

By: Wentworth

S.B. No. 1914

A BILL TO BE ENTITLED

AN ACT

1
2 relating to powers and duties of the Edwards Aquifer Authority to
3 manage and protect the Edwards Aquifer including groundwater
4 withdrawals, permitting, aquifer management fees, recharge
5 projects, demand management and transfers, the board of directors
6 of the Edwards Aquifer Authority and revenue bonding authority.

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

8 SECTION 1. Section 1.03, Chapter 626, Acts of the 73rd
9 Legislature, Regular Session, 1993 and Chapter 966, Acts of the
10 77th Legislature, Regular Session, 2001, is amended by adding
11 Subsection (28) to read as follows:

12 (28) "Water supply facility" means a dam, reservoir,
13 treatment facility, or recharge project.

14 SECTION 2. Section 1.09, Chapter 626, Acts of the 73rd
15 Legislature, Regular Session, 1993, as amended by Chapter 261, Acts
16 of the 74th Legislature, Regular Session, 1995, is amended by
17 adding Subsections (i) and (j) as follows:

18 (i) To be eligible to be elected or appointed as a voting
19 member of the board, a person must have resided continuously in the
20 authority single-member election district from which the office is
21 elected for six months immediately preceding the following date:

22 (1) for a candidate for election, the 60th day prior to
23 the general election date;

24 (1) for an appointee to office, the date the

1 appointment is made.

2 (j) A person who files with the authority an application to
3 be a candidate for or appointed to the office of director of the
4 board for a single-member election district may request from the
5 authority a written certification of the district in which the
6 residence address identified in the application is located. The
7 certification request shall be in writing on a form provided by the
8 authority.

9 (1) Upon receipt of a certification request, within 10
10 days, the authority shall consult with appropriate county election
11 officials and review public records to determine in which
12 single-member election district the residence address is located.
13 Upon making the determination, the general manager, or designated
14 representative, shall issue a written certification stating:

15 (a) the county and authority district in which
16 the residence address on the candidacy or appointment application
17 is located; and

18 (b) the date of issuance of the certification.

19 (2) In the event the authority is unable to reasonably
20 determine the location of a residence address within a district, or
21 otherwise provide the requested information, the authority shall so
22 advise the requestor.

23 (3) All certification requests must be filed with the
24 authority no later than the close of business of the authority on
25 the 10th day preceding the following date:

26 (a) for a candidate for election, the last day to
27 file with the authority an application for a place on the ballot; or

1 (b) for an appointee to office, the last day to
2 file with the authority an application to be appointed to fill a
3 vacancy.

4 (4) The authority shall not process any certification
5 request filed with the authority after the time periods set out in
6 Subsection (j)(3).

7 (5) In the event a candidate for election or
8 appointment receives a certification from the authority which was
9 incorrect at the time it was made, and the candidate desires to
10 assume the office, having otherwise qualified for election or
11 appointment as an authority director, the candidate must, no later
12 than 60 days from the date the candidate was made aware of such
13 error in certification, establish and maintain residency in the
14 district from which the candidate was elected or appointed. In the
15 event the candidate fails to establish residency within 60 days as
16 required, the candidate shall be considered ineligible, the office
17 shall be declared vacant, and the resulting vacancy shall be filled
18 in the manner prescribed to fill vacancies in the office.

19 SECTION 3. Section 1.094(c), Chapter 163, Acts of the 76th
20 Legislature, Regular Session, 1999, is repealed.

21 SECTION 4. Section 1.11(f), Chapter 626, Acts of the 73rd
22 Legislature, Regular Session, 1993 and Chapter 966, Acts of the
23 77th Legislature, Regular Session, 2001, is amended to read as
24 follows:

25 (f) The authority may contract with a person who uses water
26 from the aquifer for the authority or that person to own, finance,
27 design, construct, operate, or [~~own, finance, and~~] maintain water

