter 49, Water Code, the Board shall award such contract to the lowest and best bidder after publication of a notice to bidders once each week for two (2) consecutive weeks. The Board by bylaw shall promulgate the procedures for the publication of notice to bidders and related procedures and may, within the limitations set forth in this section, from time to time prescribe the amount of estimated expenditures to be subjected to competitive bidding. In the event of an emergency, the authority may let such contracts as are necessary to protect and preserve the public health and welfare or the properties of the authority, without such bidding procedures. Members of the Board of Directors shall be ineligible to submit such bids. Any provision of this Subsection to the contrary notwithstanding, the District may purchase surplus property from the United States by negotiated contract and without the necessity of advertising for bids. Notwithstanding any other provision of this Act, the District may use any procurement method under Chapter 49, Water Code, or other applicable general law. Amended, H. B. 1535, 88th Legislature.

(k) General:

(1) This District hereby is vested with such title and right of control as the State has, or may have, in, to and concerning the natural bed and banks of the San Antonio River in its entire length, and all of its tributaries as are within the District, as said District is defined in Section 2-a of this Act, and the District hereby is further vested with such title and right of control as the State has, or may have, in, to and concerning the natural bed and banks of any other navigable stream or tributary thereof as may be situated within the District, as said District is defined in Section 2-a of this Act; which investment, however, shall be in trust, and to authorize said District to make such uses, and/or disposition of such lands and rights (and the proceeds, income, revenues, or trading values thereof) as in actual experience may prove to be reasonably required for, or in aid of, the accomplishment of the purposes of this Act;

(2) To make preliminary investigations and surveys in the manner and for the purposes specified in Chapters 49 and 51, Water Code, and any other applicable general law (either independently at its own cost, or jointly with others, or to contribute to the cost thereof when done by another), whereby to procure cooperation by the Government of the United States of America, to the end that any project lawfully within the purposes of this Act may be approved for construction as a Federal project under such contractual terms and conditions as may be demanded by the Federal Congress; Amended, H. B. 1535, 88th Legislature.

- (3) To expend all sums reasonably deemed to be necessary or expedient for seeking cooperation in accomplishing the objects of this Act from the Federal Government, and/or any and all other persons, creatures, or entities, whether natural, or creatures of law or contract;
- (4) Subject to the provisions of this Act from time to time to sell or otherwise dispose of any property of any kind, real, personal, or mixed, or any interest therein, which shall not be necessary to the carrying on of the business of the District;
- (5) To overflow and inundate any public lands and public property and to require the relocation of roads and highways in manner and to the extent permitted to districts organized under General Laws pursuant to Section 59 of Article 16 of the Constitution of the State of Texas. In the event that the District, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, rerouting or changing the grade of, or altering the construction of any railroad, or street railway, all such necessary relocation, raising, rerouting, changing of grade or alteration of construction shall be accomplished at the sole expense of the District;
- (6) To construct, extend, improve, maintain and reconstruct, to cause to be constructed, extended, improved, maintained, and reconstructed, and to use and operate, any and all facilities of any kind necessary or convenient to the exercise of such powers, rights, privileges, and functions;
- (7) To sue and to be sued in its corporate name;
- (8) To adopt, use, and alter a corporate seal;
- (9) To adopt and to amend its bylaws for the management of its affairs;
- (10) To appoint officers, agents, employees and professional consultants, none of whom shall have any interest, direct or indirect, in any contracts awarded by the District;
- (11) To prescribe the duties and fix the compensation of all officers, agents, employees and professional consultants;
- (12) To acquire by purchase, lease, gift, or in any other lawful manner and to maintain, use, and operate any and all property of any kind, real, personal or mixed, or any interest therein, within and without the boundaries of the District, necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this Act, in the manner provided by general law with respect to condemnation or, at the option of the District, in the manner provided by the statutes

relative to condemnation by Districts organized under general law pursuant to Section 59 of Article 16 of the Constitution of the State of Texas;

(13) Amended, H. B. 1535, 88th Legislature.

To borrow money for its corporate purposes and to execute proper notes or other evidences of indebtedness, and without limitation of the generality of the foregoing, to borrow money and accept grants from the United States of America, and in connection with any such loan or grant, to enter into such agreements as the United States of America or such corporation or agency may require; and to make and issue its negotiable bonds for moneys borrowed in the manner and to the extent provided in Section 16. Nothing in this Act shall authorize the issuance of any bonds, notes, or other evidences of indebtedness of the District, except as specifically provided in this Act, and no issuance of bonds, notes, or other evidences of indebtedness, except as specifically provided in this Act, shall ever be authorized except by an Act of the Legislature;

(14) To obtain loans from and accept grants from the United States and its agencies, and from the State of Texas, and its agencies, and it shall have the right to participate in and be the beneficiary of any plan which may be evolved by the State or Federal Government for guaranteeing or otherwise subsidizing the obligations of the District;

(15) The District shall have the power to adopt and promulgate by ordinance all reasonable rules and regulations for purposes elsewhere provided in this Act and generally to secure and protect any and all of its property and any and all of its works of improvement, and to regulate residence, hunting, fishing, boating and camping, and all recreational and business privileges on any navigable river of the District, or any reservoir of the District, or upon any land owned by the District. The District may prescribe reasonable and commensurate penalties for the violation of any and all such rules and regulations of the District, as provided by Section 49.004, Water Code. No rule or regulation which provides a penalty for the violation thereof shall be in effect, as to enforcement of the penalty, until five (5) days next after the District may have caused a substantive statement of the particular rule or regulation and the penalty for the violation thereof to be published once a week for two (2) consecutive weeks in a newspaper of general circulation in each county in which it is to be effective. The substantive statement so to be published shall be as condensed as is possible to afford an intelligent direction of the mind to the act forbidden by the rule or regulation; one (1) notice may embrace any number of regulations; there must be embraced in the notice advice that breach of the particular regulation, or regulations, will subject the violator to the infliction of a penalty and there also shall be included in the notice advice that the full text of the regulations sought to be enforced is on file in the principal office of the

District, where the same may be read by any interested person. Five (5) days after the second publication of the notice hereby required, the advertised regulation shall be in effect, and ignorance of any such regulation shall not constitute a defense to a prosecution for the enforcement of a penalty and, the rules and regulations authorized hereby, after the required publication, shall judicially be known to the courts. Section 49.004, Water Code, governs costs incurred by the District before the court in any suit by the District to enforce its rules or regulations; Amended, H. B. 1535, 88th Legislature.

(16) To designate an official newspaper of the District in each county in the District, each of which newspapers shall be a newspaper having general circulation in the county in which it is situated;

(17) To acquire such rights-of-way as are necessary to construct, operate and maintain such roads as are necessary for ingress and egress to any work of improvement or to any park, recreational facility, or fish or wildlife preserve or reserve;

(18) To grant concessions and franchises upon the premises of any works of improvement or any park, recreational facility or fish or wildlife preserve or reserve to any person or corporation;

(19) When germane to the accomplishment and the purposes of this Act, and not otherwise adequately provided by Chapter 49 or 51, Water Code, or provided elsewhere in this Act, the Directors of the District shall have the power to adopt and promulgate ordinances, which may be done by a majority of the membership of the Board. No notice shall be required before the passage of such ordinance, except such notices of special or regular meetings of the Board as may be provided elsewhere in this Act. After having adopted such ordinances, the Directors shall cause the same to be filed and recorded in the official records of the Authority. The Directors may, if they deem necessary and proper, in addition to filing and recording same in the official records of the Authority, either caused certified copies of same to be forthwith filed of record in the office of the County Clerk of each county situated in whole or in part within the District within which such ordinance is intended to have application and/or to be published once or more each week for two (2) or more consecutive weeks in a newspaper or newspapers of general circulation in each county within the District within which ordinance is intended to have application, following either or all of which methods of recording and/or publication the ordinance shall be in full force and effect; and thereafter all courts and persons shall be held to have knowledge thereof, just as though the same had been embraced in the body of this Act and the County Clerk in any county is authorized and directed to file and record all certified copies of such county and to charge therefor the same fees as is provided for recording deeds of conveyance. And the powers of said District to adopt ordinances shall include, among other

things as follows: in any case in which Chapters 49 and 51, Water Code, do not provide a specific power or right germane to, or appropriate, or adequate to accomplish an object of this Act, and such specific power has been, or hereafter may, conferred by law on Counties, Cities, Water Improvement Districts, Water Control and Improvement Districts, Drainage Districts, Navigation Districts, Canal Corporations, Channel and Dock Corporations, Deep Water Corporations, Railway Corporations, Terminal Railway Corporations, Telegraph and Telephone Corporations, or other like creatures of the law, then to the extent required to make adequate hereto the powers and rights of this District, it may by ordinance adopt and have as part of the law of its being so much of the power and right of any of the herein designated creatures of the law as will enable it effectively to accomplish that purpose of this Act. The adoption of a power or mode of procedure hereunder shall not be held to include any incidental limitation which would impede the lawful accomplishment of the purposes of this Act. As to this, there shall be no limit hereof save such as would violate the provisions of the Constitution of the United States and the State of Texas concerning the rights of others; Amended, H. B. 1535, 88th Legislature.

(20) This District shall have all such powers and rights, and regulations for government and procedure, as are contained in Chapters 49 and 51, Water Code, and any other applicable general law, which shall be cumulative of those provided by this Act, and those rules for procedure which may be provided by ordinances adopted by the District under other provisions of this Act. Amended and added to, H. B. 83, 57th Legislature; S. B. 704, 61st Legislature; S. B. 741, 67th Legislature; and H. B. 1535, 88th Legislature.

Section 4. Repealed, H. B. 83, 57th Legislature.

Section 4-a. Repealed, H. B. 1535, 88th Legislature.

Section 5. PARTNERSHIP WITH NONPROFIT ORGANIZATION.

(a) In this section, "affiliated nonprofit organization" means a nonprofit organization:

- (1) created by the District; or
- (2) for which the District, the Board, or the District's employees have a right to appoint one or more of the members of the governing body of the nonprofit organization.

(b) The District may contract or otherwise coordinate with a nonprofit organization, including an affiliated nonprofit organization, to accomplish the purposes of the District.

(c) Members of the Board may not constitute a majority of the board of directors or other governing body of an affiliated nonprofit organization. Employees of the District may not serve on the board of directors or other governing body of an affiliated nonprofit organization.

(d) The Board shall develop a policy regarding fund-raising activities of any nonprofit organizations that enter into a partnership with the District. The policy must:

- (1) include acceptable and prohibited fund-raising activities;
- (2) specify how fund-raising is conducted and supervised; and

- (3) include criteria for seeking and selecting corporate sponsors to ensure that sponsorships serve the public interest and are consistent with the purposes of the District.

(e) A memorandum of understanding between the District and an affiliated nonprofit organization entered into under this section must include the policy developed by the Board under Subsection (d) of this section. _Added, H. B. 1535, 88th Legislature.

Section 6. District Constabulary. In order to accomplish the objects of this Act, this District may constitute and maintain its own independent constabulary under oath and bond, in so far as is applicable, conditioned as is provided for a sheriff of a county, who shall be charged with the duty to police the District's property and its controlled facilities, with power to make arrests to prevent injury to such properties or after such offense or violation of any penal ordinance of the District, and, upon complaint or indictment lawfully had thereon, to make arrests either within or beyond the boundaries of the District.

Section 7. Repealed, H. B. 83, 57th Legislature.

Section 8. Duties of Certain State Officers. The State Board of Water Engineers and the Reclamation Engineer of Texas shall be under duty to cooperate with this District in the making of investigations and plans and the approval of plans for improvements to be provided by this District. Such plans, however, shall be subject to approval by them when appropriate under the General Laws of Texas; provided, only, that where the Federal Government shall have adopted a plan for improvements, the same, as to all matters save the use of water already under permit from the State, shall control.

Section 9. GOVERNING BODY OF THE DISTRICT; QUALIFICATIONS OF MEMBERS OF THE BOARD; VACANCIES; TERM OF OFFICE. The government and control of the District shall be vested in a Board of Directors consisting of 12 members, 6 of whom shall be elected from Bexar County, 2 of whom shall be elected from Wilson County, 2 of whom shall be elected from Karnes County, and 2 of whom shall be elected from Goliad County. Each director shall serve for a term of four years, and shall hold office until the director's successor has been elected and has qualified by taking the oath of office. Before entering upon the duties of the member's office, each member of the Board shall take the Constitutional Oath of Office and the same shall be filed in written form with the Secretary of the Board. Vacancies occurring on the Board from any county shall be filled by appointment by the Governor of the State, with the advice and consent of the Senate, for such unexpired term. Any person over the age of 21 years, residing within the District and within the county from which the person is elected or appointed, and possessing the qualifications of a juror shall be eligible to be elected or appointed and to serve as a director. Amended, H. B. 83, 57th Legislature; S. B. 741, 67th Legislature; and H. B. 1535, 88th Legislature.

Section 10. ELECTION OF DIRECTORS. All elections within the District shall be carried out in accordance with rules set forth in the bylaws and the Election Code, and the results of all elections shall be canvassed by the Board of Directors of the District at the regular meeting next following each biennial election. All elections shall be held on the uniform election date in November of each odd-numbered year and at the polling places designated by the Board of Directors of the District. The terms of office of Directors elected at each election after the said

first election shall commence on the first day of January following their election. In all elections the following rules shall apply: Amended, H. B. 1535, 88th Legislature.

- (a) Those persons seeking to have their names placed on the official ballot shall make application to the Secretary of the Board in accordance with rules prescribed by the Board either in the ordinance calling the election or in the bylaws.
- (b) The Secretary of the Board shall make up the official ballot for each county from the names of candidates who have filed applications, and the placing of the names of the candidates on the ballots shall be determined by lot. The drawing of lots for the placing of the names of the candidates on the ballots shall be by the Secretary of the Board, and all candidates, or their designated representatives, may be present at such drawing.
- (c) The Directors from Wilson, Karnes, and Goliad Counties shall be elected at large from each county. Four (4) Directors from Bexar County shall be elected from single-member districts and two (2) Directors shall be elected at large. The four (4) single-member districts shall be coterminous with and bear the same number as the Bexar County Commissioners Precincts. A candidate for a single-member district position must live in the district the candidate seeks to represent.
- (d) The candidates receiving the greatest number of votes, that is a plurality, shall be declared elected. Should there be a tie in the votes received, the winner of the election shall be determined by the majority of the Board. The two (2) at-large Directors of Bexar County shall be elected simultaneously by plurality, and the two (2) candidates receiving the greatest number of votes shall be declared elected.
- (e) Directors of the District serving from single-member districts at the time new single-member districts are adopted shall serve for the remainder of the terms to which they were elected regardless of the redistricting.

Section 11. COMPENSATION AND EXPENSES OF DIRECTORS. The Directors of the District shall be entitled to the compensation and allowances established by general law for each day of official service, whether sitting as a Board or serving on a committee of the Board, and in addition thereto shall be entitled to reimbursement for all expenses necessarily incurred by reason of such service. A meeting shall be deemed a day of service, provided that no charge shall be made for more than one meeting held on any one day, and no Director shall be paid per diem in excess of one hundred and fifty (150) days in any one fiscal year, exclusive of reimbursement for expenses, as compensation for service rendered as a Director and as a member of a committee. Amended, H. B. 83, 57th Legislature; S. B. 741, 67th Legislature; and S.B. 1437, 70th Legislature.

Section 12. Removal of Directors and Officers. Any Director or Officer shall be subject to removal or suspension from office by the affirmative vote of eight (8) Directors for incompetency, official misconduct, official gross negligence, habitual drunkenness or for

nonattendance at six (6) consecutive regular meetings of the Board; provided, that no Director or Officer shall be removed or suspended from office until charges in writing are filed against him and he is given the opportunity of a fair hearing before the Board of Directors. Amended, H. B. 83, 57th Legislature.

