

By: Armbrister

S.B. No. 42

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Edwards Aquifer Authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (b), Section 1.08, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(b) The authority's powers regarding underground water apply only to underground water within or withdrawn from the aquifer. This subsection is not intended to allow the authority to regulate surface water or land use.

SECTION 2. Subsections (b) and (f), Section 1.14, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, are amended to read as follows:

(b) Except as provided by Subsections (d), (f), and (h) of this section and Section 1.26 of this article, for the period ending December 31, 2007, the amount of actual permitted withdrawals from the aquifer may not exceed 450,000 acre-feet of water for each calendar year.

(f) If the level of the aquifer is equal to or greater than 650 feet above mean sea level as measured at Well J-17, the authority shall [~~may~~] authorize withdrawal from the San Antonio pool, on an uninterrupted basis, of permitted amounts. If the level of the aquifer is equal to or greater than 845 feet at Well J-27, the authority shall [~~may~~] authorize withdrawal from the

1 Uvalde pool, on an uninterrupted basis, of permitted amounts.
2 The authority shall limit the additional withdrawals to ensure that
3 springflows are not affected during critical drought conditions.

4 SECTION 3. Subsection (c), Section 1.34, Chapter 626, Acts
5 of the 73rd Legislature, Regular Session, 1993, is amended to read
6 as follows:

7 (c) A permit holder may lease or transfer permitted water
8 rights, but a holder of a permit for irrigation use may not lease or
9 transfer more than 50 percent of the irrigation rights initially
10 permitted. The user's remaining irrigation water rights must be
11 used in accordance with the original permit and must pass with
12 transfer of the irrigated land or be transferred to other land for
13 irrigation use only.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect on the 91st day after the last day of the
19 legislative session.