1 supply facilities. [~~Management fees or special fees may not be used~~
2 ~~for purchasing or operating these facilities. For the purpose of~~
3 ~~this subsection, "water supply facility" includes a dam, reservoir,~~
4 ~~treatment facility, transmission facility, or recharge project.~~]

5 SECTION 5. Section 1.14(b)-(h), Chapter 626, Acts of the
6 73rd Legislature, Regular Session, 1993, is amended to read as
7 follows:

8 (b) Except as provided by Subsections (c) [~~(d)~~], (e) [~~(f)~~],
9 and (g) [~~(h)~~] of this section and Section 1.26 of this article,
10 beginning January 1, 2005 [~~for the period ending December 31,~~
11 ~~2007~~], the amount of permitted withdrawals from the aquifer may not
12 exceed 550,000 [~~450,000~~] acre-feet of water for each calendar year.

13 [~~(c) Except as provided by Subsections (d), (f), and (h) of~~
14 ~~this section and Section 1.26 of this article, for the period~~
15 ~~beginning January 1, 2008, the amount of permitted withdrawals from~~
16 ~~the aquifer may not exceed 400,000 acre-feet of water for each~~
17 ~~calendar year.~~]

18 (c) [~~(d)~~] If, through studies and implementation of water
19 management strategies, including conservation, springflow
20 augmentation, diversions downstream of the springs, reuse,
21 supplemental recharge, conjunctive management of surface and
22 subsurface water, and drought management plans, programs,
23 practices, procedures, or methods, of any kind, the authority
24 determines that the amount of water available for permitting under
25 Subsection (b) of this section should be changed to more
26 effectively accomplish the purposes of this article [~~additional~~
27 ~~supplies are available from the aquifer~~], the authority, in

1 consultation with appropriate state and federal agencies, may
 2 review and, by order, change the amount of water available for
 3 permitting under Subsection (b) of this section [~~may increase the~~
 4 ~~maximum amount of withdrawals provided by this section and set a~~
 5 ~~different maximum amount of withdrawals~~]. Beginning September 1,
 6 2006, and every four years thereafter, the Authority shall
 7 determine whether the amount of water available for permitting
 8 under Subsection (b) of this section should be changed pursuant to
 9 this subsection. If the requirements of Subsection (a) have not all
 10 been met, the authority shall by March 1 of the succeeding year
 11 implement new requirements to assure compliance with Subsection
 12 (a).

13 (d) [~~(e)~~ Unless made pursuant to the transfer of a regular,
 14 term, emergency, monitoring, or recharge recovery permit, the
 15 transfer of interim authorization, or an exempt well, the [~~The~~]
 16 authority may not allow withdrawals from the aquifer through wells
 17 drilled after June 1, 1993[~~, except additional water as provided by~~
 18 ~~Subsection (d) and then on an interruptible basis~~].

19 (e) [~~(f)~~ If the level of the aquifer is equal to or greater
 20 than 650 feet above mean sea level as measured at Well J-17, the
 21 authority shall [~~may~~] authorize withdrawals pursuant to initial
 22 regular permits [~~withdrawals~~] from the San Antonio pool, on an
 23 uninterruptible basis[~~, of permitted amounts~~]. If the level of the
 24 aquifer is equal to or greater than 845 feet at Well J-27, the
 25 authority shall [~~may~~] authorize withdrawals pursuant to initial
 26 regular permits [~~withdrawals~~] from the Uvalde pool, on an
 27 uninterruptible basis[~~, of permitted amounts~~]. If the level of the

1 aquifer is less than 650 feet above mean sea level as measured at
 2 Well J-17, the authority may, pursuant to Section 1.26 of this
 3 article, interrupt withdrawals pursuant to initial regular permits
 4 from the San Antonio pool. If the level of the aquifer is less than
 5 845 feet at Well J-27, the authority may, pursuant to Section 1.26
 6 of this article, interrupt withdrawals pursuant to initial regular
 7 permits from the Uvalde pool. Pursuant to Section 1.26 of this
 8 article, the [The] authority shall require interruptions in [limit
 9 the additional] withdrawals, or require implementation of
 10 programs, practices, procedures, or methods, pursuant to
 11 Subsection (g) of this section, to protect [to ensure that]
 12 springflows at the Comal Springs and San Marcos Springs [are not
 13 affected] during demand management and critical period management
 14 [drought] conditions.