Section 13. ORGANIZATION AND MEETINGS OF THE BOARD; OFFICERS; QUORUM. There shall be appointed by a majority vote of the Board of Directors from its membership a Chairman, a Vice-Chairman, a Secretary and a Treasurer, and any other officers or assistant officers the Board considers necessary. Assistant officers need not be members of the Board of Directors and may be granted limited powers in the bylaws. The officers so appointed shall serve for a term of two (2) years and until their successors have been appointed, except that assistant officers, if such officers are appointed, shall hold office at the pleasure of the Board. A quorum at all meetings of the Board of Directors shall consist of not less than seven (7) members. Regular and special meetings of the Board of Directors shall be held as provided by general law and the bylaws, and notice of such meetings shall be given as required by general law and the bylaws. All meetings of the Board shall be open to the public. Amended, H. B. 83, 57th Legislature; S.B. 1437, 70th Legislature; and H. B. 1535, 88th Legislature.

Section 13-a. TRAINING FOR BOARD MEMBERS.

- (a) A person who is elected or appointed to and qualifies for office as a member of the Board may not vote, deliberate, or be counted as a member in attendance at a meeting of the Board until the person completes a training program that complies with this section.
- (b) The training program must provide the person with information regarding:
 - (1) the law governing the District's operations;
 - (2) the programs, functions, rules, and budget of the District;
 - (3) the scope of and limitations on the rulemaking authority of the Board;
 - (4) the results of the most recent formal audit of the District;
 - (5) the requirements of:
 - (A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and
 - (B) other laws applicable to members of the governing body of a river authority in performing their duties; and
- (6) any applicable ethics policies adopted by the District or the Texas Ethics Commission.
- (c) A person elected or appointed to the Board is entitled to reimbursement for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.
- (d) The Manager of the District shall create a training manual that includes the information required by Subsection (b) of this section. The Manager of the District shall distribute a copy of the training manual annually to each member of the Board. Each member of the Board shall sign and submit to the Manager of the District a

statement acknowledging that the member received and reviewed the training manual.

Section 13-b. POLICIES TO SEPARATE POLICY-MAKING AND STAFF FUNCTIONS. The Board shall develop and implement policies that clearly separate the policy-making responsibilities of the Board and the management responsibilities of the Manager and the staff of the District.

Section 13-c. PUBLIC TESTIMONY AT BOARD MEETINGS. The Board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the Board and to speak on any issue under the jurisdiction of the District.

Section 13-d. COMPLAINT INFORMATION REQUIREMENTS.

- (a) The District shall maintain a system to promptly and efficiently act on complaints filed with the District. The District shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.
- (b) The District shall make information available describing its procedures for complaint investigation and resolution.
- (c) The District shall periodically notify the complaint parties of the status of the complaint until final disposition unless the notice would jeopardize an investigation. Added, H. B. 1535, 88th Legislature.

Section 14. POWERS OF THE BOARD AND EXECUTIVE COMMITTEE; BONDS REQUIRED. The Board of Directors shall be responsible for the management and control of all affairs of the District. In connection therewith, the Board of Directors shall have the power: Amended, H. B. 1535, 88th Legislature.

- (a) To exercise all the powers, rights, privileges and functions conferred by law upon the District;
- (b) To adopt all such bylaws as are not inconsistent with the law; Amended, H. B. 1535, 88th Legislature.
- (c) To appoint and fix the salary of a Manager, who shall be the chief executive officer of the District. The Manager shall employ and supervise, subject to policies promulgated by the Board, all employees, agents, accountants, attorneys, engineers and others rendering professional services necessary and required to accomplish the purposes of this Act. The Manager may execute, on behalf of the District, without specific authorization of the Board, any contract not subject to competitive bidding. The Manager may execute on behalf of the District and with specific authorization of the Board, any other contract.

Except as specifically provided elsewhere in this Act, all the powers, rights, privileges and functions of the District may be exercised by a majority of the membership of the Board. Amended, H. B. 1535, 88th Legislature.

Said Board of Directors shall have all such additional powers as may be conferred on this District by the other provisions of this Act, Chapters 49 and 51, Water Code, and any other

general law applicable to river authorities or water control and improvement districts, and of said Article 16, Section 59, of the Constitution of the State of Texas; provided, however, that members of the Board shall be ineligible to engage in any transaction for gain or profit with the District. Amended, H. B. 1535, 88th Legislature.

The Directors and all officers of the District who are not Directors shall, within fifteen (15) days after their election or appointment, file a good and sufficient bond with the Secretary of the Board; the official bond of each Director and Officer shall be in the sum of Five Thousand Dollars (\$5,000), shall be payable to the District, shall be conditioned upon the faithful performance of their duties as such Directors or Officers, and shall be subject to approval by the Secretary of the Board. Amended, H. B. 83, 57th Legislature and H. B. 741, 67th Legislature.

Section 14-a. Repealed, H. B. 1535, 88th Legislature.

Section 14-b. FISCAL YEAR. The District's fiscal year ends on September 30 of each year. Added, H. B. 1535, 88th Legislature.

Section 15. Payment of Debts. Any and every indebtedness, liability, or obligation of the District, for the payment of money, however entered into or incurred, and whether arising from express contracts or implied contracts, or otherwise, shall be payable solely out of revenue received by the District in respect of its properties, and from out of any other moneys or income from any source whatsoever coming into possession of said District including proceeds of sale of bonds.

Section 15-a. TAXATION. Subject to the limitation as to the maximum rate of tax as prescribed in this Section, the District may levy and collect throughout the territory of the District such ad valorem taxes as are voted at an election or elections called by the Board for that purpose and conducted throughout the territory of the District. The maximum rate of tax which can be levied and collected for any year shall be two cents (2¢) on the One Hundred Dollars (\$100) of taxable property based on its assessed valuation, in accordance with the following conditions and procedures: Amended, H. B. 1535, 88th Legislature.

- (a) The Board of Directors of the District may, by ordinance, call an election to submit to the voters for approval such taxation; provided that a public hearing to discuss the proposed tax issue shall be held in each county in the District, said public hearing to be held not less than ten (10) days nor more than twenty-five (25) days prior to the scheduled date of any such election, and said hearings shall be called by the Board of Directors of the District and notice of the time, day, date, place and purpose of said meeting shall be given by publishing said notice in at least one (1) newspaper of general circulation in each county where the meeting is to be held at least ten (10) days prior to such hearing;
- (b) The order calling the election shall specify the polling place or places in each of the several counties. The notice of election will be sufficient as to any county within the District if it states that the election is to be held throughout the territory comprising the District and if it specifies the polling place or places in such county. But it shall not be necessary to publish such details except in the county

to which they are applicable; Amended, H. B. 1535, 88th Legislature.

- (c) Returns of the election shall be made to the Board, and the Board shall canvass the returns of the election and adopt an ordinance declaring the results thereof. The Board may levy taxes within the maximum rate thus voted if a majority of the votes cast throughout the District are in favor of the levy of the tax and if a majority of the votes cast in any three (3) counties in the District are in favor of the levy of the tax;
- (d) The rate of tax shall be uniform throughout the territory comprising the District, and shall be certified by the Chairman and the Secretary of the Board of Directors of the District to the Tax Assessor and the Tax Collector of each included county;
- (e) After an election has resulted favorably to the levy of a tax, the Board of Directors may borrow money payable therefrom and may evidence such loan by a negotiable note given in the name of the District;
- (f) Any taxes thus collected shall be used for the purpose of general administration and for planning and other services with respect to any of the purposes, rights, privileges and functions of the District; provided, however, that none of the taxes thus collected shall be used to pay for or finance the construction of any dams, reservoirs, levees, channels, pipelines or other major physical works of the District, or pay for the cost of any right-of-way acquisitions, or the expense of right-of-way acquisition, or damages awarded by any Court under Article 1, Section 17, of the Constitution of the State of Texas. It is the intent of this Act that any taxes thus collected will enable the District to accomplish its purposes, including the maximum development of the soil and water resources of the District, it being hereby found and determined that the benefits to be realized from such maximum development can be obtained only through area-wide participation and planning. It is the intent of this Act that the construction of any dams, reservoirs, levees, channels, pipelines or other major physical works of the District shall be paid for or financed by revenue bonds of the District to be redeemed either by the sale of services or by taxes to be levied by a county or municipality and paid over to the District as an independent contractor of said county or municipality. It is likewise the intent of this Act that any taxes thus collected may be used to pay for the operation, repair and/or maintenance of any flood control, soil conservation, watershed protection and/or erosion structures or works of improvement constructed in cooperation with the Federal Government; provided, however, that any such operation, repair and/or maintenance costs shall be paid for out of taxes thus collected in the county in which the particular structure or work of improvement is situated. It is further the intent of this Act that the taxes authorized by this Section 15-a thus collected shall not be pledged to the redemption of any bonds of the District. Added, H. B. 83, 57th Legislature; Amended, H. B. 1535, 88th Legislature.

Section 15-b. Rendition, Assessment, Levying and Collection of Taxes. The rendition and assessment of property for taxation and the collection of taxes for the benefit of the District shall be in accordance with the law applicable to counties, insofar as such law is applicable.

Renditions shall be to the County Tax Assessor of the county in which the property is taxable for State and County purposes. It shall be the duty of the Assessor and Collector in each county to cause to be placed on the county tax rolls such additional column or columns as are needed to show the tax levied by the District and the amount thereof, based on the value of such property as approved finally for State and County purposes by the Board of Equalization of such County. The fee for assessing and collecting taxes shall be two per cent (2%) of the taxes collected, such fee to be paid over and disbursed in each county as are other fees of office. All of the laws for the enforcement of State and County taxes shall be available to the District. The District has the right to cause the officers of each county to enforce the taxes due to the District in that county, as provided in the law for the enforcement of State and County taxes. Taxes assessed and levied for the benefit of the District shall be payable and shall become delinquent at the same time, in the same manner and subject to the same discount for advance payment as taxes levied by and for the benefit of the county in which the property is taxable. The fee for collecting delinquent taxes through prosecution of suit shall be fifteen per cent (15%) of the taxes collected by such suit, such fee to be paid over and disbursed in each county as are other fees of office. Added, H. B. 83, 57th Legislature.

Section 16. Issuance of Bonds. For the purpose of constructing improvements related to the exercise of any power or powers conferred on it by law, the District shall have the power and is hereby authorized to issue negotiable bonds, either as a single issue or in separate issues, from time to time, to be secured by a pledge of revenues, income and funds of the District without reference to their source and having such priority of liens thereon as may be prescribed in the proceedings authorizing the issuance of such bonds; provided, however, that no ad valorem taxes collected in accordance with the provisions of Sections 15-a and 15-b shall be pledged to any issue or issues of bonds. The District shall have the power to issue the bonds provided for in this Section by action of its Board of Directors and without the necessity of an election. Said bonds may either be (1) sold for cash, at public sale, at such price or prices as the Board shall determine, provided that the interest cost of the money received therefor, computed to maturity in accordance with standard bond tables in general use by banks and insurance companies, shall not exceed six per cent (6%) per annum, or (2) may be issued on such terms as the Board shall determine in exchange for property of any kind, real, personal, or mixed, or any interest therein which the Board shall deem necessary or convenient for any such corporate purpose, or (3) may be issued in exchange for principal amounts or other obligations of the District, matured or unmatured. The proceeds of sale of such bonds may be deposited in such banks or trust company or trust companies, and may be paid out pursuant to such terms and conditions, as may be agreed upon between the District and the purchasers of such bonds. All such bonds shall be authorized by resolution of the Board concurred in by at least eight (8) of the members thereof, and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates (not exceeding six per cent [6%] per annum), payable annually or semiannually, be in such denominations, be in such form, either coupon or registered, carry such registration privileges as to principal only or as to both principal and interest, and as to exchange of coupon bonds for registered bonds or vice versa, and exchange of bonds of one denomination for bonds of other denomination, be executed in such manner and be payable at such place or places within or without the State of Texas, as such resolution or resolutions may provide. Any resolution or resolutions authorizing any bonds may contain provisions, which shall be part of the contract between the District and the holders thereof, from time to time: (a) reserving the right to redeem such bonds at such time or times, in such amounts and at such prices, not exceeding one hundred and five per cent (105%) of the principal amount thereof,

plus accrued interest, as may be provided; (b) providing for the setting aside of sinking funds or reserve funds and the regulation and disposition thereof; (c) pledging to secure the payment of the principal of and interest on such bonds and of the sinking fund or reserve fund payments agreed to be made in respect of such bonds, any part or all of the revenue and income of every kind and character from any source whatsoever thereafter received by the District; (d) prescribing the purpose to which such bonds or any bonds thereafter to be issued, or the proceeds thereof, may be applied; (e) agreeing to fix and collect rates, charges, and assessments sufficient to produce net revenues adequate to pay the items specified above in subdivisions (a), (b) and (c) of this Section 16, and prescribing the use and disposition of all revenues; (f) prescribing limitations upon the issuance of additional bonds and upon the agreements which may be made with the purchasers and successive holders thereof; (g) with regard to the construction, extension, improvement, reconstruction, operation, maintenance, and repair of the properties of the District and carrying of insurance upon all or any part of said properties covering loss or damage or loss of use, and reconstruction, operation, maintenance, and repair of the properties of the District and carrying of insurance upon all or any part of said properties covering loss or damage or loss of use and occupancy resulting from specified risks; (h) fixing the procedure, if any, by which, if the District shall so desire, the terms of any contract with the holders of such bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given; (i) for the execution and delivery by the District to a bank or trust company authorized by law to accept trusts, or to the United States of America or any officer or agency thereof, of indentures and agreements for the benefit of the holders of such bonds, setting forth any or all of the agreements herein authorized to be made with or for the benefit of the holders of such bonds and such other provisions as may be customary in such indentures or agreements; and (j) such other provisions not inconsistent with the provisions of this Act, as the Board may approve.

Any such resolution and any indenture or agreement entered into pursuant thereto may provide that in the event that:

- (a) default shall be made in the payment of the interest of any or all bonds when and as the same shall become due and payable, or
- (b) default shall be made in the payment of the principal of any or all bonds when and as the same shall become due and payable, whether at the maturity thereof by call for redemption or otherwise, or
- (c) default shall be made in the performance of any agreement made with the purchasers or successive holders of any bonds,

And such default shall have continued such period, if any, as may be prescribed by said resolution in respect thereof, the trustee under the indenture or indentures entered into in respect of the bonds, authorized thereby, or if there shall be no such indenture, a trustee appointed in the manner provided in such resolution or resolutions by the holders of twenty-five per cent (25%) in aggregate principal amount of the bonds authorized thereby and at the time outstanding, may, and upon the written request of the holders of twenty-five per cent (25%) in aggregate principal amount of the bonds authorized by such resolutions at the time outstanding, shall, in his or its own name, but for the equal proportionate benefit of the holders of all such bonds, and with or without having possession thereof:

- (1) by mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the holders of such bonds;
- (2) bring suit upon such bonds and/or the appurtenant coupons;
- (3) by action or suit in equity, require the District to account as if it were the trustee or an express trust for the bondholders;
- (4) by action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds; and/or
- (5) after such notice to the District as such resolution may provide, declare the principal of all such bonds due and payable, and if all defaults shall have been made good, then with the written consent of the holders of twenty-five per cent (25%) in aggregate principal amount of such bonds at the time outstanding annul such declaration and its consequences; provided, however, that the holders of more than a majority in principal amount of the bonds authorized thereby and at the time outstanding shall by instrument or instruments in writing delivered to such trustee have the right to direct and control any and all action taken or to be taken by such trustee under this paragraph. Any such resolution, indenture, or agreement may provide that in any such suit, action, or proceeding any such trustee, whether or not all of such bonds shall have been declared due and payable and with or without possession of any thereof, shall be entitled as of right to the appointment of a receiver who may enter and take possession of all or any part of the properties of the District and operate and maintain the same, and fix, collect, and receive rates and charges sufficient to provide revenues adequate to apply the item set forth in subparagraphs (a), (b) and (c) of Section 16 hereof and costs and disbursements of such suit, action, or proceeding and to apply such revenues in conformity with the provisions of this Act and the resolution or resolutions authorizing such bonds. In any suit, action, or proceeding by any such trustee, the reasonable fees, counsel fees, and expenses of such trustee and of the receiver or receivers, if any, shall constitute taxable disbursements, and all costs and disbursements allowed by the Court shall be a first charge upon any revenues pledged to secure the payment of such bonds. Subject to the provisions of the Constitution of the State of Texas, the Courts of the County of Bexar shall have jurisdiction of any such suit, action, or proceeding by any such trustee on behalf of the bondholders and of all property involved therein. In addition to the powers hereinabove specifically provided for, each such trustee shall have and possess all powers necessary or appropriate for the exercise of any thereof, or incident to the general representation of the bondholders in the enforcement of their rights.

