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Who's Who When it Comes to Water

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I. INTRODUCTION

When people turn on the faucet at their home, school, or office, and water comes flowing out, not many give much thought to where the water comes from, or what it would take to get water to a brand new development. This paper provides a broad and high level overview of the various agencies and entities that may be involved in the process of securing a water supply. Further, it provides some additional contact information and list of potential resources that may be helpful to the practitioner.

Which agencies or entities will be involved in the process of securing a water supply depends largely on the type of water available in your area.¹

¹ See "What is My Source" at <https://www.tceq.texas.gov/drinkingwater/whatsmysource.html> (last visited 10/12/16).

II. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

If there is a river near the property, it might be possible to secure a new water right for your property, assuming there is water available that has not already been permitted to others or otherwise dedicated to meet the environmental flows needs of the river system. The Texas Commission on Environmental Quality, or TCEQ, is the state agency responsible for issuance and administration of water rights that allow a person to divert water from a state watercourse.² TCEQ is also the agency responsible for regulating discharges of wastewater,³ and ensuring the safety of our drinking water systems.⁴ The agency is currently organized as set forth in Appendix 1. The Office of Permitting and Registration, Water Supply Division, is likely to be your first stop. That division can tell you fairly quickly if there is water available for new permits in your area or, if not, what water suppliers might be able to provide you with water for your development. This Division is now under the new Office of Water, which in addition to the Water Supply Division, contains the Water Quality Division and the Water Quality Planning Division.⁵ Additional information, including contact and website links are set forth below.

A. Water Supply Division

Contact Information:

Cari-Michel La Caille, Director

Phone: 512-239-6479

The Water Supply Division is responsible for programs that administer surface water use; the production, treatment, delivery and protection of drinking water; and the provision of utility service.⁶ Its Public Drinking Water, Utilities, and Water Rights Permitting & Availability Sections are likely to be most relevant when seeking to secure a water supply.

B. Public Drinking Water Section

Contact Information:

Gary Chauvin, Manager

Phone: 512-239-1687

The Public Drinking Water Section oversees public drinking water production, treatment, quality and delivery, and assesses and protects sources of public drinking water under the Safe Drinking Water Act, as amended.

Useful Website links:

Drinking Water & Availability:

<https://www.tceq.texas.gov/drinkingwater>

² TEX. WATER CODE ch. 11; 30 TEX. ADMIN. CODE ch. 288, 295, 297, 304.

³ TEX. WATER CODE Ch. 26; 30 TEX. ADMIN. CODE chapters 205-217, 308-311.

⁴ 30 TEX. ADMIN. CODE ch. 290.

⁵ See <https://www.tceq.texas.gov/about/organization/water.html> (last visited 10/12/2016).

⁶ See https://www.tceq.texas.gov/about/directory/water_directory.html#watersupply (last visited 10/12/2016).

Source Water Assessment & Protection:

https://www.tceq.texas.gov/drinkingwater/SWAP/index_swa.html

Establishing a new public water system:

https://www.tceq.texas.gov/drinkingwater/pdw_requirements.html

C. Districts Section

Contact Information:

Chris Ullmann, Manager

Phone: 512-239-0418

The Districts Section is generally responsible for supervision and oversight of water districts, including: (1) monitoring water district activities and their compliance with state laws; (2) providing information to district customers, consultants, board members, and employees; (3) reviewing applications and petitions for appointment to district boards; and (4) reviewing the issuance of bonds that finance certain district infrastructure.⁷ District water rates and certificates of convenience and necessity are now under the jurisdiction of the Public Utility Commission, discussed *infra*.

Useful Website links:

Districts section:

<https://www.tceq.texas.gov/waterdistricts/>

Utility Publications, Checklists, Applications, and Documents:

<https://www.tceq.texas.gov/waterdistricts/rules-forms.html>

A General Guide to Water Districts:

https://www.tceq.texas.gov/publications/qi/qi-043.html/at_download/file

D. Water Rights Permitting and Availability Section

Contact Information:

Lori Hamilton, Manager

Phone: 512-239-3169

The Water Rights Permitting and Availability section reviews applications for surface water use, changes in water rights ownership, and use of riverbeds and riverbanks, including maintenance of the state's water availability models for all Texas river basins. The section also evaluates required water conservation and drought contingency plans.

⁷ See <https://www.tceq.texas.gov/waterdistricts/> (last visited Oct. 16, 2016).

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