15 (f) [~~(g)~~] The authority by rule may define other pools
 16 within the aquifer, in accordance with hydrogeologic research, and
 17 may establish index wells for any pool to monitor the level of the
 18 aquifer to aid the regulation of withdrawals from the pools.

19 (g) [~~(h)~~] By [~~To accomplish the purposes of this article,~~
 20 ~~by] June 1, 2005 [1994], the authority[, through a program,] shall~~
 21 implement and enforce water management programs, practices,
 22 procedures, or [~~and~~] methods to ensure that, not later than
 23 December 31, 2012, the continuous minimum springflows of the Comal
 24 Springs and the San Marcos Springs are maintained to protect
 25 endangered and threatened species to the extent required by federal
 26 law. The authority from time to time as appropriate may revise the
 27 programs, practices, procedures, or [~~and~~] methods. To meet this

1 requirement, the authority shall require:

2 (1) pursuant to Section 1.26 of this article, phased
3 reductions in the amount of water that may be used or withdrawn by
4 existing users or categories of other users; or

5 (2) implementation of alternative management
6 programs, practices, procedures, or ~~and~~ methods.

7 SECTION 6. Section 1.15(b), Chapter 626 Acts of the 73rd
8 Legislature, Regular Session, 1993, is amended to read as follows:

9 (b) Except as provided by Sections 1.17, ~~and~~ 1.33, and
10 1.331 of this article, a person may not withdraw water from the
11 aquifer or begin construction of a well or other works designed for
12 the withdrawal of water from the aquifer without obtaining a permit
13 from the authority.

14 SECTION 7. Section 1.16(e)-(h), Chapter 626, Acts of the
15 73rd Legislature, Regular Session, 1993, is amended to read as
16 follows:

17 (e) To the extent water is available for permitting, the
18 board shall issue an ~~the~~ existing user a regular permit for
19 withdrawal of an amount of water equal to the user's maximum
20 beneficial use of water without waste during any one calendar year
21 of the historical period. If an existing ~~a water~~ user does not
22 have historical use for a full year, then the authority shall set
23 the user's maximum beneficial use of water without waste as the
24 ~~[issue a permit for withdrawal based on an]~~ amount of water that
25 would normally be beneficially used without waste for the intended
26 purpose for a calendar year.

27 (f) If the total amount of water determined to have been

1 beneficially used without waste under Subsection (e) of this
2 section [~~this subsection~~] exceeds the amount of water available for
3 permitting under Subsection (b) of Section 1.14 of this article,
4 the authority shall proportionately adjust the amount of water
5 authorized for withdrawal under regular [~~the~~] permits
6 [~~proportionately~~] to meet the amount available for permitting.
7 Except as provided by Subsection (b) of Section 1.21 of this
8 article, no existing user may be proportionately adjusted below the
9 following amounts:

10 (1) for an [~~An~~] existing irrigation user, [~~shall~~
11 ~~receive a permit for not less than~~] two acre-feet a year for each
12 acre of land the user actually irrigated in any one calendar year
13 during the historical period; or [~~-~~]

14 (2) for an [~~An~~] existing user who has operated a well
15 for three or more years during the historical period, [~~shall~~
16 ~~receive a permit for at least~~] the average amount of water withdrawn
17 annually during the historical period.

18 (g) Except as provided by Subsection (b) of Section 1.21 of
19 this article, in the event a proportional adjustment results in an
20 amount of water authorized for withdrawal under a regular permit
21 that is less than an applicable minimum regular permit amount
22 specified in Subsection (f) of this section, then the Authority
23 shall restore the amount to be equal to the minimum regular permit
24 amount.