Before any bonds shall be sold by the District, a certified copy of the proceedings for the issuance thereof, including the form of such bonds, together with any other information which the Attorney General of the State of Texas may require, shall be submitted to the Attorney General, and if he shall find that such bonds have been issued in accordance with law, and if he shall approve such bonds, he shall execute a certificate to that effect which shall be filed in the

office of the Comptroller of the State of Texas and be recorded in a record kept for that purpose. In lieu of the approval by the Attorney General, the District may institute proceedings as authorized by Chapter 316, Acts of the Regular Session of the Fifty-sixth Legislature, 1959. No bonds shall be issued until the same shall have been registered by the Comptroller, who shall so register the same if the Attorney General shall have filed with the Comptroller his certificate approving the bonds and the proceedings for the issuance thereof as hereinabove provided.

All bonds approved by the Attorney General as aforesaid, and registered by the Comptroller as aforesaid, and issued in accordance with the proceedings as approved, shall be valid and binding obligations of the District and shall be incontestable for any cause from and after the time of such registration.

Nothing herein shall prevent the District from making a private sale of its bonds to the Texas Water Development Board under such terms and conditions as District's Board of Directors shall in their discretion deem advisable, and such private sale is specifically authorized by this Act. Amended, H. B. 83, 57th Legislature.

Section. 16-a. Repealed by Ch. 233, 57th Leg., R.S., 1961

Section. 17. Purchase of Bonds by District. The District shall have power out of any funds available therefor to purchase any bonds issued by it at a price not exceeding the redemption price applicable at the time of such purchase, or if such bonds shall not be redeemable, at a price not exceeding the principal amount thereof plus accrued interest. All bonds so purchased shall be cancelled and no bonds shall ever be issued in lieu thereof.

Section 17-a. Bonds legal for investment and security. The bonds of the District shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts or other political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their value, when accompanied by all unmatured coupons appurtenant thereto. Added Acts 1959, 56th Legislature, p. 78, ch. 39, Section 1.

Section 18. Property of the District.

(a) Prohibition Against Encumbering Property.

Nothing in this Act shall be construed as authorizing the District, and it shall not be authorized, to mortgage or otherwise encumber any of its property of any kind, real, personal or mixed, or any interest therein, or to acquire any such property or interest subject to a mortgage or conditional sale; provided, however, that this Subsection shall not be construed as preventing the pledging of any and all revenues and income of the District of every kind and character and from any source whatever, except ad valorem taxes collected by the District in accordance with Sections 15-a and 15-b of this Act.

(b) Disposition of Property.

Nothing in this Act shall be construed as authorizing the District, or any receiver of its properties, or any court, to sell, lease or otherwise dispose of any of its property of any kind, real, personal or mixed, or any interest therein, unless such sale, lease or other disposition has been generally authorized by this Act or a general law applicable to the District; provided, however, that the District may sell or otherwise dispose of any property of any kind or any interest in property that is not necessary to carry on the business of the Authority provided that the Board, by a majority vote of a quorum present at any regular or special meeting, determines that the property is not convenient to the business of the Authority and is surplus. The Board shall cause a notice of such proposed sale to be published once each week for two (2) consecutive weeks in a newspaper of general circulation in the county or counties in which said property or interest therein is situated if the appraised value of said property or interest therein is in excess of Five Thousand Dollars (\$5,000) and if the said property or interest therein is not partial or total consideration in a transaction for the exchange of properties. Amended, H. B. 1535, 88th Legislature.

(c) Property Exempt from Forced Sale.

All property of the District shall be at all times exempt from forced sale, and nothing in this Act shall authorize the sale of any of the property of the District under any judgment rendered in any suit, and such sales are hereby prohibited and forbidden. Amended H. B. 83, 57th Legislature and S. B. 741, 67th Legislature.

Section 19. Bonds, Tax Free. All bonds and the interest thereon issued pursuant to the provisions of this Act shall be exempt from taxation (except inheritance taxes) by the State of Texas or by any municipal corporation, county, or other political subdivision or taxing district of the State.

Section 20. Appeal Bond Not Required. This District shall not be required to give bond on any appeal from judgment in any Court.

Section 21. Full Authority to Issue Bonds. This Act without reference to other Statutes of the State of Texas shall constitute full authority for the authorization and issuance of bonds hereunder and no other Act or law with regard to the authorization or issuance of obligation or the deposit of the proceeds thereof, or in any way impeding or restricting the carrying out of the acts herein authorized to be done, shall be construed as applying to any proceedings taken hereunder or acts done pursuant hereto.

Section 21-a. Contract with Bexar County. Recognizing the fact that the District has heretofore entered into a contract with the Commissioners Court of Bexar County, Texas, for the purpose of financing the construction of certain flood control and soil conservation works of improvement in Bexar County, the District is hereby prohibited from spending any income or revenue derived from said contract, and all amendments thereto or reformations thereof, for any purpose other than those which are specifically provided for therein; provided, however, that a reasonable amount of said income or revenue may be allocated by the Board for the payment of the District's overhead, operational costs and the fees of the Directors who reside in Bexar County. Added, H. B. 83, 57th Legislature.

Section 21-b. POLLUTION CONTROL DISTRICTS.

- (a) Authority to establish; purpose. The Authority may establish one or more pollution control districts for the purpose of accomplishing any of the powers, purposes, rights, privileges, or authority vested in the Authority regarding waste treatment.
- (b) Procedure for establishing districts; resolution; public hearing; election. Pollution control districts may be established by the procedures contained in this section.

(1) The Board may adopt a resolution calling for the creation of a pollution control district, defining the boundaries thereof, estimating the principal amount of and stating the purpose of bonds proposed to be issued by the Authority on behalf of the proposed pollution control district, declaring that taxes for the payment of the proposed bonded indebtedness shall be levied exclusively on the taxable property within the proposed pollution control district, and fixing a time and place for a public hearing on the matters set out in the resolution; or

(2) The Board may adopt a resolution calling for the creation of a pollution control district, defining the boundaries thereof, declaring that taxes for the maintenance of the Authority and its improvements shall be levied on the taxable property within the proposed pollution control district, and fixing a time and place for a public hearing on the matters set out in the resolution.

(A) The resolutions hereby authorized may be adopted simultaneously, and simultaneous hearings on proposed bond and maintenance taxes may be held.

(B) The public hearing may be conducted by a quorum of the Board of Directors, or one or more directors, or one or more employees who may be designated by the Board. If someone other than a quorum of the Board conducts the hearing, he shall have power to accept evidence and make recommendations upon which the Board may act. The Board may alter, modify, or change any provision of the resolution calling for the creation of the proposed pollution control district subsequent to the public hearing; provided, however, that the boundaries of the pollution control district may not be enlarged or expanded without further notice as hereinafter provided.

(C) Notice of the public hearing shall be published in a newspaper of general circulation within the proposed pollution control district once not less than fifteen (15) nor more than thirty

(30) days prior to the public hearing. To the extent not inconsistent with the provisions hereof, notice of the public hearing shall also comply with Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes).

(D) All public hearings on creation of a pollution control district shall be held within the boundaries of the proposed pollution control district, and may be held concurrently or in connection with any other public hearing, meeting, or proceeding conducted by the Board.

(E) Any interested person, including persons residing or owning property within the Authority, may appear at the public hearing and present evidence relevant to the matter set forth in the resolution calling for the creation of the proposed pollution control district. All persons residing within or owning property within the proposed pollution control district shall have the right to appear at the public hearing and present evidence with regard to whether they will receive benefits from the proposed improvements or taxation. Failure to appear at the public hearing shall constitute a waiver of all objections which the absent party might have had to all matters set forth in the resolution calling for the creation of the proposed pollution control district.

(F) The Board shall review the findings and recommendations resulting from the public hearing, and may adopt a resolution creating the pollution control district, stating the purposes for which the pollution control district has been created, designating the boundaries of the pollution control district, declaring that the indebtedness to be incurred or the cost of services to be rendered by the Authority for the benefit of the pollution control district shall be payable from taxes levied on property within the pollution control district, finding that the property within the pollution control district will benefit from the indebtedness proposed to be incurred or the services proposed to be rendered by the Authority on its behalf, and calling for an election within the pollution control district to authorize said indebtedness and/or said maintenance tax. Said resolution shall further state the date of the election, the proposition or propositions to be voted on, the location of the polling places, and the names of the officers of the election. Said election may be held in conjunction with general election or any special election other than a primary election. The provisions of the Texas Election Code, as amended, shall govern the election unless contrary to any provision of this Act.

(G) The resolution of the Board creating a pollution control

district shall be final and conclusive, and shall not be subject to review by any court except on the basis of whether the resolution is supported by substantial evidence. Said resolution shall be filed in the deed records of the county or counties wherein the territory within the pollution control district is situated. Any action or proceeding wherein the validity of the Board's resolution creating a pollution control district or of the proceedings relative thereto is contested, questioned, or denied, shall be commenced within thirty (30) days from the effective date of the resolution; otherwise, said resolution and all proceedings relative thereto, including the creation of the pollution control district, shall be held to be valid and in every respect legal and incontestable.

(c) Boundaries; annexation proceedings.

(1) The boundaries of a pollution control district may include any territory within the Authority, whether or not the territory contains noncontiguous parcels of land, and whether or not the territory is located within the boundaries of any incorporated city, town, village, or any other governmental entity or political subdivision of the State of Texas. If any portion of the territory of a proposed pollution control district falls within the boundaries or within the exclusive extraterritorial jurisdiction of an incorporated city, town, or village, the Board shall not create said pollution control district until it has obtained the consent of said city, town, or village. Said consent may contain such conditions as may be mutually agreed on by the Authority and said city, town, or village, and shall be evidenced by a duly enacted ordinance of the governing body of said city, town, or village.

(2) Proceedings for the annexation of territory to an existing pollution control district may be initiated by a resolution of the Board or by a petition signed by the owners of 50 percent or more of the value of the land subject to the proceedings, or by a petition signed by a majority of the residents of the land to be annexed. The petition shall, insofar as is practicable, set forth substantially those matters set forth in a resolution calling for the creation of a pollution control district, and shall request a public hearing by the Board on the matters set out in the petition. The public hearing shall be held in substantial compliance with the provisions set forth herein for a public hearing on creation of a pollution control district. If the Board determines that the annexation should be accomplished, it may adopt a resolution calling separate elections on the matter of annexation to be held within the existing pollution control district and within the land to be annexed. The annexation shall not become final until approved by a majority of the qualified voters within the existing pollution control district, and until a majority of the qualified voters within the boundaries of the land to be annexed approve said annexation and elect to allow the land to be annexed to be taxed for maintenance purposes and/or to assume its pro rata share of indebtedness theretofore authorized and/or taxes necessary to support the voted but

unissued tax or tax-revenue bonds of the Authority which are to be issued on behalf of the existing pollution control district, and authorize the Board to levy a tax on the property therein for payment for such unissued bonds, when issued. Said elections shall conform to the Texas Election Code, as amended, insofar as said code is not inconsistent with the provisions of this Act. The Board's resolution canvassing the returns of such elections shall redefine the boundaries of the pollution control district and shall be recorded in the deed records of the county within which the annexed territory lies.

(3) Proceedings for the addition of territory to an existing pollution control district on which less than three (3) qualified voters reside may be initiated by a petition signed by the owner or owners thereof praying that the land described therein be added thereto and become a part thereof. The petition shall, insofar as applicable, set forth substantially those matters set forth in a resolution calling for the creation of a pollution control district and shall request a public hearing by the Board on the matters set out in the petition. The public hearing shall be held in substantial compliance with provisions set forth herein for a public hearing on creation of a pollution control district. If the Board determines that the addition should be accomplished, it may adopt a resolution adding such land. If taxes or bonds have been authorized within the pollution control district prior to the addition of said land, said resolution adding the land shall be temporary and the addition shall not become final until approved by a majority of the qualified voters with the pollution control district as it exists after said addition. Such election shall be held as soon as practicable after said addition on the proposition of approving said addition, ratifying the unissued tax or tax-revenue bonds of the Authority which are to be issued on behalf of the pollution control district, and to authorize the Board to levy a tax on the property within the pollution control district as enlarged for payment of said unissued bonds when issued and/or for the maintenance of the Authority. Such election shall conform to the Texas Election Code, as amended, so far as such code is not inconsistent with the provisions of this Act. The Board's resolution canvassing the returns of such election or adding the territory shall redefine the boundaries of the pollution control district and shall be recorded in the deed records of the county within which the added territory lies.

(d) Bonds; maintenance tax.

(1) If the qualified voters in the elections called pursuant hereto authorize the Authority to incur indebtedness for the benefit of a pollution control district, the Board shall have authority to issue bonds as provided in this Act; provided, however, that taxes levied for the purpose of making payments of the interest on or principal of said bonds shall be levied only on taxable property within the pollution control district.

(2) Notwithstanding any provision of this Act to the contrary, if the qualified voters in the elections called pursuant hereto authorize the Authority to levy and collect ad valorem taxes for the maintenance of the Authority and its improvements, the Board shall have authority to levy, assess, and collect said maintenance tax; provided, however, that said maintenance tax shall be levied only on taxable property within the pollution control district.

(e) Indebtedness authorized; taxes.

The Board may incur all such indebtedness as may be necessary to provide all improvements, and the maintenance thereof, requisite to the achievement of the purposes for which any pollution control district is organized, and the Authority is authorized to levy and collect all such taxes as may be necessary for the payment of the interest thereon and the creation of a sinking fund for the payment thereof, and such taxes shall be a lien on the property assessed for the payment thereof.

Section 22. Liberal Construction; Conflicts. This Act and all of the terms and provisions thereof shall be liberally construed to effectuate the purposes set forth herein.

It is especially provided, however, that in the event any authority or power granted in this Act overlaps or conflicts with any authority or power heretofore vested in the Guadalupe-Blanco River Authority as created by H. B. No. 138, Chapter 410, Acts of the 44th Legislature at its First Called Session, that the power and authority granted by said Act creating said Guadalupe-Blanco River Authority shall supersede and control over any power or authority granted by this Act, unless said Guadalupe-Blanco River Authority consents to the exercise of such power or authority by San Antonio River Authority.

It is further especially provided that no provision of this Act shall have the effect of divesting any person, firm or corporation of any vested riparian rights heretofore vested, or any vested rights derived under existing permits for the appropriation and use of public waters heretofore issued by the State Board of Water Engineers, or any vested rights derived under any certified filings heretofore filed with said Board.

It is further especially provided that nothing in this Act shall impair or supersede the authority and supervision granted to the State Board of Water Engineers under the General Laws of the State of Texas or under the rules formulated by said State Board in accordance with said General Laws, any provision of this Act to the contrary notwithstanding. Amended, H. B. 83, 57th Legislature; S. B. 704, 61st Legislature.

Section 23. Domicile. The general office and place of domicile of this District shall be in the City of San Antonio, Bexar County, Texas.

Section 24. Constitutional Conformity. Nothing in this Act contained shall be construed to violate any provision of the Federal or State Constitutions, and all Acts done under this Act shall be done in such a manner as will conform thereto, whether herein expressly provided or not. Where any procedure hereunder may, by the Board, be deemed to be violative thereof,

this District shall have the power by ordinance to provide a procedure conformable therewith. If any provision of this Act shall be invalid, such holding shall not affect the instant creation of this District, or the validity of any other provision of this Act. Acts 1937, 45th Legislature, p. 556, ch. 276; Acts 1939, 46th Legislature, Spec. L., p. 1083, paragraph 1.

