

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 23, 2019

The Honorable Dennis Bonnen  
Texas House of Representatives  
Capitol Station  
PO Box 2910  
Austin, Texas 78768-2910

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

House Bill (HB) 4743, as Filed by Representative Tracy O. King-relating to the creation of the Uvalde Water Trust.

Dear Speaker Bonnen:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

Sincerely,

  
Kim Nygren, Director  
Water Availability Division

cc: The Honorable Lyle Larson, Chairman, House Committee on Natural Resources  
Representative Tracy O. King, Texas House of Representatives

Enclosure

**HB 4743, as Filed by Representative Tracy O. King  
Texas Commission on Environmental Quality's Comments**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

House Bill 4743, as authored by Representative King, would create the Uvalde Water Trust (Trust) with the powers and duties of a conservation and reclamation district, consistent with Art. XVI, Sec. 59, Texas Constitution. The Trust is subject to Texas Government Code Chapter 551 regarding Open Meetings requirements, and Texas Government Code Chapter 552 regarding Public Information requirements.

The Trust is located wholly within the boundaries of Uvalde County. The purpose of the Trust is to facilitate a water market and provide adequate water supplies for use within Uvalde County. The Trust may acquire, receive, hold, lease, sell water rights, engage in any other transactions or contracts, and may develop policies necessary to promote conservation and availability of both surface water and groundwater in Uvalde County.

**Comments on Powers/Duties Different from Similar Types of Districts:** The bill provides that the Trust would be governed by a seven member board who may serve two consecutive, two-year staggered terms, determined at the initial meeting of the board. The board will be composed of; one member from each City Council of Uvalde and Sabinal, appointed by the Mayor of each respective city; one member from the Knippa Independent School District (ISD), appointed by the Chair of the Knippa ISD Board of Trustees; one member of the County Commissioners of Uvalde County, appointed by the County Judge; one member from the Uvalde County Underground Water Conservation District (UWCD), appointed by the Chair of the Uvalde County UWCD; the Uvalde County Judge; and the City of Uvalde Mayor. The Uvalde County UWCD General Manager shall act as an ex officio member of the board and as General Manager of the Trust.

The Trust is authorized to acquire and hold water rights by purchase, lease, assignment, bequeath, gift, pledge, trust, or any other mechanism; sell, lease, or otherwise transfer an interest in water rights for economic development projects or other uses of water within the county; hold water rights for conservation purposes, fish and wildlife habitat protection, water quality, aquifer management, for the protection of instream flows, or similar purposes; appraise water rights or otherwise establish the value of the water right; apply for and receive grants, low-interest loans, or other public or private financing mechanisms for funding the acquisition of water rights; receive funds from any source and in any form,

such as a gift, grant, loan, transfer, or bequest, to carry out the purposes of the Trust; enter into contracts; assess a transaction fee to cover the Trust's administrative costs related to individual transactions; engage in such other actions as necessary to facilitate water transactions; keep such books and records as necessary to account for the activities of the Trust; and develop, establish and implement policies necessary to carry out the purposes of the Trust. Edwards Aquifer water rights held by the Trust may be enrolled in a Habitat Conservation Program implemented by the Edwards Aquifer Authority (EAA) and the Trust may receive any funding associated with those programs. The Trust also has the option to acquire a water right available on the open market in Uvalde County by matching the highest offer made for that right.

The TCEQ is unaware of any district having similar powers and duties.

**Overlapping Services:** The boundaries of the Trust and Uvalde County UWCD are both located wholly within the boundaries of Uvalde County, and appears to have a connection with the Uvalde County UWCD through board membership and management, however, the Trust's functions do not appear to conflict with the services provided by the UWCD.

The Trust is also located entirely within the jurisdiction of the EAA, and the Trust's function also do not appear to conflict with the services provided by the EAA.

**TCEQ's Supervision:** TCEQ has no supervisory authority over this district.

LETTER OF TRANSMITTAL  
HOUSE OF REPRESENTATIVES  
STATE OF TEXAS

HB 4743  
Bill Number

TO: The Honorable Governor of Texas  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

4/16/2019

Date transmitted to  
Governor's Office

  
Chief Clerk  
House of Representatives

TO: Texas Commission on Environmental Quality  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

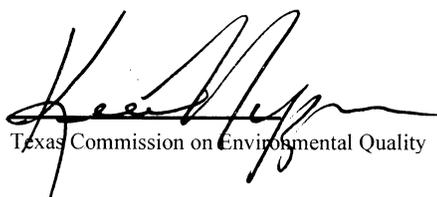
April 24, 2019

Date transmitted to  
Texas Commission on Environmental Quality

  
Governor

TO: The Honorable Speaker of the House  
The Honorable President of the Senate  
The Honorable Governor of Texas  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.

  
Texas Commission on Environmental Quality