25 (h) [~~(f)~~] The board by rule shall consider the equitable
26 treatment of a person whose historic use has been affected by a
27 requirement of or participation in a federal program.

1 (i) [~~(g)~~] The authority shall issue an initial regular
2 permit without a term, and an initial regular permit remains in
3 effect until the permit is abandoned, cancelled, or retired.

4 (j) [~~(h)~~] The board shall notify each permit holder that the
5 permit is subject to limitations as provided by this article.

6 SECTION 8. Section 1.21, Chapter 626, Acts of the 73rd
7 Legislature, Regular Session, 1993, is amended to read as follows:

8 SECTION 1.21 [~~PERMIT~~] RETIREMENT OF PERMITS OR
9 APPLICATIONS. (a) The authority shall prepare and implement a
10 plan for reducing, by January 1, 2005 [~~2008~~], the maximum annual
11 volume of water authorized to be withdrawn from the aquifer under
12 regular permits to 550,000 [~~400,000~~] acre-feet a year or the
13 adjusted amount determined under Subsection (c) [~~(d)~~] of Section
14 1.14 of this article. The plan must be enforceable and must include
15 measures to retire all or part of regular permits or applications
16 for initial regular permits, or other water management measures
17 designed to achieve the required reductions.

18 [~~(b) The plan must be enforceable and must include water~~
19 ~~conservation and reuse measures, measures to retire water rights,~~
20 ~~and other water management measures designed to achieve the~~
21 ~~reduction levels or appropriate management of the resource.]~~

22 (b) [~~(e)~~] If, on or after January 1, 2005 [~~2008~~], the
23 overall volume of water authorized to be withdrawn from the aquifer
24 under regular permits is greater than 550,000 [~~400,000~~] acre-feet a
25 year or greater than the adjusted amount determined under
26 Subsection (c) [~~(d)~~] of Section 1.14 of this article, the Authority
27 shall immediately proportionately adjust the maximum authorized

1 withdrawal amount of each regular permit as determined under
2 Subsection (e) of Section 1.16 of this article [~~shall be~~
3 ~~immediately reduced by an equal percentage~~] as is necessary to
4 reduce aggregate [~~overall~~] maximum authorized withdrawals under
5 regular permits [~~demand~~] to 550,000 [~~400,000~~] acre-feet a year or
6 the adjusted amount, as appropriate. In the event a proportional
7 adjustment results in an amount of water authorized for withdrawal
8 under a regular permit that is less than an applicable minimum
9 regular permit amount specified in Subsection (f) of Section 1.16
10 of this article, then the Authority shall, in accordance with
11 Section 1.29 of this article, compensate the permittee for the
12 amount of the authorized withdrawal below the minimum regular
13 permit amount that was proportionately adjusted in order to meet
14 550,000 acre-feet a year, or as that amount may be adjusted under
15 Subsection (c) of Section 1.14 of this article. The amount reduced
16 may be restored, in whole or in part, as other appropriate measures
17 are implemented that maintain overall demand at or below the
18 appropriate amount.

19 SECTION 9. Section 1.26, Chapter 626, Acts of the 73rd
20 Legislature, Regular Session, 1993, is amended to read as follows:

21 SECTION 1.26 DEMAND MANAGEMENT AND CRITICAL PERIOD
22 MANAGEMENT PLAN. (a) The authority shall prepare and coordinate
23 implementation of a plan for demand management and critical period
24 management [~~on or before September 1, 1995~~]. The mechanisms must:

25 (1) distinguish between discretionary use and
26 nondiscretionary use;

27 (2) require reductions of all discretionary use to the

1 maximum extent feasible;

2 (3) require utility pricing, to the maximum extent
3 feasible, to limit discretionary use by the customers of water
4 utilities; and

5 (4) require reduction of nondiscretionary use by
6 permitted or contractual users, to the extent further reductions
7 are necessary, in the reverse order of the following water use
8 preferences:

9 (A) municipal, domestic, and livestock;

10 (B) industrial and crop irrigation;

11 (C) residential landscape irrigation;

12 (D) recreational and pleasure; and

13 (E) other uses that are authorized by law.