Section 25. Severability Clause. The provisions of this Act are severable. If any section, subsection, provision or part whatsoever of this Act should be held to be void as in violation of the Constitution, it shall not affect the validity of the remaining portions thereof, and it is hereby declared to be the legislative intent that this Act would have been passed as to the remaining portions hereof, regardless of the invalidity of any part. Added, H. B. 83, 57th Legislature.

SUBJECT INDEX

	<u>Section</u>	<u>Page</u>
 -A-		
ACCEPTANCE OF GRANTS:		
From United States	3(k)(14)	13
Generally	3(k)(15)	14
ACQUISITION OF PROPERTY	3(k)(12)	13
AGENTS:		
Appointments	3(k)(10)	13
Compensation	3(k)(11)	13
Duties	3(k)(11)	13
Manager to employ and supervise	14(c)	22
ALTERING CONSTRUCTION OF RAILROADS AND RAILWAYS	3(k)(5)	12
APPEAL BOND not required	20	32
APPOINTMENT OF OFFICERS		
agents, employees and professional consultants	3(k)(10)	13
ASSESSMENT OF PROPERTY FOR TAXATION	15-b	24
ASSISTANT SECRETARY	13	21
ASSISTANT TREASURER	13	21
ATTORNEY GENERAL:		
Approval of Bonds by	16	26
Bonds submitted to	16	26
AUDIT REQUIRED ANNUALLY	14-a	23
 - B -		
BENEFICIAL UTILIZATION OF WATERS:		
Generally	3	2
Master Plan	4-a	17
BEXAR COUNTY, Contract with	21-a	32
BIDS:		

Contract to lowest and best bidder	3(j)(2)	10
Offers to purchase surplus property	18(b)	31
Public place for opening and announcing	3(j)(2)	10
BOARD OF DIRECTORS:		
Adopt bylaws	14(b)	22
Age	9	19
Bond	14	22
Committees	11	21
Compensation	11	21
Defined	1(d)	1
Election	10	19
Executive Committee	14(b)	22
Exercise powers of District	14(a)	22
Expenses	11	21
Fees:		
Generally	11	21
Bexar County Directors	21-a	32
Ineligible:		
Bid on contracts of District	3(j)(2)	10
Engage in any transaction of gain or profit with District	14	22
Interim appointed Directors	9	19
Management and control of District's affairs	14	22
Meetings	13	21
Number of	9	19
Oath	9	19
Officers	13	21
Organization	13	21
Powers	14	22
Promulgate policies as guide to Manager	14(c)	22
Qualifications	9	19
Removal	12	21
Residence	9	19
Sale of surplus property	18(b)	31
Term of office	9	19
Vacancies:		
Elected Directors	9	19
Interim appointed Directors	9	19
BOARD OF WATER ENGINEERS:		
Approval of Master Plan	4-a	17
Authority and Supervision not to be superseded	22	37
Control and supervision of District	3	2
Duty to cooperate with District	8	18
Hearing on water development plans	4-a	17
Notify District of proposed water development plans	4-a	17

BONDS:		
Directors and Officers	14	22
Pollution Control Districts	21-b(2)	33
BONDS, ISSUANCE OF NEGOTIABLE:	16	26
Approval:		
By Attorney General	16	26
In District Court	16	26
Article 8280-119 governs authorization and issuance of	21	32
Authorization by resolution	16	26
Default	16	26
Denomination	16	26
Deposit of proceeds	16	26
Election not required	16	26
Form	16	26
In exchange for other obligations of District	16	26
In exchange for property	16	26
Legal for investment and security	17-a	30
Maximum interest	16	26
Purchase by District	17	30
Receiver	16	26
Registration privileges	16	26
Sale:		
Private, to Water Development Board	16	26
Public, in all other cases	16	26
Submission to Attorney General	16	26
Tax free	19	32
Taxes cannot be pledged to redemption of	16	26
Terms of contract with bondholders	16	26
Trustee under indenture	16	26
Type of issue	16	26
BONDS, Power to issue	3(k)(14)	13
BORROW MONEY, Power to	3(k)(14)	13
BOUNDARIES:		
General	2-a	2
Pollution Control Districts	21-b(c)	35
BUSINESS PRIVILEGES, regulations of	3(k)(16)	14
BYLAWS:		
Assistant Secretary may be granted limited powers	13	21
Assistant Treasurer may be granted limited powers	13	21

Notice of meetings	13	21
Power to adopt and amend	3(k)(9)	13
Provision for regular and special meetings	13	21
Rules, Directors' elections	10	19
- C -		
CANAL: see Navigable Canals		
CEMETERIES:		
Generally	3(k)(13)	13
Perpetual Care	3(k)(13)	13
CERTIFIED FILINGS:		
Purchase of	3(c)(4)	6
Vested rights not to be divested	22	37
CERTIFIED PUBLIC ACCOUNTANTS		
Authority to hire for any purpose	14-a	23
CHAIRMAN OF BOARD:		
Certifies rate of tax to County tax officers	15-a(d)	24
Generally	13	21
CHAPTER 25 defined	1(c)	1
CHIEF EXECUTIVE OFFICER OF DISTRICT	14(c)	22
COLLECTION OF TAXES	15-b	25
COMMITTEES OF DIRECTORS	13	21
COMPENSATION OF DIRECTORS	11	21
CONCESSIONS, Power to grant	3(k)(19)	15
CONDEMNATION:		
Cemeteries generally	3(k)(13)	13
Perpetual Care cemeteries	3(k)(13)	13
Property generally	3(k)(12)	13
CONFLICTS:		
Guadalupe-Blanco River Authority	22	37
Vested water rights	22	37

CONSERVATION OF WATER:

see Water Conservation, storage, procurement, distribution and supply

CONSTABULARY:

Duties	6	18
Oath and Bond	6	18
Power to arrest	6	18
Territorial jurisdiction	6	18

CONSTITUTIONAL CONFORMITY	24	38
---------------------------	----	----

CONSTRUCT FACILITIES, Power	3(k)(6)	12
-----------------------------	---------	----

CONTRACT WITH BEXAR COUNTY	21-a	32
----------------------------	------	----

CONTRACTS:

Board must authorize if over \$20,000	14(a)	22
Generally	3(j)	10
Publication of notices	3(j)(2)	10
Sale, purchase, procurement, distribution and/or supply of water for conservation storage capacity; treatment, transmission and disposal of sewage; construction of navigable canal or waterway; with counties for flood control	3(j)(1)	10
Manager may execute	14(c)	22
Term, 2 years or more, publication required	3(j)(2)	10

CONTRACTUAL POWERS	3(j)	10
--------------------	------	----

CORPORATE NAME, suits by and against	3(k)(7)	12
--------------------------------------	---------	----

CORPORATE SEAL	3(k)(8)	12
----------------	---------	----

COUNTY CLERK to file and record ordinance	3(k)(20)	15
---	----------	----

COURT COSTS:

Default on bonds, proceedings subsequent to	16	26
Incurred in enforcement of penalties	3(k)(16)	14

CUMULATIVE POWERS	3(k)(21)	17
-------------------	----------	----

- D -

DEBTS, payment of	15	23
-------------------	----	----

DEFAULT ON BONDS:

Actions at law authorized	16	26
Expenses	16	26
Fees	16	26
Mandamus suit	16	26
Receiver, appointment of	16	26
Suits in equity authorized	16	26
Venue in Bexar County	16	26
What constitutes	16	26
DEFINITIONS:		
Board	1(d)	1
Chapter 25	1(c)	1
Directors	1(d)	1
District	1(a)	1
Federal	1(e)	1
Persons	1(g)	1
Professional services	1(h)	1
Section 59	1(b)	1
State	1(f)	1
DISPOSITION OF SURPLUS PROPERTY authorized	3(k)(4)	12
DIRECTORS:		
Defined	1(d)	1
Generally: See Board of Directors		
DISTRIBUTION OF WATER:		
See Water Conservation, storage, procurement, distribution and supply		
DISTRICT:		
Boundaries	2-a	2
Chief Executive Officer	14(c)	22
Constabulary	6	18
Created	2	2
Defined	1(a)	1
DISTRICT COURT:		
Jurisdiction as to forfeiture or suspension of navigational franchise	3(a)(5)	4
Condemnation of Perpetual Care cemetery	3(k)(13)	13
DOMICILE	23	38

ELECTIONS:		
Directors	10	19
Tax	15-a	23
EMINENT DOMAIN: See Condemnation		
EMPLOYEES:		
Appointment	3(k)(10)	13
Compensation	3(k)(11)	13
Duties	3(k)(11)	13
Manager to employ and supervise	14(c)	22
ESTABLISH POLLUTION CONTROL DISTRICTS, authority to	21-b(a)	32
ESTABLISHING POLLUTION CONTROL DISTRICTS, procedures for	21-b(b)	32
EVIDENCES OF INDEBTEDNESS, Power to execute	3(k)(14)	13
EXECUTIVE COMMITTEE:		
Authorize execution of contract for sum no greater than \$20,000	14(b)	22
Execute certain contracts	3(j)(2)	10
Exercise certain powers of District	14	22
Number	14(b)	22
Quorum	13	21
EXPENSES OF DIRECTORS	11	21
EXTENSION OF FACILITIES	3(k)(6)	12
- F -		
FACILITIES, Powers concerning	3(k)(6)	12
FEDERAL GOVERNMENT:		
Canals taken over by	3(a)(4)	4
Construction of canals by	3(a)(3)	4
Contract for construction and operation of canals	3(a)(4)	4
Defined	1(e)	1
Obtaining cooperation of	3(k)(3)	12
Operation or maintenance of park or recreational facility	3(h)	9
Prior plan of improvements	8	18
Procure cooperation of	3(k)(2)	11

Soil conservation projects	3(e)	8
FEES:		
Assessing and collecting taxes	15-b	25
Collecting delinquent taxes	15-b	25
Default on bonds	16	26
Directors:		
Bexar County	21-a	32
Generally	11	21
Filing and recording ordinances	3(k)(20)	15
Navigable canals and facilities	3(a)(5)	4
FINES PAYABLE TO DISTRICT	3(k)(16)	14
FISCAL YEAR	14-a	23
FISH, preservation of	3(h)	9
FISH PRESERVE:		
Generally	3(h)	9
Road for ingress and egress	3(k)(18)	15
FISHING, regulation of	3(k)(16)	14
FLOOD CONTROL	3(b)	6
FLOOD WATERS, effect the conservation and use of	3	2
FORCED SALES of District's Property Prohibited	18(c)	31
FORESTATION	3(i)	10
FRANCHISES:		
Generally, Power to grant	3(k)(19)	15
Navigable canals:		
Accounting system and forms	(a)(5)	4
Forfeiture of suspension of	3(a)(5)	4
Granted by ordinance	3(a)(5)	4
Granting of	3(a)(5)	4
Penalties for violation of	3(a)(5)	4
Protection of property in connection with	3(a)(5)	4
FUNDS		
Power to expend to seek Federal and other cooperation	3(k)(3)	12

- G -

GENERAL OFFICE	23	38
GENERAL POWERS:		
Accept grants	3(k)(15)	14
Acquire property	3(k)(12)	13
Appoint officers, agents, employees and professional consultants	3(k)(10)	13
Borrow money	3(k)(14)	13
Bylaws, adopt and amend	3(k)(9)	13
Condemnation:		
Cemetery lands	3(k)(13)	13
Generally	3(k)(12)	13
Perpetual Care cemetery	3(k)(13)	13
Construct facilities	3(k)(6)	12
Corporate seal, adopt, use and alter	3(k)(8)	12
Cumulative powers	3(k)(21)	17
Designate official newspapers	3(k)(17)	15
Dispose of surplus property	3(k)(4)	12
Execute notes or other evidences of indebtedness	3(k)(14)	13
Expend funds to seek cooperation of Federal Government and others	3(k)(3)	12
Extend facilities	3(k)(6)	12
Fix compensation of officers, agents, employees and professional consultants	3(k)(11)	13
Grant franchises and concessions	3(k)(19)	15
Improve facilities	3(k)(6)	12
Inundate public lands and property	3(k)(5)	12
Issue bonds	3(k)(14)	13
Maintain facilities	3(k)(6)	12
Obtain loans	3(k)(14)	13
Ordinances, adopt and promulgate	3(k)(20)	15
Participate in guaranteeing or subsidizing obligations	3(k)(15)	14
Preliminary investigations	3(k)(2)	11
Prescribe duties of officers, agents, employees and professional consultants	3(k)(11)	13
Prescribe penalties	3(k)(16)	14
Property, protect and secure	3(k)(16)	14
Railroads and railways, relocation, etc.	3(k)(5)	12
Reconstruct facilities	3(k)(6)	12
Regulate residence, hunting, fishing, boating camping, all recreational facilities and business privileges	3(k)(16)	14
Rules and regulations, adopt and promulgate	3(k)(16)	14
Sell surplus property	3(k)(4)	12
Sue and be sued	3(k)(7)	12
Title and right of control:		
Navigable streams and tributaries other than San Antonio River	3(k)(1)	11

San Antonio River and its tributaries	3(k)(1)	11
Use property	3(k)(12)	13
GOVERNING BODY	9	19
GRANTS, Acceptance of	3(k)(15)	14
GROUND WATER:		
Effect the conservation and use of	3	2
Prevent pollution of	3(g)	9
GUADALUPE-BLANCO RIVER AUTHORITY		
Conflicts with	22	37
GUARANTEEING OBLIGATIONS		
Power to participate in	3(k)(15)	14
- H -		
HIGHWAYS		
relocation can be required	3(k)(5)	12
HUNTING		
regulation of	3(k)(16)	14
- I -		
INDEBTEDNESS		
authorized, Pollution Control Districts	21-b(e)	37
INUNDATION		
of Public Lands and Property	3(k)(5)	12
IRRIGATION	3(d)	8
ISSUANCE OF BONDS:		
Power to	3(k)(14)	13
Generally	16	26
- J -		
JURISDICTION, District Courts:		
Condemnation of Perpetual Care cemetery	3(k)(13)	13

Forfeiture or suspension of a navigational franchise	3(a)(5)	4
- L -		
LEVYING OF TAXES	15-b	25
LOAN		
Power to obtain	3(k)(14)	13
- M -		
MAINTENANCE OF FACILITIES	3(k)(6)	12
MANAGEMENT AND CONTROL OF DISTRICT'S AFFAIRS	14	22
MANAGER:		
Chief, executive officer	14(c)	22
Duties	14(c)	22
Execution of contracts	14(c)	22
May call upon Executive Committee for policy decisions and advice	14(b)	22
Transmit notice:		
Election of Directors	10	19
Master Plan, adoption, amendment, supplement or revision	4-a	17
Proposed contracts	3(j)(1)	10
MASTER PLAN:		
Acted upon only at regular meetings of Board	4-a	17
Approval by State Board of Water Engineers	4-a	17
Concurrence in, certain Directors	4-a	17
Generally	4-a	17
Notice transmitted to County Judges, Mayors,		
Managers or presiding Directors of water districts	4-a	17
Publication of notice	4-a	17
Prepared to effectuate certain laws and rules and		
regulations of Board of Water Engineers	4-a	17
Revised each 10 years	4-a	17
Soil conservation	3(e)	8
Taxes for development of	15-a(f)	25
MEETINGS OF BOARD:		
Open to public	13	21
Regular	13	21
Special	13	21
With Board of Water Engineers	13	21

MONEY, Power to borrow	3(k)(14)	13
MORTGAGE OF PROPERTIES PROHIBITED	18(a)	31
- N -		
NAVIGABLE CANALS OR WATERWAYS:		
As purpose	2	2
Construct	3(a)(1)	3
Construction by Federal government	3(a)(3)	4
Contracts with Federal government	3(a)(4)	4
Facilities auxiliary or incidental to	3(a)(3)	4
Fees, tolls, rates or exactions	3(a)(5)	4
Flow and floodwaters of San Antonio River	3(a)(2)	3
Forfeiture as suspension of franchise	3(a)(5)	4
Franchise or right	3(a)(5)	4
Maintain	3(a)(1)	3
Operate	3(a)(1)	3
Penalty for failure to observe franchise	3(a)(5)	4
Protection of physical property owned or operated under franchise	3(a)(1)	3
Route of	3(a)(1)	3
NAVIGABLE STREAMS AND THEIR TRIBUTARIES -		
other than San Antonio River	3(k)(1)	11
NAVIGATION		
Powers concerning	3(a)	3
NEWSPAPERS, Designation of official	3(k)(17)	15
NOTES, Power to execute	3(k)(14)	13
NOTICE OF MEETINGS, to be provided for in bylaws	13	21
NOTICE TO BE TRANSMITTED		
to County Judge, Mayors and Managers or water districts:		
Election of Directors	10	19
Master Plan, adoption, amendment, supplement or revision	4-a	17
Proposed contracts	3(j)(1)	10
- O -		
OATH OF OFFICE	9	19

