



**Office of the Attorney General  
State of Texas**

**DAN MORALES**  
ATTORNEY GENERAL

November 29, 1995

Honorable James L. Anderson, Jr.  
Aransas County Attorney  
301 North Live Oak Street  
Rockport, Texas 78382

Letter Opinion No. 95-076

Re: Whether the Aransas County  
Navigation District No. 1 may convert  
from a chapter 62, Water Code, navigation  
district into a chapter 63, Water Code,  
district (ID# 33343)

Dear Mr. Anderson:

You inform us that the Aransas County Navigation District No. 1 (the "district") is a navigation district operating under the provisions of article XVI, section 59 of the Texas Constitution.<sup>1</sup> You inquire whether the district may convert from a navigation district operating under chapter 62 of the Water Code to a navigation district operating under chapter 63 of the Water Code, which provides for self-liquidating navigation districts. From your question, we assume that the district was created and is operating under chapter 62 of the Water Code, which provides generally for the creation and operation of navigation districts under article XVI, section 59 of the Texas Constitution.

Section 63.039 of the Water Code authorizes any navigation district organized under article XVI, section 59 of the Texas Constitution and not originally established pursuant to chapter 63 to convert to a self-liquidating district operating under chapter 63. The navigation district must effect such a conversion by adherence to sections 63.040 through 63.044 of the Water Code.

You have suggested no reason why the district may be excluded from the scope of section 63.039, and we are unaware of any such reason. By its terms, therefore, section 63.039 authorizes the district to convert to a chapter 63 navigation district. We conclude that the district may convert to a "self-liquidating district operating under" chapter 63 so long as it proceeds in accordance with sections 63.040 through 63.044 of the Water Code.

**S U M M A R Y**

Section 63.039 of the Water Code authorizes the Aransas County Navigation District No. 1, which we understand to be a navigation district operating under article XVI, section 59 of the

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<sup>1</sup>For purposes of this letter, we presume your assertion is correct.

Texas Constitution and organized pursuant to chapter 62 of the Water Code, to convert to a "self-liquidating district operating under" chapter 63. In doing so, however, the district must comply with sections 63.040 through 63.044 of the Water Code.

Yours very truly,

A handwritten signature in black ink, reading "Kimberly K. Oltrogge". The signature is written in a cursive style with a large, looping "K" at the beginning and a long, sweeping tail at the end.

Kimberly K. Oltrogge  
Assistant Attorney General  
Opinion Committee