14 (b) The board shall adopt measures to ensure that authorized
15 withdrawals from non-exempt wells are reduced to 350,000 acre-feet,
16 annualized, if the following conditions are met:

17 (1) for the San Antonio Pool, the level of the aquifer
18 is less than 627 feet above mean sea level as measured at Well J-17;
19 or

20 (2) for the Uvalde Pool, the level of the aquifer is
21 less than 842 feet above mean sea level as measured at Well J-27.

22 (c) The demand management and critical period plan required
23 to be prepared and implemented by this section shall be adopted by
24 the board no later than September 1, 2004. In the event this
25 deadline is not met, irrespective of whether a demand management or
26 critical period is in effect, the board shall issue an order
27 temporarily interrupting 20 percent of the amount of water

1 authorized for withdrawal under each regular permit until the board
2 has adopted the plan.

3 SECTION 10. Section 1.28(b), Chapter 626, Acts of the 73rd
4 Legislature, Regular Session, 1993, is amended to read as follows:

5 (b) The authority may issue revenue bonds for the following
6 purposes:

7 (1) to finance the purchase of land;

8 (2) for [~~or~~] or the purchase, construction, or
9 installation of facilities or equipment, including, but not limited
10 to, recharge dams, and associated facilities, structures, or works;
11 or

12 (3) for the purposes set out in Sections 1.21,
13 1.22(a), and 1.29(a) of this article to retire permits or
14 applications for initial regular permits by compensating
15 permittees or applicants to ensure that the amount of withdrawals
16 from the aquifer pursuant to regular permits does not exceed the
17 amount set out in Subsection (b) of Section 1.14 of this article.

18 The Authority may not allow for any person to construct, acquire, or
19 own facilities for transporting groundwater out of Uvalde County or
20 Medina County.

21 SECTION 11. Section 1.29, Chapter 626, Acts of the 73rd
22 Legislature, Regular Session, 1993 and Chapter 966, Acts of the
23 77th Legislature, Regular Session, 2001, is amended to read as
24 follows:

25 (a) The cost of [~~reducing withdrawals or~~] permit or
26 application retirements under Section 1.21 of this article or the
27 adjusted amount under Subsection (c) of Section 1.14 of this

1 article for the period ending December 31, 2004, must be borne
2 solely by users of the aquifer and shall be paid for by aquifer
3 management fees assessed under Subsections (b) and (c) of this
4 section. [÷

5 ~~[(1) solely by users of the aquifer for reducing~~
6 ~~withdrawals from the level on the effective date of this article to~~
7 ~~450,000 acre-feet a year, or the adjusted amount determined under~~
8 ~~Subsection (d) of Section 1.14 of this article for the period ending~~
9 ~~December 31, 2007; and~~

10 ~~[(2) equally by aquifer users and downstream water~~
11 ~~rights holders for permit retirements from 450,000 acre-feet a~~
12 ~~year, or the adjusted amount determined under Subsection (d) of~~
13 ~~Section 1.14 of this article for the period ending December 31,~~
14 ~~2007, to 400,000 acre-feet a year, or the adjusted amount~~
15 ~~determined under Subsection (d) of Section 1.14 of this article,~~
16 ~~for the period beginning January 1, 2008.]~~

17 (b) The authority shall assess equitable aquifer management
18 fees based on aquifer use under the water management plan to finance
19 its administrative expenses and programs authorized under this
20 article. Aquifer management fees may additionally be used for the
21 repayment of revenue bonds issued by the authority pursuant to
22 Section 1.28 of this article. Each water district governed by
23 Chapter 52, Water Code, that is within the authority's boundaries
24 may contract with the authority to pay expenses of the authority
25 through taxes in lieu of user fees to be paid by water users in the
26 district. The contract must provide that the district will pay an
27 amount equal to the amount that the water users in the district

1 would have paid through user fees. The authority may not collect a
2 total amount of fees and taxes that is more than is reasonably
3 necessary for the administration of the authority.