OBLIGATIONS		
Power to participate in subsidizing and guaranteeing	3(k)(15)	14
OBTAIN LOANS, Power to	3(k)(14)	13
OFFICERS GENERALLY:		
Appointment of	3(k)(10)	13
Compensation of	3(k)(11)	13
Duties of	3(k)(11)	13
OFFICERS OF BOARD:		
Appointment by majority vote	13	21
Bond required	14	21
Term of Office	13	21
Titles	13	21
OPERATION OF FACILITIES	3(k)(6)	12
ORDINANCES:		
Calling tax election	15-a(a)	24
Construction notice	3(j)(2)	10
County Clerk to file and record	3(k)(20)	15
Election of Directors	10	19
Fee for recordation	3(k)(20)	15
Filing certified copies	3(k)(20)	15
Generally	3(k)(20)	15
Navigational franchises	3(a)(5)	4
Notice not generally required	3(k)(20)	15
Quorum	3(k)(20)	15
Power to adopt and promulgate	3(k)(20)	15
Returns of tax election	15-a(c)	24
Rules and regulations	3(k)(16)	14
Subject matter of	3(k)(20)	15
Where to file	3(k)(20)	15
ORGANIZATION OF BOARD	13	21
- P -		
PARKS:		
Generally	3(h)	9
Roads for ingress and egress	3(k)(18)	15
PENALTIES:		

Failure to observe navigational franchise	3(a)(5)	4
Fine	3(k)(16)	14
Imprisonment	3(k)(16)	14
Publication of substantive statement	3(k)(16)	14
Violation of Pollution Prevention rules and regulations	3(g)	9
Violation of rules and regulations generally	3(k)(16)	14
 PERPETUAL CARE CEMETERIES	 3(k)(13)	 13
 PERSONS, defined	 1(g)	 1
 POLLUTION CONTROL DISTRICTS:		
Authority to establish	21-b(a)	32
Bonds; maintenance tax	21-b(d)	37
Boundaries; annexation proceedings	21-b(c)	35
Indebtedness authorized; taxes	21-b(e)	37
Procedure for establishing	21-b(b)	32
 POLLUTION PREVENTION:		
District to effectuate	3	2
Generally	3(g)	9
Rules and regulations	3(g)	9
 POWERS:		
Contractual	3(j)	10
Fish, preservation of	3(h)	9
Flood control	3(b)	6
Forestation	3(i)	10
General	3(k)	11
Irrigation	3(d)	8
Navigation	3(a)	3
Parks	3(h)	9
Pollution prevention	3(g)	9
Reforestation	3(i)	10
Sewage treatment	3(f)	8
Soil conservation	3(e)	8
Water conservation, storage, procurement, distribution and supply	3(c)	6
 PRELIMINARY INVESTIGATIONS	 3(k)(2)	 11
 PRISONERS, Cost to maintain	 3(k)(16)	 14
 PROCUREMENT OF WATER:		
See Water Conservation, storage, procurement, distribution and supply		
 PROFESSIONAL CONSULTANTS:		

Appointment	3(k)(10)	13
Compensation	3(k)(11)	13
Duties	3(k)(11)	13
Manager to employ and supervise	14(c)	22
PROFESSIONAL SERVICES, defined	1(h)	1
PROPERTY:		
Acquire	3(k)(12)	13
Disposal of surplus	3(k)(4)	12
Exempt from forced sale	18(c)	31
Mortgage of, prohibited	18(a)	31
Sale of surplus	18(b)	31
Secure and protect	3(k)(16)	14
PUBLIC HEARING:		
For Pollution Control Districts	21-b(b)(2)	33
Prerequisite to tax election	15-a	33
PUBLIC LANDS AND PROPERTY		
Power to overflow and inundate	3(k)(5)	12
PUBLICATION OF NOTICE:		
Contracts for sale, purchase, procurement, distribution and/or supply of water or conservation storage capacity; treatment, transmission and disposal of sewage; construction of navigable canal or water-way; with counties for flood control	3(j)(1)	10
Contract for construction, maintenance, operation, repair; non-professional services; purchase of material, equipment supplies	3(j)(2)	10
Election of Directors	10	19
Master Plan, adopt, amend, supplement or revise	4-a	17
Rule or regulation providing penalty	3(k)(16)	14
Sale of surplus property	18(b)	31
Tax election	15-a	23
PURPOSE OF DISTRICT, generally	2	2
- Q -		
QUORUM:		
Adoption of ordinance	3(k)(20)	15
Board of Directors	13	21
Executive Committee	13	21

- R -

RAILROADS AND RAILWAYS

relocation, raising, rerouting, changing grade, altering construction	3(k)(5)	12
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RECEIVER, appointment of	16	29
--------------------------	----	----

RECLAMATION ENGINEER, duty of	8	18
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RECONSTRUCT facilities, Power to	3(k)(6)	12
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RECORDS open to public inspection	14(a)	22
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RECREATIONAL FACILITIES:

Generally	3(h)	9
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Regulation of	3(k)(16)	14
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Roads for ingress and egress	3(k)(18)	15
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REFORESTATION	3(i)	10
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REGULATE RESIDENCE, hunting, fishing, boating, camping, recreational and business privileges, power to	3(k)(16)	14
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REGULATIONS, Power to adopt	3(k)(16)	14
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REGULAR MEETINGS OF BOARD:

Bylaws provide	13	21
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Required for certain acts:

Canvassing returns of Directors' election	10	19
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Contracts for sale, purchase, procurement, distribution and/or supply of water or conservation storage capacity; treatment, transmission and disposal of sewage; construction of navigable canal or waterway; with counties for flood control	3(j)(1)	10
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Master Plan, adopt, amend, supplement or revise	4-a	17
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Sale of surplus property	18(b)	31
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RELOCATION of roads and highways	3(k)(5)	12
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REMOVAL OF DIRECTORS	12	21
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RENDITION OF PROPERTY FOR TAXATION	15-b	25
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RESOLUTION AUTHORIZING BONDS	16	26
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ROADS:		
Acquire property for, operate and maintain	3(k)(18)	15
Relocation can be required	3(k)(5)	12
RULES		
Power to adopt	3(k)(16)	14
- S -		
SAN ANTONIO, general office	23	38
SAN ANTONIO BAY		
route of navigable canals	3(a)(1)	3
SAN ANTONIO RIVER:		
Investment in trust	3(k)(1)	11
Route of navigable canals	3(a)(1)	3
Title and right of control	3(k)(1)	11
SEAL		
adopt, use and alter	3(k)(8)	12
SECRETARY OF BOARD:		
Certifies rate of tax to County Tax Officers	15-a(d)	24
Draws lots for placing candidates on ballot	10(b)	19
Generally	13	21
Make up official ballot	10(b)	19
Receive application of candidates	10(a)	19
SECTION 59, defined	1(b)	1
SELL SURPLUS PROPERTY	3(k)(4)	12
SEVERABILITY CLAUSE	25	38
SEWAGE TREATMENT	3(f)	8
SOIL CONSERVATION:		
Generally	3(e)	8
Taxes may be used to operate and maintain certain structures	15-a(f)	25
SPECIAL MEETINGS OF BOARD:		
Bylaws provided	13	21
Ordinances may be adopted unless otherwise prohibited	3(k)(20)	15

SPECIAL VOTE REQUIRED: See Voting

STATE, DEFINED	1(f)	1
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STATE AUDITOR, duties of	14-a	23
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STATE BOARD OF WATER ENGINEERS:
See Board of Water Engineers

STREAMS other than San Antonio River and its tributaries:		
Investment in trust	3(k)(1)	11
Title and right of control	3(k)(1)	11

STORAGE OF WATER:
See water conservation, storage procurement, distribution and supply

STORM WATERS		
effect the conservation and use of	3	2

SUBSIDIZING OBLIGATIONS		
Power to participate in	3(k)(15)	14

SUPPLY OF WATER:
See Water Conservation, storage, procurement, distribution and supply

SURFACE WATERS		
prevent pollution of	3(g)	9

SURPLUS PROPERTY:		
Board of Directors:		
Agree as to appraised value	18(b)	31
Determine not convenient to business of District	18(b)	31
May trade or exchange	18(b)	31
Publish notice if not sale or exchange and valued above \$5,000	18(b)	31

SUE AND BE SUED, District may	3(k)(7)	12
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- T -

TAXATION AND TAXES:		
Borrow in advance of collections	15-a(e)	25
Certification by Chairman and Secretary	15-a(d)	24
Election called by Board	15-a(a)	24
Generally	15-a	23

Maximum rate	15-a	23
Public hearing, requisite to election	15-a(a)	24
Pollution Control Districts	21-b(d)	37
Purposes to be used for	15-a(f)	25
Rendition, assessment, levying and collecting	15-b	25
Uniform rate	15-a(d)	24
Vote by majority of District and of three counties required	15-a(c)	24
TERMS OF OFFICE:		
Directors	9	19
Officers of Board	13	21
TEXAS WATER DEVELOPMENT BOARD		
Negotiate private sale of bonds to	16	26
TREASURER	13	21
TRIBUTARIES:		
Navigable streams other than San Antonio River	3(k)(1)	11
San Antonio River	3(k)(1)	11
TRUST, rivers, streams and tributaries of		
District	3(k)(1)	11
TRUSTEE, appointment of	16	26
- U -		
UNITED STATES:		
Accept grants from	3(k)(15)	14
Acquisition of unsold conservation capacity from	3(c)(4)	6
Borrow money from	3(k)(14)	13
Procure cooperation of	3(k)(2)	11
Purchase water, supply facilities or conservation storage capacity from	3(c)(4)	6
USE OF PROPERTY	3(k)(12)	13
- V -		
VACANCIES:		
Elected Directors	9	19
Interim appointed Directors	9	19

VENUE IN BEXAR COUNTY:

Default on bonds	16	26
Forfeiture or suspension of navigable franchise	3(a)(5)	4

VICE CHAIRMAN OF BOARD

13 21

VOTING:

By County:

Contracts for sale, purchase, procurement, distribution and/or supply of water or conservation storage capacity, treatment, transmission and disposal of sewage; construction of navigable canal or water-way; with county for flood control	3(j)(1)	10
Master Plan, adopt, amend, supplement or revise	4-a	17

Eight (8) Directors:

Removal of Directors	12	21
Sale of surplus property	18(b)	31

Majority	14	22
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- W -

WATER CONSERVATION

Storage, procurement, distribution and supply:

Appropriation permits, acquisition of	3(c)(3)	6
Bring water into District	3(c)(7)	7
Certified filings, acquisition of	3(c)(3)	6
Cities, water supply for	3(c)(2)	6
Commercial enterprises, provide water for	3(c)(6)	7
Conservation of storm, flood and unappropriated flow waters	3(c)(1)	6
Conservation storage capacity:		
Acquisition of additional	3(c)(11)	7
Acquisition of unsold	3(c)(11)	7
Purchase of	3(c)(4)	6

Contracts:

Construction of reservoirs, dams, water supply lines, water purification and pumping facilities, water supply service	3(c)(10)	7
Water supply	3(c)(5)	6

Dams:

Construct, acquire, equip, acquire storage rights at, operate and maintain	3(c)(8)	7
Contract with municipalities and others concerning	3(c)(10)	7

Industrial enterprises, provide water for	3(c)(6)	7
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Pumping systems and facilities:

Contract, operate and maintain	3(c)(9)	7
Contract with municipalities and others concerning	3(c)(10)	7

Reservoirs:

Construct, acquire, equip, acquire storage rights at, operate and maintain	3(c)(8)	7
Contract with municipalities and others concerning	3(c)(10)	7
Stand-by service:		
Contracts	3(c)(5)	6
Sale of	3(c)(2)	6
Storage rights, acquisition of	3(c)(8)	7
Supply contracts, execution of	3(c)(5)	6
Supply facilities, purchase of	3(c)(4)	6
Supply lines:		
Contract, operate and maintain	3(c)(9)	7
Contract with municipalities and others concerning	3(c)(10)	7
Towns, water supply for	3(c)(2)	6
Water, purchase of	3(c)(4)	6
Water, sale of:		
Bulk	3(c)(2)	6
Generally	3(c)(2)	6
Retail	3(c)(2)	6
Stand-by service	3(c)(2)	6
 WATER RIGHTS	 22	 37
 WILDLIFE PRESERVE OR RESERVE:		
Franchise and concessions	3(k)(19)	15
Roads for ingress and egress	3(k)(18)	15
 WORK OF IMPROVEMENT:		
Roads for ingress and egress	3(k)(18)	15

The residency requirements of Subsection (c), Section 10, Chapter 276, Acts of the 45th Legislature, Regular Session, 1937, as amended by this Act, do not apply to persons serving as directors when this Act takes effect or to candidates for District 2 at the 1989 election or to candidates for District 4 at the 1991 election.

The directors for Bexar County elected in 1989, 1991, and 1993 shall be elected as follows:

- (a) Election of directors for District 1 and 2 in January, 1989;
- (b) Election of directors by District 3 and 4 in January, 1991; and
- (c) Election of directors for the two at-large positions in January 1993. Amended, H. B. 83, 57th Legislature; S. B. 704, 61st Legislature; S. B. 741, 67th Legislature; and S.B. 1437, 70th Legislature.

NON-AMENDATORY PROVISIONS

CH. 233, 57th Leg., R.S., 1961

Section 25. The validity of the collection or receiving of taxes, revenue or other income of, by and for the District, of any bonds or other securities of the District or the issuance thereof, or of any elections conducted heretofore authorizing taxation or the issuance of bonds or other securities of the District shall not be affected or impaired by the provisions of this Act.

Section 26. If any provision of this Act or the application thereof to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 27. Wherever there is any conflict between this Act and any other laws or parts of laws, or any provisions of said Chapter 276, Acts of the Forty-fifth Legislature, 1937, as subsequently amended, the provisions of this Act shall prevail.

Section 28. Severability Clause. The provisions of this Act are severable. If any Section, Subsection, provision or part whatsoever of this Act should be held to be void as in violation of the Constitution, it shall not affect the validity of the remaining portions thereof, and it is hereby declared to be the legislative intent that this Act would have been passed as to the remaining portions hereof, regardless of the invalidity of any part.

CH. 836, 61st Leg., R.S., 1969

Section 10. If any provision of this Act or the application thereof to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 11. Wherever there is any conflict between this Act, and any other laws or parts of laws, or any provisions of said Chapter 276, Acts of the 45th Legislature, 1937, as amended, the provisions of this Act shall prevail.

Section 12. The provisions of this Act are severable. If any Section, subsection, provision or part whatsoever of this Act should be held to be void as in violation of the Constitution, it shall not affect the validity of the remaining portions thereof, and it is hereby declared to be the legislative intent that this Act would have been passed as to the remaining portions hereof, regardless of the invalidity of any part.

CH. 604, 64th Leg., R.S., 1975

Section 2. The legislature specifically finds and declares that the requirements of Article XVI, Section 59(d), of the Texas Constitution have been done and accomplished in due course and time and in due order and that the legislature has the power and authority to enact this Act.

TRANSITION/SAVINGS CLAUSES

(2 of 2)

CH. 60, 67th Leg., R.S., 1981

Section 4. All proceedings, actions, and elections of the San Antonio River Authority are in all things and all respects ratified, confirmed, approved, and validated, notwithstanding that any of the proceedings, actions, and elections of the San Antonio River Authority may not in all respects have been done in accordance with law.

