



TEXAS SENATE COMMITTEE ON NOMINATIONS

SENATOR FRANK MADLA
CHAIRMAN

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Opinion Committee
July 31, 1997

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Attorney General Dan Morales
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RA-974

FILE # ML-39694-97
I.D. # 39694

Dear General Morales:

I hereby request an Attorney General's opinion on the following question:

Is the town of Barstow included in Ward County Water Irrigation District Number One?

FACTS

On October 13, 1913, the County Commissioner Court of Ward County, Texas, ordered the establishment of the Ward County Irrigation District Number One. In describing the lands contained within the boundaries of the newly created District, the Commissioner Court expressly excluded the town of Barstow.

In the early 1930's, seven water districts in West Texas, including Ward County Irrigation District Number One, formed the Red Bluff Water Power Control District to provide an adequate supply of water to their farm land. On January 15, 1934, the Texas Board of Water Engineers granted a permit to the Red Bluff Water Power Control District to construct a dam on the Pecos River. In both the application and the permit, the town of Barstow is expressly included in Ward County Irrigation District Number One.

ISSUE

The citizens of Barstow have historically been taxed as members of the Red Bluff Water Power Control District. They have not, however, been allowed to vote in matters relating to Ward County Irrigation District Number One. Does the language which includes the town of



Barstow in the Red Bluff District also provide for the inclusion of Barstow in the Ward County Irrigation District Number One?

I have enclosed copies of the Commissioners Court Order creating the Ward County Water District, the permit granting the Red Bluff District the authority to construct a dam on the Pecos River, and a map which illustrates the boundaries of the districts. Please contact Tracy Kersey in the Senate Nominations Committee office at 463-0375 if you need additional information. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Frank Madla". The signature is written in black ink and is positioned above the printed name and title.

Frank Madla
Chair, Senate Nominations Committee