4 ~~[(c) The authority shall also assess an equitable special~~
5 ~~fee based on permitted aquifer water rights to be used only to~~
6 ~~finance the retirement of rights necessary to meet the goals~~
7 ~~provided by Section 1.21 of this article. The authority shall set~~
8 ~~the equitable special fees on permitted aquifer users at a level~~
9 ~~sufficient to match the funds raised from the assessment of~~
10 ~~equitable special fees on downstream water rights holders.~~

11 ~~[(d) The commission shall assess equitable special fees on~~
12 ~~all downstream water rights holders in the Guadalupe River Basin to~~
13 ~~be used solely to finance the retirement of aquifer rights~~
14 ~~necessary to meet the goals provided by Section 1.21 of this~~
15 ~~article. Fees assessed under this subsection may not exceed~~
16 ~~one-half of the cost of permit retirements from 450,000 acre-feet a~~
17 ~~year, or the adjusted amount determined under Subsection (d) of~~
18 ~~Section 1.14 of this article, for the period ending December 31,~~
19 ~~2007, to 400,000 acre-feet a year for the period beginning January~~
20 ~~1, 2008. The authority shall report to the commission the estimated~~
21 ~~costs of the retirements. The amount of fees assessed under this~~
22 ~~subsection shall be determined in accordance with rules adopted by~~
23 ~~the commission for fees under the South Texas watermaster program~~
24 ~~with adjustments as necessary to ensure that fees are equitable~~
25 ~~between users, including priority and nonpriority hydroelectric~~
26 ~~users. A downstream water rights holder shall pay fees assessed~~
27 ~~under this subsection to the authority. A fee may not be assessed~~

1 ~~by the commission under this subsection on contractual deliveries~~
2 ~~of water stored in Canyon Lake that may be diverted downstream of~~
3 ~~the San Marcos Springs or Canyon Dam. A person or entity making a~~
4 ~~contractual sale of water stored upstream of Canyon Dam may not~~
5 ~~establish a systemwide rate that requires purchasers of~~
6 ~~upstream-stored water to pay the special fee assessed under this~~
7 ~~subsection.]~~

8 (c) [~~(e)~~] In developing an equitable fee structure under
9 this section, the authority may establish different fee rates on a
10 per acre-foot basis for different types of use. The fees must be
11 equitable between types of uses. The fee rate for agricultural use
12 shall be based on the volume of water withdrawn and may not be more
13 than \$2 per acre-foot. The authority shall assess the fees on the
14 amount of water a permit holder is authorized to withdraw under the
15 permit.

16 (d) [~~(f)~~] The authority shall impose a permit application
17 fee not to exceed \$25.

18 (e) [~~(g)~~] The authority may impose a registration
19 application fee not to exceed \$10.

20 ~~[(h) Special fees collected under Subsection (c) or (d) of~~
21 ~~this section may not be used to finance a surface water supply~~
22 ~~reservoir project.]~~

23 (f) [~~(i)~~] The authority shall provide money as necessary,
24 but not to exceed five percent of the money collected under
25 Subsection (b) [~~(d)~~] of this section, to finance the South Central
26 Texas Water Advisory Committee's administrative expenses and
27 programs authorized under this article.