Section 5. The persons who are directors of the San Antonio River Authority on the effective date of this Act shall continue in office until their successors are elected and have qualified under amendments made to Chapter 276, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 8280-119, Vernon's Texas Civil Statutes), by this Act.

CH. 701, 70th Leg., R.S., 1987

SECTION 2. (a) The residency requirements of Subsection (c), Section 10, Chapter 276, Acts of the 45th Legislature, Regular Session, 1937, as amended by this Act, do not apply to persons serving as directors when this Act takes effect or to candidates for District 2 at the 1989 election or to candidates for District 4 at the 1991 election.

(b) The directors for Bexar County elected in 1989, 1991, and 1993 shall be elected as follows:

- (1) election of directors for Districts 1 and 2 in January, 1989;
- (2) election of directors for Districts 3 and 4 in January, 1991; and
- (3) election of directors for the two at-large positions in January, 1993.

SECTION 3. The legislature finds that proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act has been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and laws of this state, including the governor of Texas, who has submitted the notice and Act to the Texas Water Commission. Also, the legislature finds that the Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time. All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 13.

(a) The change in law made by this Act to the terms of the directors of the San Antonio River Authority applies only to the term of a director who is appointed or elected on or after the effective date of this Act.

(b) The two at-large director positions for Bexar County shall be scheduled for election on the November uniform election date in 2023. The person who receives the highest number of votes shall be elected to the first at-large Bexar County director position and shall serve a four-year term beginning January 1, 2024, and ending December 31, 2027. An election shall be scheduled for that position on the November uniform election date in 2027 and every four years thereafter. The person who receives the second highest number of votes shall be elected to the second at-large Bexar County director position and shall serve a two-year term beginning January 1, 2024, and ending December 31, 2025. An election shall be scheduled for that position on the November uniform election date in 2025 and every four years thereafter for a four-year term beginning on January 1 of the year following each election.

(c) The following director positions shall be scheduled for election on the November uniform election date in 2025 and every four years thereafter, and the directors elected to each position shall serve four-year terms beginning January 1 of the year following each election:

- (1) the single-member district director elected from Bexar County commissioners court precinct 1;
- (2) the single-member district director elected from Bexar County commissioners court precinct 2;
- (3) the at-large director position for Karnes County for which an election was held, or scheduled to be held but canceled because of an unopposed candidate, in November 2019;
- (4) the at-large director position for Goliad County for which an election was held, or scheduled to be held but canceled because of an unopposed candidate, in November 2019; and
- (5) the at-large director position for Wilson County for which an election was held, or scheduled to be held but canceled because of an unopposed candidate, in November 2019.

(d) The following director positions shall be scheduled for election on the November uniform election date in 2027 and every four years thereafter, and the directors elected to those director positions shall serve four-year terms beginning January 1 of the year following each election:

- (1) the single-member district director elected from Bexar County commissioners court precinct 3;
- (2) the single-member district director elected from Bexar County commissioners court precinct 4;
- (3) the at-large director position for Karnes County for which an election was held, or scheduled to be held but canceled because of an unopposed candidate, in November 2021;
- (4) the at-large director position for Goliad County for which an election was held, or scheduled to be held but canceled because of an unopposed candidate, in November 2021; and

(5) the at-large director position for Wilson County for which an election was held, or scheduled to be held but canceled because of an unopposed candidate, in November 2021.

(e) The members of the board of directors serving in the director positions described by Subsections (b), (c), and (d) of this section on the effective date of this Act shall continue to serve until their successors have been elected and qualified.

(f) Notwithstanding Section 13-a, Chapter 276, Acts of the 45th Legislature, Regular Session, 1937, as added by this Act, a person serving on the board of directors of the district may vote, deliberate, and be counted as a director in attendance at a meeting of the board until December 1, 2023.

SECTION 14.

(a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 15.

(a) Except as provided by Subsection (b) of this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

(b) Section 14-b, Chapter 276, Acts of the 45th Legislature, Regular Session, 1937, as added by this Act, takes effect January 1, 2025.

TECHNICAL INFORMATION REPORT

WATER RIGHTS PERMITTING

This Report is required for applications for new or amended water rights. Based on the Applicant's responses below, Applicants are directed to submit additional Worksheets (provided herein). A completed Administrative Information Report is also required for each application.

Applicants are REQUIRED to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please contact the Water Availability Division at (512) 239-4600 or WRPT@tceq.texas.gov to schedule a meeting.

Date of pre-application meeting: August 20, 2024

1. New or Additional Appropriations of State Water. Texas Water Code (TWC) § 11.121 (Instructions, Page. 12)

State Water is: *The water of the ordinary flow, underflow, and tides of every flowing river, natural stream, and lake, and of every bay or arm of the Gulf of Mexico, and the storm water, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression, and watershed in the state. TWC § 11.021.*

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / N N
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N N (If yes, indicate the Certificate or Permit number: _____)

If Applicant answered yes to (a) or (b) above, does Applicant also wish to be considered for a term permit pursuant to TWC § 11.1381? Y / N NA

- c. Applicant requests to extend an existing Term authorization or to make the right permanent? Y / N N (If yes, indicate the Term Certificate or Permit number: _____)

If Applicant answered yes to (a), (b) or (c), the following worksheets and documents are required:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir requested in the application)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point and/or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach requested in the application)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees**
- **Fees calculated on Worksheet 8.0 – see instructions Page. 34.**
- **Maps – See instructions Page. 15.**
- **Photographs – See instructions Page. 30.**

Additionally, if Applicant wishes to submit an alternate source of water for the project/authorization, see Section 3, Page 3 for Bed and Banks Authorizations (Alternate sources may include groundwater, imported water, contract water or other sources).

Additional Documents and Worksheets may be required (see within).

2. Amendments to Water Rights. TWC § 11.122 (Instructions, Page. 12)

This section should be completed if Applicant owns an existing water right and Applicant requests to amend the water right. ***If Applicant is not currently the Owner of Record in the TCEQ Records, Applicant must submit a Change of Ownership Application (TCEQ-10204) prior to submitting the amendment Application or provide consent from the current owner to make the requested amendment. If the application does not contain consent from the current owner to make the requested amendment, TCEQ will not begin processing the amendment application until the Change of Ownership has been completed and will consider the Received Date for the application to be the date the Change of Ownership is completed. See instructions page. 6.***

Water Right (Certificate or Permit) number you are requesting to amend: _____ Permit No. 13355

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? Y / N _____ (if yes, complete chart below):

List of water rights to sever	Combine into this ONE water right

- a. Applicant requests an amendment to an existing water right to increase the amount of the appropriation of State Water (diversion and/or impoundment)? Y / N _____

If yes, application is a new appropriation for the increased amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.

- b. Applicant requests to amend existing Term authorization to extend the term or make the water right permanent (remove conditions restricting water right to a term of years)? Y / N _____

If yes, application is a new appropriation for the entire amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.

- c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? Y / N _____
If yes, submit:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 1.2 - Notice: “Marshall Criteria”**

- d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? Y / N _____
If yes, submit:

- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)
- **Worksheet 5.0 – Environmental Information** (Required for any new diversion points that are not already authorized in a water right)

- e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? Y / N _____

If yes, submit: Worksheet 2.0 - Impoundment/Dam Information Worksheet (submit one worksheet for each impoundment or reservoir)

- f. Other - Applicant requests to change any provision of an authorization not mentioned above? Y / N N *If yes, call the Water Availability Division at (512) 239-4600 to discuss.*

Additionally, all amendments require:

- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

3. Bed and Banks. TWC § 11.042 (Instructions, Page 13)

- a. Pursuant to contract, Applicant requests authorization to convey, stored or conserved water to the place of use or diversion point of purchaser(s) using the bed and banks of a watercourse? TWC § 11.042(a). Y/N N

If yes, submit a signed copy of the Water Supply Contract pursuant to 30 TAC §§ 295.101 and 297.101. Further, if the underlying Permit or Authorization upon which the Contract is based does not authorize Purchaser's requested Quantity, Purpose or Place of Use, or Purchaser's diversion point(s), then either:

- 1. Purchaser must submit the worksheets required under Section 1 above with the Contract Water identified as an alternate source; or*
- 2. Seller must amend its underlying water right under Section 2.*

- b. Applicant requests to convey water imported into the state from a source located wholly outside the state using the bed and banks of a watercourse? TWC § 11.042(a-1). Y / N N

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps and fees from the list below.

- c. Applicant requests to convey Applicant's own return flows derived from privately owned groundwater using the bed and banks of a watercourse? TWC § 11.042(b). Y / N N

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.

- d. Applicant requests to convey Applicant's own return flows derived from surface water using the bed and banks of a watercourse? TWC § 11.042(c). Y / N N

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, Maps, and fees from the list below.

****Please note, if Applicant requests the reuse of return flows belonging to others, the Applicant will need to submit the worksheets and documents under Section 1 above, as the application will be treated as a new appropriation subject to termination upon direct or indirect reuse by the return flow discharger/owner.***

- e. Applicant requests to convey water from any other source, other than (a)-(d) above, using the bed and banks of a watercourse? TWC § 11.042(c). Y / N N

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.

Worksheets and information:

- **Worksheet 1.0 – Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Impoundment/Dam Information Worksheet** (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- **Worksheet 3.0 - Diversion Point Information Worksheet** (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)

- **Worksheet 4.0 – Discharge Information Worksheet** (for each discharge point)
- **Worksheet 5.0 – Environmental Information Worksheet**
- **Worksheet 6.0 – Water Conservation Information Worksheet**
- **Worksheet 7.0 – Accounting Plan Information Worksheet**
- **Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34**
- **Maps – See instructions Page. 15.**
- **Additional Documents and Worksheets may be required (see within).**

4. **General Information, Response Required for all Water Right Applications (Instructions, Page 15)**

- a. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement (*not required for applications to use groundwater-based return flows*). Include citations or page numbers for the State and Regional Water Plans, if applicable. Provide the information in the space below or submit a supplemental sheet entitled “Addendum Regarding the State and Regional Water Plans”:

NA, only groundwater based return flows utilized.

- b. Did the Applicant perform its own Water Availability Analysis? Y / N N

If the Applicant performed its own Water Availability Analysis, provide electronic copies of any modeling files and reports.

- c. Does the application include required Maps? (Instructions Page. 15) Y / N Y

WORKSHEET 1.0

Quantity, Purpose and Place of Use

1. New Authorizations (Instructions, Page. 16)

Submit the following information regarding quantity, purpose and place of use for requests for new or additional appropriations of State Water or Bed and Banks authorizations:

Quantity (acre- feet) <i>(Include losses for Bed and Banks)</i>	State Water Source (River Basin) or Alternate Source <i>*each alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0</i>	Purpose(s) of Use	Place(s) of Use <i>*requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer</i>
8.20	Alternate Source - Groundwater Based Return Flows	Recreation	Alamo St., Bexar County
4.73	Alternate Source - Groundwater Based Return Flows	Recreation	Nueva St., Bexar County

12.93 _____ Total amount of water (in acre-feet) to be used annually (*include losses for Bed and Banks applications*)

If the Purpose of Use is Agricultural/Irrigation for any amount of water, provide:

a. Location Information Regarding the Lands to be Irrigated

- i) Applicant proposes to irrigate a total of _____ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, TX.
- ii) Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.

A copy of the deed(s) or other acceptable instrument describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds.

If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.

Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.

2. Amendments - Purpose or Place of Use (Instructions, Page. 12)

- a. Complete this section for each requested amendment changing, adding, or removing Purpose(s) or Place(s) of Use, complete the following:

Quantity (acre- feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**

**If the request is to add additional purpose(s) of use, include the existing and new purposes of use under "Proposed Purpose(s) of Use."*

***If the request is to add additional place(s) of use, include the existing and new places of use under "Proposed Place(s) of Use."*

Changes to the purpose of use in the Rio Grande Basin may require conversion. 30 TAC § 303.43.

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- Applicant proposes to irrigate a total of _____ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of _____ acres in _____ County, TX.
 - Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.

A copy of the deed(s) describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds. If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other legal right for Applicant to use the land described.

Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.

- Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
- See Worksheet 1.2, Marshall Criteria, and submit if required.
- See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

WORKSHEET 1.1

INTERBASIN TRANSFERS, TWC § 11.085

Submit this worksheet for an application for a new or amended water right which requests to transfer State Water from its river basin of origin to use in a different river basin. A river basin is defined and designated by the Texas Water Development Board by rule pursuant to TWC § 16.051.

Applicant requests to transfer State Water to another river basin within the State? Y / N_____

1. Interbasin Transfer Request (Instructions, Page. 20)

- a. Provide the Basin of Origin._____
- b. Provide the quantity of water to be transferred (acre-feet)._____
- c. Provide the Basin(s) and count(y/ies) where use will occur in the space below:

2. Exemptions (Instructions, Page. 20), TWC § 11.085(v)

Certain interbasin transfers are exempt from further requirements. Answer the following:

- a. The proposed transfer, which in combination with any existing transfers, totals less than 3,000 acre-feet of water per annum from the same water right. Y/N__
- b. The proposed transfer is from a basin to an adjoining coastal basin? Y/N__
- c. The proposed transfer from the part of the geographic area of a county or municipality, or the part of the retail service area of a retail public utility as defined by Section 13.002, that is within the basin of origin for use in that part of the geographic area of the county or municipality, or that contiguous part of the retail service area of the utility, not within the basin of origin? Y/N__
- d. The proposed transfer is for water that is imported from a source located wholly outside the boundaries of Texas, except water that is imported from a source located in the United Mexican States? Y/N__

3. Interbasin Transfer Requirements (Instructions, Page. 20)

For each Interbasin Transfer request that is not exempt under any of the exemptions listed above Section 2, provide the following information in a supplemental attachment titled "Addendum to Worksheet 1.1, Interbasin Transfer":

- a. the contract price of the water to be transferred (if applicable) (also include a copy of the contract or adopted rate for contract water);
- b. a statement of each general category of proposed use of the water to be transferred and a detailed description of the proposed uses and users under each category;
- c. the cost of diverting, conveying, distributing, and supplying the water to, and treating the water for, the proposed users (example - expert plans and/or reports documents may be provided to show the cost);

- d. describe the need for the water in the basin of origin and in the proposed receiving basin based on the period for which the water supply is requested, but not to exceed 50 years (the need can be identified in the most recently approved regional water plans. The state and regional water plans are available for download at this website: (<http://www.twdb.texas.gov/waterplanning/swp/index.asp>);
- e. address the factors identified in the applicable most recently approved regional water plans which address the following:
 - (i) the availability of feasible and practicable alternative supplies in the receiving basin to the water proposed for transfer;
 - (ii) the amount and purposes of use in the receiving basin for which water is needed;
 - (iii) proposed methods and efforts by the receiving basin to avoid waste and implement water conservation and drought contingency measures;
 - (iv) proposed methods and efforts by the receiving basin to put the water proposed for transfer to beneficial use;
 - (v) the projected economic impact that is reasonably expected to occur in each basin as a result of the transfer; and
 - (vi) the projected impacts of the proposed transfer that are reasonably expected to occur on existing water rights, instream uses, water quality, aquatic and riparian habitat, and bays and estuaries that must be assessed under Sections 11.147, 11.150, and 11.152 in each basin (*if applicable*). If the water sought to be transferred is currently authorized to be used under an existing permit, certified filing, or certificate of adjudication, such impacts shall only be considered in relation to that portion of the permit, certified filing, or certificate of adjudication proposed for transfer and shall be based on historical uses of the permit, certified filing, or certificate of adjudication for which amendment is sought;
- f. proposed mitigation or compensation, if any, to the basin of origin by the applicant; and
- g. the continued need to use the water for the purposes authorized under the existing Permit, Certified Filing, or Certificate of Adjudication, if an amendment to an existing water right is sought.

