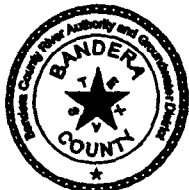


BANDERA COUNTY RIVER AUTHORITY AND GROUNDWATER DISTRICT

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RQ-0367-GA

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July 5, 2005

Opinion Committee
Office of Attorney General
P.O. Box 12548
Austin, TX 78711-2100

Sent via certified mail
RRR # 7001 03200003 8740 7880

FILE # ML-44291-05

I.D. # 44291

Re: Request for Attorney General's Opinion
Qualification of Directors of the Bandera County
River Authority and Groundwater District

Dear Sir/Madam:

Bandera County River Authority and Groundwater District requests an opinion, as authorized under Texas Government Code § 402.042, regarding the qualifications for Directors of the District. Bandera County River Authority and Groundwater District was created by two acts, the first establishing its authority as a river authority and water control and improvement district and the second establishing its authority as a groundwater conservation district.

Bandera County River Authority was created by the Bandera County River Authority Act, 62nd Leg., R.S., ch. 629, 1971 Tex. Gen. Laws 2045 (TEX. REV. CIV. STAT. ANN. art. 8280-526, § 1 - 24) ("BCRA Act").¹ The directors, who were appointed by the Governor, were required to be 21 years of age or over and residents of the district and own land in the district. BCRA Act § 9. The River Authority has all of the powers of a water control and improvement district. BCRA Act § 5.

Springhills Water Management District was created by the Springhills Water Management District Act, 71st Leg., R.S., ch. 654, 1989 Tex. Gen. Laws ("Springhills District Act").² This Act amended the BCRA Act so that the directors of the Springhills Water Management District were also the directors of the BCRA. Springhills District Act § 10. The directors, who are elected, must qualify to serve "in the manner provided by Sections 51.078 and 51.079, Water Code." Springhills District Act § 7(e). The District has all of the powers of a groundwater conservation district. Springhills District Act § 6.

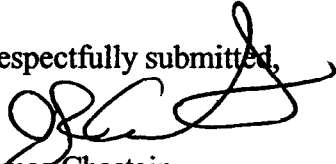
¹ See Exhibit 1.

² See Exhibit 2.

The name was changed to Bandera County River Authority and Groundwater District per order of the Texas Commission on Environmental Quality dated April 10, 2003.³

Questions have been raised during recent elections as to the qualifications required for an individual to serve as a director of the District. In particular, questions have arisen whether an individual must reside in the District, must reside in the single-member district he seeks to represent, must own taxable property within the District, or must own taxable property within the single-member district he seeks to represent.

Respectfully submitted,



James Chastain
President of the Board of Directors