1 SECTION 12. Chapter 626, Acts of the 73rd Legislature,
2 Regular Session, 1993; as amended by Chapters 261 and 524, Acts of
3 the 74th Legislature, Regular Session, 1995; Chapter 163, Acts of
4 the 76th Legislature, Regular Session, 1999; and Chapters 966 and
5 1192, Acts of the 77th Legislature, Regular Session, 2001, is
6 amended to add Section 1.331 as follows:

7 SECTION 1.331 EXEMPTION FOR FEDERAL FACILITIES. A federal
8 facility that has not waived sovereign immunity with respect to the
9 permitting requirements of Section 1.15(b) of this article is
10 exempt from the requirements of this article and any rules
11 promulgated thereunder.

12 SECTION 13. Sections 1.34(b) and 1.34(c), Chapter 626, Acts
13 of the 73rd Legislature, Regular Session, 1993, are amended to read
14 as follows:

15 (b) The authority by rule shall ~~may~~ establish a procedure
16 by which a person who has achieved ~~installs~~ water conservation
17 ~~equipment~~ may transfer ~~sell~~ the ~~water~~ conserved water.

18 (c) A permit holder may transfer a regular ~~lease~~ permit,
19 ~~permitted water rights, but a holder of a permit for irrigation use~~
20 ~~may not lease more than 50 percent of the irrigation rights~~
21 ~~initially permitted. The user's remaining irrigation water rights~~
22 ~~must be used in accordance with the original permit and must pass~~
23 ~~with transfer of the irrigated land.] however, with respect to a~~

24 regular permit originally issued for irrigation use, up to 50
25 percent of such a permit may be transferred without restrictions as
26 to the place or purpose of use, while the remaining 50 percent may
27 only be transferred:

1 (1) to another place of use within the county in which
2 the place of use under the original permit is located, for
3 irrigation use;

4 (2) to another place of use within the county in which
5 the place of use under the original permit is located, for any
6 purpose of use, but only in the event that all or a portion of the
7 place of use under the original permit is developed such that it is
8 no longer capable of being used for irrigation, and only for that
9 portion of the permit attributable to the non-irrigable land; or

10 (3) in a manner consistent with rules adopted by the
11 authority for the transfer of conserved water pursuant to
12 Subsection (b) of this section.

13 SECTION 14. Section 1.45, Chapter 626, Acts of the 73rd
14 Legislature, Regular Session, 1993, is amended to read as follows:

15 (a) The authority may own, finance, design, construct,
16 [~~build or~~] operate, and maintain recharge dams, and associated
17 facilities, structures, or works, in the contributing or recharge
18 area of the aquifer if the recharge is made to increase the yield of
19 the aquifer and the recharge project does not impair senior water
20 rights or vested riparian rights.

21 SECTION 15. TRANSFER SAVINGS CLAUSE. The provisions of
22 Section 1.34, as amended by this Act, apply only to transfers
23 effective on or after the effective date of this Act. The change in
24 law to Section 1.34 made by this Act does not affect the validity of
25 transfers effective prior to the effective date of this Act and such
26 transfers are governed by the Act and the rules of the Authority in
27 effect at the time the transfer was effective. Transfers effective

1 prior to the effective date of this Act approved by the Authority
2 and which have not been rescinded or are not subject to pending
3 litigation are hereby validated.

4 SECTION 16. Chapter 626, Acts of the 73rd Legislature
5 Regular Session, 1993; as amended by Chapters 261 and 524, Acts of
6 the 74th Legislature, Regular Session, 1995; Chapter 163, Acts of
7 the 76th Legislature, Regular Session 1999; and Chapters 966 and
8 1192, Acts of the 77th Legislature, Regular Session 2001, is
9 amended to add Section 3.05 as follows:

10 SECTION 3.05. EXEMPTION. Chapter 245, Local Government
11 Code does not apply within the boundaries of the Edwards Aquifer
12 Authority.

13 SECTION 17. EFFECTIVE DATE. This Act takes effect
14 immediately if it receives a vote of two-thirds of all the members
15 elected to each house, as provided by Section 39, Article III, Texas
16 Constitution. If this Act does not receive the vote necessary for
17 immediate effect, this Act takes effect September 1, 2003.