WORKSHEET 1.2

NOTICE. “THE MARSHALL CRITERIA”

This worksheet assists the Commission in determining notice required for certain **amendments** that do not already have a specific notice requirement in a rule for that type of amendment, and *that do not change the amount of water to be taken or the diversion rate*. The worksheet provides information that Applicant **is required** to submit for amendments such as certain amendments to special conditions or changes to off-channel storage. These criteria address whether the proposed amendment will impact other water right holders or the on- stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

*This worksheet is **not required** for Applications in the Rio Grande Basin requesting changes in the purpose of use, rate of diversion, point of diversion, and place of use for water rights held in and transferred within and between the mainstems of the Lower Rio Grande, Middle Rio Grande, and Amistad Reservoir. See 30 TAC § 303.42.*

*This worksheet is **not required** for amendments which are only changing or adding diversion points, or request only a bed and banks authorization or an IBT authorization. However, Applicants may wish to submit the Marshall Criteria to ensure that the administrative record includes information supporting each of these criteria*

1. The “Marshall Criteria” (Instructions, Page. 21)

Submit responses on a supplemental attachment titled “Marshall Criteria” in a manner that conforms to the paragraphs (a) – (g) below:

- a. Administrative Requirements and Fees. Confirm whether application meets the administrative requirements for an amendment to a water use permit pursuant to TWC Chapter 11 and Title 30 Texas Administrative Code (TAC) Chapters 281, 295, and 297. An amendment application should include, but is not limited to, a sworn application, maps, completed conservation plan, fees, etc.
- b. Beneficial Use. Discuss how proposed amendment is a beneficial use of the water as defined in TWC § 11.002 and listed in TWC § 11.023. Identify the specific proposed use of the water (e.g., road construction, hydrostatic testing, etc.) for which the amendment is requested.
- c. Public Welfare. Explain how proposed amendment is not detrimental to the public welfare. Consider any public welfare matters that might be relevant to a decision on the application. Examples could include concerns related to the well-being of humans and the environment.
- d. Groundwater Effects. Discuss effects of proposed amendment on groundwater or groundwater recharge.

- e. State Water Plan. Describe how proposed amendment addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement. The state and regional water plans are available for download at:
<http://www.twdb.texas.gov/waterplanning/swp/index.asp>.
- f. Waste Avoidance. Provide evidence that reasonable diligence will be used to avoid waste and achieve water conservation as defined in TWC § 11.002. Examples of evidence could include, but are not limited to, a water conservation plan or, if required, a drought contingency plan, meeting the requirements of 30 TAC Chapter 288.
- g. Impacts on Water Rights or On-stream Environment. Explain how the proposed amendment will not impact other water right holders or the on-stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

WORKSHEET 2.0

Impoundment/Dam Information

This worksheet is **required** for any impoundment, reservoir and/or dam. Submit an additional Worksheet 2.0 for each impoundment or reservoir requested in this application.

If there is more than one structure, the numbering/naming of structures should be consistent throughout the application and on any supplemental documents (e.g., maps).

1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: NA
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 8.20.
- c. The impoundment is on-channel x or off-channel _____ (mark one)
 - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? **Y** / **N** Y
 - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? **Y** / **N** Y
- d. Is the impoundment structure already constructed? **Y** / **N** Y
 - i. For already constructed **on-channel** structures:
 1. Date of Construction: September 30, 2023
 2. Was it constructed to be an exempt structure under TWC § 11.142? **Y** / **N** N
 - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? **Y** / **N** _____
 - b. If No, has the structure been issued a notice of violation by TCEQ? **Y** / **N** N
 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? **Y** / **N** N
 - a. If yes, provide the Site No. _____ and watershed project name _____;
 - b. Authorization to close "ports" in the service spillway requested? **Y** / **N** _____
 - ii. For **any** proposed new structures or modifications to structures:
 1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? **Y** / **N** _____
Provide the date and the name of the Staff Person _____
 2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
 - a. No additional dam safety documents required with the Application. **Y** / **N** _____
 - b. Plans (with engineer's seal) for the structure required. **Y** / **N** _____
 - c. Engineer's signed and sealed hazard classification required. **Y** / **N** _____
 - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. **Y** / **N** _____

3. Applicants **shall** give notice by certified mail to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir to be constructed, will be located. (30 TAC § 295.42). Applicant must submit a copy of all the notices and certified mailing cards with this Application. Notices and cards are included? Y / N_____

iii. Additional information required for **on-channel** storage:

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: 0.71 acres.
2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option.
Applicant has calculated the drainage area. Y/N N
If yes, the drainage area is _____ sq. miles.
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): San Pedro Creek
- b. Zip Code: 78204
- c. In the San Antonio Town Tract Original Survey No. 029, Abstract No. 02920,
Bexar County, Texas.

**** A copy of the deed(s) with the recording information from the county records must be submitted describing the tract(s) that include the structure and all lands to be inundated.***

*****If the Applicant is not currently the sole owner of the land on which the structure is or will be built and sole owner of all lands to be inundated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.***

- d. A point on the centerline of the dam (on-channel) or anywhere within the impoundment (off-channel) is:

Latitude 29.413062 °N, Longitude -98.503012 °W.

****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***

- i. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Handheld GPS Device
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N Y

WORKSHEET 3.0

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This worksheet **is required** for each diversion point or diversion reach. Submit one Worksheet 3.0 for **each** diversion point and two Worksheets for **each** diversion reach (one for the upstream limit and one for the downstream limit of each diversion reach).

The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g., maps).

1. Diversion Information (Instructions, Page. 24)

a. This Worksheet is to add new (select 1 of 3 below):

1. ☐ Diversion Point No.
2. ☐ Upstream Limit of Diversion Reach No.
3. ☐ Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for **this new point** _____ cfs (cubic feet per second)
or _____ gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / N _____
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches* _____ cfs or _____ gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? Y / N _____

*** An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed:

Check one		Write: Existing or Proposed
<input type="checkbox"/>	Directly from stream	
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	Other method (explain fully, use additional sheets if necessary)	

f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. Y / N _____

If yes, the drainage area is _____ sq. miles.

(If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application)

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): _____
- b. Zip Code: _____
- c. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.

A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure.

For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.

- d. Point is at:
Latitude _____°N, Longitude _____°W.
Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): _____
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15.
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 4.0

DISCHARGE INFORMATION

This worksheet required for any requested authorization to discharge water into a State Watercourse for conveyance and later withdrawal or in-place use. Worksheet 4.1 is also required for each Discharge point location requested. **Instructions Page. 26. Applicant is responsible for obtaining any separate water quality authorizations which may be required and for insuring compliance with TWC, Chapter 26 or any other applicable law.**

- a. The purpose of use for the water being discharged will be_____.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel or other associated carriage losses_____(% or amount) and explain the method of calculation:_____
- c. Is the source of the discharged water return flows? Y / N_____If yes, provide the following information:
 1. The TPDES Permit Number(s)_____ (attach a copy of the **current** TPDES permit(s))
 2. Applicant is the owner/holder of each TPDES permit listed above? Y / N_____

PLEASE NOTE: If Applicant is not the discharger of the return flows, or the Applicant is not the water right owner of the underlying surface water right, or the Applicant does not have a contract with the discharger, the application should be submitted under Section 1, New or Additional Appropriation of State Water, as a request for a new appropriation of state water. If Applicant is the discharger, the surface water right holder, or the contract holder, then the application should be submitted under Section 3, Bed and Banks.

3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
 4. The percentage of return flows from groundwater_____, surface water_____?
 5. If any percentage is surface water, provide the base water right number(s)_____.
- d. Is the source of the water being discharged groundwater? Y / N____ If yes, provide the following information:
1. Source aquifer(s) from which water will be pumped:_____
 2. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See <http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp>. Additionally, provide well numbers or identifiers_____.
 3. Indicate how the groundwater will be conveyed to the stream or reservoir.
 4. A copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.
- di. Is the source of the water being discharged a surface water supply contract? Y / N____
If yes, provide the signed contract(s).
- dii. Identify any other source of the water_____

WORKSHEET 4.1

DISCHARGE POINT INFORMATION

This worksheet is required for **each** discharge point. Submit one Worksheet 4.1 for each discharge point. If there is more than one discharge point, the numbering of the points should be consistent throughout the application and on any supplemental documents (e.g., maps).
Instructions, Page 27.

For water discharged at this location provide:

- a. The amount of water that will be discharged at this point is _____ acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of _____ cfs or _____ gpm.
- c. Name of Watercourse as shown on Official USGS maps: _____
- d. Zip Code _____
- e. Location of point: In the _____ Original Survey No. _____, Abstract No. _____, _____ County, Texas.
- f. Point is at:
Latitude _____ °N, Longitude _____ °W.
****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- g. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): _____

Map submitted must clearly identify each discharge point. See instructions Page. 15.

Alamo St. Impoundment
WORKSHEET 5.0
ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 28.**

NA for Impingement and Entrainment.

2. New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)

This section is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins and in all basins for requests to change a diversion point. **Instructions, Page 30.**

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location),

a. Identify the appropriate description of the water body.

☒ Stream

☐ Reservoir

Average depth of the entire water body, in feet: 2.0

☐ Other, specify: _____

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

☐ Intermittent – dry for at least one week during most years

☐ Intermittent with Perennial Pools – enduring pools

☒ Perennial – normally flowing

Check the method used to characterize the area downstream of the new diversion location.

☒ USGS flow records

☐ Historical observation by adjacent landowners

☐ Personal observation

☐ Other, specify: _____

c. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.

- ☐ Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional
- ☐ Natural Area: trees and/or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored
- ☒ Common Setting: not offensive; developed but uncluttered; water may be colored or turbid
- ☐ Offensive: stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

d. Waterbody Recreational Uses

Are there any known recreational uses of the stream segments affected by the application?

- ☐ Primary contact recreation (swimming or direct contact with water)
- ☐ Secondary contact recreation (fishing, canoeing, or limited contact with water)
- ☒ Non-contact recreation

e. Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the maps submitted with the application indicating the location of the photograph and the direction of the shot.
2. If the application includes a proposed reservoir, also include:
 - i. A brief description of the area that will be inundated by the reservoir.
 - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
 - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

3. Alternate Sources of Water and/or Bed and Banks Applications

This section is required for applications using an alternate source of water and bed and banks applications in any basins. **Instructions, page 31.**

a. For all bed and banks applications:

- i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

b. For all alternate source applications:

- i. If the alternate source is treated return flows, provide the TPDES permit number _____
- ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:
Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

* Temperature must be measured onsite at the time the groundwater sample is collected.

- iii. If groundwater will be used, provide the depth of the well _____ and the name of the aquifer from which water is withdrawn _____.

WORKSHEET 6.0

Water Conservation/Drought Contingency Plans

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans.

Instructions, Page 31.

*The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4600, or e-mail wras@tceq.texas.gov. The model plans can also be downloaded from the TCEQ webpage. **Please use the most up-to-date plan documents available on the webpage.***

1. Water Conservation Plans

a. The following applications must include a completed Water Conservation Plan (30 TAC § 295.9) for each use specified in 30 TAC, Chapter 288 (municipal, industrial or mining, agriculture – including irrigation, wholesale):

1. Request for a new appropriation or use of State Water.
2. Request to amend water right to increase appropriation of State Water.
3. Request to amend water right to extend a term.
4. Request to amend water right to change a place of use.
**does not apply to a request to expand irrigation acreage to adjacent tracts.*
5. Request to amend water right to change the purpose of use.
**applicant need only address new uses.*
6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water.
**including return flows, contract water, or other State Water.*

b. If Applicant is requesting any authorization in section (1)(a) above, indicate each use for which Applicant is submitting a Water Conservation Plan as an attachment:

1. ____Municipal Use. See 30 TAC § 288.2. **
2. ____Industrial or Mining Use. See 30 TAC § 288.3.
3. ____Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. ____Wholesale Water Suppliers. See 30 TAC § 288.5. **

****If Applicant is a water supplier, Applicant must also submit documentation of adoption of the plan. Documentation may include an ordinance, resolution, or tariff, etc. See 30 TAC §§ 288.2(a)(1)(J)(i) and 288.5(1)(H). Applicant has submitted such documentation with each water conservation plan? Y / N____**

c. Water conservation plans submitted with an application must also include data and information which: supports applicant's proposed use with consideration of the plan's water conservation goals; evaluates conservation as an alternative to the proposed

appropriation; and evaluates any other feasible alternative to new water development.
See 30 TAC § 288.7.

Applicant has included this information in each applicable plan? Y / N____

2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above - indicate each that applies:
 1. ____Municipal Uses by public water suppliers. See 30 TAC § 288.20.
 2. ____Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
 3. ____Wholesale Water Suppliers. See 30 TAC § 288.22.
- b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc. See 30 TAC § 288.30*) Y / N____

WORKSHEET 7.0

ACCOUNTING PLAN INFORMATION WORKSHEET

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. Contact the Surface Water Availability Team at 512-239-4600 for information about accounting plan requirements, if any, for your application. **Instructions, Page 34.**

1. Is Accounting Plan Required

Accounting Plans are generally required:

- For applications that request authorization to divert large amounts of water from a single point where multiple diversion rates, priority dates, and water rights can also divert from that point;
- For applications for new major water supply reservoirs;
- For applications that amend a water right where an accounting plan is already required, if the amendment would require changes to the accounting plan;
- For applications with complex environmental flow requirements;
- For applications with an alternate source of water where the water is conveyed and diverted; and
- For reuse applications.

2. Accounting Plan Requirements

- a. A **text file** that includes:
 1. an introduction explaining the water rights and what they authorize;
 2. an explanation of the fields in the accounting plan spreadsheet including how they are calculated and the source of the data;
 3. for accounting plans that include multiple priority dates and authorizations, a section that discusses how water is accounted for by priority date and which water is subject to a priority call by whom; and
 4. Should provide a summary of all sources of water.
- b. A **spreadsheet** that includes:
 1. Basic daily data such as diversions, deliveries, compliance with any instream flow requirements, return flows discharged and diverted and reservoir content;
 2. Method for accounting for inflows if needed;
 3. Reporting of all water use from all authorizations, both existing and proposed;
 4. An accounting for all sources of water;
 5. An accounting of water by priority date;
 6. For bed and banks applications, the accounting plan must track the discharged water from the point of delivery to the final point of diversion;
 7. Accounting for conveyance losses;
 8. Evaporation losses if the water will be stored in or transported through a reservoir. Include changes in evaporation losses and a method for measuring reservoir content resulting from the discharge of additional water into the reservoir;
 9. An accounting for spills of other water added to the reservoir; and
 10. Calculation of the amount of drawdown resulting from diversion by junior rights or diversions of other water discharged into and then stored in the reservoir.

WORKSHEET 8.0 CALCULATION OF FEES

This worksheet is for calculating required application fees. Applications are not Administratively Complete until all required fees are received. **Instructions, Page. 34**

1. NEW APPROPRIATION

	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$) . <u>In Acre-Feet</u> a. Less than 100 \$100.00 b. 100 - 5,000 \$250.00 c. 5,001 - 10,000 \$500.00 d. 10,001 - 250,000 \$1,000.00 e. More than 250,000 \$2,000.00	
Recording Fee		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	
TOTAL		\$

2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
Filing Fee	Amendment: \$100	\$100.00
	OR Sever and Combine: \$100 x _____ of water rights to combine	
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	\$239.70
TOTAL INCLUDED		\$ 352.20

3. BED AND BANKS

	Description	Amount (\$)
Filing Fee		\$100.00
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$

WORKSHEET 2.0

Impoundment/Dam Information

This worksheet **is required** for any impoundment, reservoir and/or dam. Submit an additional Worksheet 2.0 for each impoundment or reservoir requested in this application.

If there is more than one structure, the numbering/naming of structures should be consistent throughout the application and on any supplemental documents (e.g., maps).

