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[Chambers–Liberty Counties Navigation District v. State](#)

Supreme Court of Texas - May 10, 2019 - S.W.3d - 2019 WL 2063575 - 62 Tex. Sup. Ct. J. 969

State sued counties' navigation district, its commissioners, and lessee of submerged land used for oyster production, seeking to invalidate lease.

The trial court denied plea to the jurisdiction and motion to dismiss. District and commissioners filed interlocutory appeal. The Austin Court of Appeals affirmed in part and reversed in part. District, commissioners, and lessee filed petitions for review, and lessee filed petition for writ of mandamus.

The Supreme Court of Texas held that:

- Governmental immunity barred State's claims for monetary relief;
- Commissioners exceeded their authority by entering into lease; and
- Lessee was not entitled to participate in interlocutory appeal and was not entitled to writ of mandamus.

Governmental immunity barred State's claims against counties' navigation district for monetary relief under Parks and Wildlife Code in which State sought to invalidate district's lease of submerged land for oyster production, even though State sought "restitution" as opposed to traditional money damages.

Commissioners of counties' navigation district exceeded their authority by entering into lease that purported to grant to lessee exclusive right to cultivate and harvest oysters on submerged land beneath state waters; authority to grant such rights rested exclusively with Parks and Wildlife Department.

Lessee of submerged land for oyster production was not entitled, under virtual-representation doctrine, to participate in interlocutory appeal in State's action against counties' navigation district in which State sought to invalidate lease; district had remained an able advocate throughout appellate process for validity of lease, and lessee had every opportunity to have its arguments considered as amicus curiae.