1. Storage Information (Instructions, Page. 21)

- a. Official USGS name of reservoir, if applicable: NA
- b. Provide amount of water (in acre-feet) impounded by structure at normal maximum operating level: 8.20.
- c. The impoundment is on-channel x or off-channel _____ (mark one)
 - i. Applicant has verified on-channel or off-channel determination by contacting Surface Water Availability Team at (512) 239-4600? **Y** / **N** Y
 - ii. If on-channel, will the structure have the ability to pass all State Water inflows that Applicant does not have authorization to impound? **Y** / **N** Y
- d. Is the impoundment structure already constructed? **Y** / **N** Y
 - i. For already constructed **on-channel** structures:
 1. Date of Construction: September 30, 2023
 2. Was it constructed to be an exempt structure under TWC § 11.142? **Y** / **N** N
 - a. If Yes, is Applicant requesting to proceed under TWC § 11.143? **Y** / **N** _____
 - b. If No, has the structure been issued a notice of violation by TCEQ? **Y** / **N** N
 3. Is it a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure? **Y** / **N** N
 - a. If yes, provide the Site No. _____ and watershed project name _____;
 - b. Authorization to close "ports" in the service spillway requested? **Y** / **N** _____
 - ii. For **any** proposed new structures or modifications to structures:
 1. Applicant **must** contact TCEQ Dam Safety Section at (512) 239-0326, *prior to submitting an Application*. Applicant has contacted the TCEQ Dam Safety Section regarding the submission requirements of 30 TAC, Ch. 299? **Y** / **N** _____
Provide the date and the name of the Staff Person _____
 2. As a result of Applicant's consultation with the TCEQ Dam Safety Section, TCEQ has confirmed that:
 - a. No additional dam safety documents required with the Application. **Y** / **N** _____
 - b. Plans (with engineer's seal) for the structure required. **Y** / **N** _____
 - c. Engineer's signed and sealed hazard classification required. **Y** / **N** _____
 - d. Engineer's statement that structure complies with 30 TAC, Ch. 299 Rules required. **Y** / **N** _____

3. Applicants **shall** give notice by certified mail to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir to be constructed, will be located. (30 TAC § 295.42). Applicant must submit a copy of all the notices and certified mailing cards with this Application. Notices and cards are included? Y / N_____

iii. Additional information required for **on-channel** storage:

1. Surface area (in acres) of on-channel reservoir at normal maximum operating level: 0.71 acres.
2. Based on the Application information provided, Staff will calculate the drainage area above the on-channel dam or reservoir. If Applicant wishes to also calculate the drainage area they may do so at their option. Applicant has calculated the drainage area. Y/N N
If yes, the drainage area is _____ sq. miles.
(If assistance is needed, call the Surface Water Availability Team prior to submitting the application, (512) 239-4600).

2. Structure Location (Instructions, Page. 23)

- a. On Watercourse (if on-channel) (USGS name): San Pedro Creek
- b. Zip Code: 78204
- c. In the San Antonio Town Tract Original Survey No. 029, Abstract No. 02920,
Bexar County, Texas.

**** A copy of the deed(s) with the recording information from the county records must be submitted describing the tract(s) that include the structure and all lands to be inundated.***

*****If the Applicant is not currently the sole owner of the land on which the structure is or will be built and sole owner of all lands to be inundated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.***

- d. A point on the centerline of the dam (on-channel) or anywhere within the impoundment (off-channel) is:

Latitude 29.413062 °N, Longitude -98.503012 °W.

****Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***

- i. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): Handheld GPS Device
- ii. Map submitted which clearly identifies the Impoundment, dam (where applicable), and the lands to be inundated. See instructions Page. 15. Y / N Y

Nueva St. Impoundment

WORKSHEET 5.0
ENVIRONMENTAL INFORMATION

1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not already authorized in a water right). **Instructions, Page 28.**

NA for Impingement and Entrainment.

2. New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)

This section is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins and in all basins for requests to change a diversion point. **Instructions, Page 30.**

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location),

a. Identify the appropriate description of the water body.

☒ Stream

☐ Reservoir

Average depth of the entire water body, in feet: 2.0

☐ Other, specify: _____

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

☐ Intermittent – dry for at least one week during most years

☐ Intermittent with Perennial Pools – enduring pools

☒ Perennial – normally flowing

Check the method used to characterize the area downstream of the new diversion location.

☒ USGS flow records

☐ Historical observation by adjacent landowners

☐ Personal observation

☐ Other, specify: _____

c. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.

- ☐ Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional
- ☐ Natural Area: trees and/or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored
- ☒ Common Setting: not offensive; developed but uncluttered; water may be colored or turbid
- ☐ Offensive: stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

d. Waterbody Recreational Uses

Are there any known recreational uses of the stream segments affected by the application?

- ☐ Primary contact recreation (swimming or direct contact with water)
- ☐ Secondary contact recreation (fishing, canoeing, or limited contact with water)
- ☒ Non-contact recreation

e. Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the maps submitted with the application indicating the location of the photograph and the direction of the shot.
2. If the application includes a proposed reservoir, also include:
 - i. A brief description of the area that will be inundated by the reservoir.
 - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
 - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

3. Alternate Sources of Water and/or Bed and Banks Applications

This section is required for applications using an alternate source of water and bed and banks applications in any basins. **Instructions, page 31.**

a. For all bed and banks applications:

- i. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

b. For all alternate source applications:

- i. If the alternate source is treated return flows, provide the TPDES permit number _____
- ii. If groundwater is the alternate source, or groundwater or other surface water will be discharged into a watercourse provide:
Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier.

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

* Temperature must be measured onsite at the time the groundwater sample is collected.

- iii. If groundwater will be used, provide the depth of the well _____ and the name of the aquifer from which water is withdrawn _____.

Addendum to Worksheet 5.0

Alamo Street Impoundment



Alamo Street impoundment gate looking upstream, photo taken from the creek trail immediately downstream. A walking/biking trail runs parallel to the right side of San Pedro Creek in this image, the road in the image upstream of the impoundment is Camp Street.



Alamo Street impoundment gate looking downstream, photo take from Camp Street immediately upstream of the impoundment. A walking/biking trail runs adjacent to the creek at the impoundment and crosses immediately downstream of Alamo Street, that crossing is visible in this image.

The area inundated by this reservoir was previously a concrete lined channel constructed solely for flood conveyance purposes. The San Pedro Creek Improvements Project did not increase the floodplain or inundate any additional land compared to pre-construction conditions. A United States Army Corps of Engineers (USACE) 404 permit was required for this project. The Alamo Street impoundment gate was constructed in Phase 2 of the project and fell under USACE Project Number SWF-2017-00264, Project Manager Jason Story. This reservoir is under 5,000 acre-feet and did not impact any wetland habitat.

Addendum to Worksheet 5.0

Nueva Street Impoundment



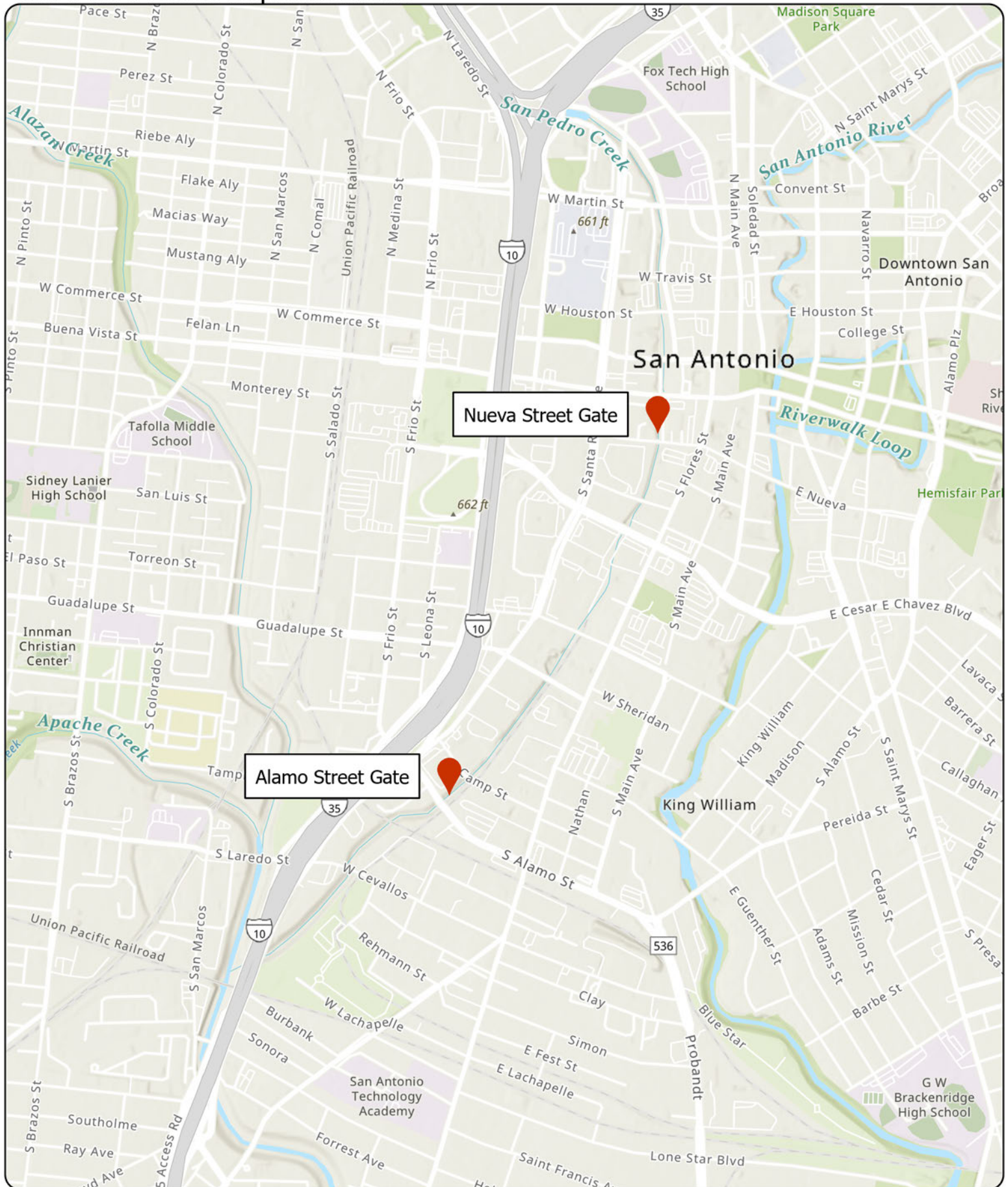
Nueva Street impoundment gate looking upstream, photo taken from a pedestrian crossing on the creek trail immediately downstream. A walking/biking trail is to the right of the impoundment gate in this image with crossings immediately upstream and downstream. The building on the left side of the image houses the Bexar County Small Business and Entrepreneurship Department, the building on the right side of the image is the University of Texas at San Antonio School of Data Science.



Nueva Street impoundment gate looking downstream, photo taken from a pedestrian crossing immediately upstream. A walking/biking trail is adjacent to the impoundment gate on the left side of the image with another pedestrian crossing immediately downstream of the gate and under Nueva Street, both can be seen in this image. The building to the right of the creek is the Bexar County Small Business and Entrepreneurship Department, the building downstream of Nueva Street in the left of the image is the Bexar County Parking Garage.

The area inundated by this reservoir was previously a concrete lined channel constructed solely for flood conveyance purposes. The San Pedro Creek Improvements Project did not increase the floodplain or inundate any additional land compared to pre-construction conditions. A United States Army Corps of Engineers (USACE) 404 permit was required for this project. The Nueva Street impoundment gate was constructed in Phase 1 of the project and fell under USACE Project Number SWF-2015-00281, Project Manager Jason Story. This reservoir is under 5,000 acre-feet and did not impact any wetland habitat.

San Pedro Creek Impoundments





Texas Commission on Environmental Quality

Public Involvement Plan Form for Permit and Registration Applications

The Public Involvement Plan is intended to provide applicants and the agency with information about how public outreach will be accomplished for certain types of applications in certain geographical areas of the state. It is intended to apply to new activities; major changes at existing plants, facilities, and processes; and to activities which are likely to have significant interest from the public. This preliminary screening is designed to identify applications that will benefit from an initial assessment of the need for enhanced public outreach.

All applicable sections of this form should be completed and submitted with the permit or registration application. For instructions on how to complete this form, see TCEQ-20960-inst.

Section 1. Preliminary Screening

- ☐ New Permit or Registration Application
☒ New Activity – modification, registration, amendment, facility, etc. (see instructions)

If neither of the above boxes are checked, completion of the form is not required and does not need to be submitted.

Section 2. Secondary Screening

- ☐ Requires public notice,
☐ Considered to have significant public interest, and
☒ Located within any of the following geographical locations:

- Austin
- Dallas
- Fort Worth
- Houston
- San Antonio
- West Texas
- Texas Panhandle
- Along the Texas/Mexico Border
- Other geographical locations should be decided on a case-by-case basis

**If all the above boxes are not checked, a Public Involvement Plan is not necessary.
Stop after Section 2 and submit the form.**

- ☒ Public Involvement Plan not applicable to this application. Provide **brief** explanation.

These two impoundments have been in place and covered by a temporary permit granted August 9, 20

Section 3. Application Information

Type of Application (check all that apply):

Air ☐ Initial ☐ Federal ☐ Amendment ☐ Standard Permit ☐ Title V
Waste ☐ Municipal Solid Waste ☐ Industrial and Hazardous Waste ☐ Scrap Tire
☐ Radioactive Material Licensing ☐ Underground Injection Control

Water Quality

☐ Texas Pollutant Discharge Elimination System (TPDES)
☐ Texas Land Application Permit (TLAP)
☐ State Only Concentrated Animal Feeding Operation (CAFO)
☐ Water Treatment Plant Residuals Disposal Permit
☐ Class B Biosolids Land Application Permit
☐ Domestic Septage Land Application Registration

Water Rights New Permit

☐ New Appropriation of Water
☐ New or existing reservoir

Amendment to an Existing Water Right

☐ Add a New Appropriation of Water
☐ Add a New or Existing Reservoir
☐ Major Amendment that could affect other water rights or the environment

Section 4. Plain Language Summary

Provide a brief description of planned activities.

Section 5. Community and Demographic Information

Community information can be found using EPA's EJ Screen, U.S. Census Bureau information, or generally available demographic tools.

Information gathered in this section can assist with the determination of whether alternative language notice is necessary. Please provide the following information.

(City)

(County)

(Census Tract)

Please indicate which of these three is the level used for gathering the following information.

☐

City

☐

County

☐

Census Tract

(a) Percent of people over 25 years of age who at least graduated from high school

(b) Per capita income for population near the specified location

(c) Percent of minority population and percent of population by race within the specified location

(d) Percent of Linguistically Isolated Households by language within the specified location

(e) Languages commonly spoken in area by percentage

(f) Community and/or Stakeholder Groups

(g) Historic public interest or involvement

Section 6. Planned Public Outreach Activities

(a) Is this application subject to the public participation requirements of Title 30 Texas Administrative Code (30 TAC) Chapter 39?

☐ Yes ☐ No

(b) If yes, do you intend at this time to provide public outreach other than what is required by rule?

☐ Yes ☐ No

If Yes, please describe.

If you answered "yes" that this application is subject to 30 TAC Chapter 39, answering the remaining questions in Section 6 is not required.

(c) Will you provide notice of this application in alternative languages?

☐ Yes ☐ No

Please refer to Section 5. If more than 5% of the population potentially affected by your application is Limited English Proficient, then you are required to provide notice in the alternative language.

If yes, how will you provide notice in alternative languages?

- ☐ Publish in alternative language newspaper
- ☐ Posted on Commissioner's Integrated Database Website
- ☐ Mailed by TCEQ's Office of the Chief Clerk
- ☐ Other (specify)

(d) Is there an opportunity for some type of public meeting, including after notice?

☐ Yes ☐ No

(e) If a public meeting is held, will a translator be provided if requested?

☐ Yes ☐ No

(f) Hard copies of the application will be available at the following (check all that apply):

- ☐ TCEQ Regional Office ☐ TCEQ Central Office
- ☐ Public Place (specify)

Section 7. Voluntary Submittal

For applicants voluntarily providing this Public Involvement Plan, who are not subject to formal public participation requirements.

Will you provide notice of this application, including notice in alternative languages?

☐ Yes ☐ No

What types of notice will be provided?

- ☐ Publish in alternative language newspaper
- ☐ Posted on Commissioner's Integrated Database Website
- ☐ Mailed by TCEQ's Office of the Chief Clerk
- ☐ Other (specify)