

By: Puente

H.B. No. 3571

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the consolidation of the Kinney County Groundwater
3 Conservation District into the Edwards Aquifer Authority.

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

5 SECTION 1. DISSOLUTION. As provided by Section 10 of this
6 Act, the Kinney County Groundwater Conservation District is
7 dissolved, and the underground water resources formerly subject to
8 the district's jurisdiction are made subject to the jurisdiction of
9 the Edwards Aquifer Authority.

10 SECTION 2. AMENDMENT. Section 1.02(a), Chapter 626, Acts
11 of the 73rd Legislature, Regular Session, 1993, is amended to read
12 as follows:

13 (a) A conservation and reclamation district, to be known as
14 the Edwards Aquifer Authority, is created in all or part of
15 Atascosa, Bexar, Caldwell, Comal, Guadalupe, Hays, Kinney, Medina,
16 and Uvalde counties. A confirmation election is not necessary. The
17 authority is a governmental agency and a body politic and
18 corporate.

19 SECTION 3. AMENDMENT. Section 1.03, Chapter 626, Acts of
20 the 73rd Legislature, Regular Session, 1993, is amended by amending
21 Subdivision (1) and adding Subdivision (28) to read as follows:

22 (1) "Aquifer" means the Edwards Aquifer, which is that
23 portion of an arcuate belt of porous, water-bearing, predominately
24 carbonate rocks known as the Edwards and Associated Limestones in

1 the Balcones Fault Zone extending from west to east to northeast
2 from the western hydrologic division near Brackettville in Kinney
3 County that separates underground flow toward the Comal Springs and
4 San Marcos Springs from underground flow to the Rio Grande Basin,
5 through Uvalde, Medina, Atascosa, Bexar, Guadalupe, and Comal
6 counties, and in Hays County south of the hydrologic division near
7 Kyle that separates flow toward the San Marcos River from flow to
8 the Colorado River Basin.

9 (28) "Western hydrologic division" means a
10 groundwater divide, delineated in the Edwards Underground Water
11 District Report 95-01, between the Edwards Aquifer to the east and
12 the Edwards-Trinity Plateau Aquifer to the west, which extends
13 along a line, sometimes referred to as the Spofford Fault, that runs
14 from the Kinney County/Maverick County line along a
15 northwest-trending lineament on the west side of the Anacacho
16 Mountains, to the igneous intrusion south of Highway 90 referenced
17 in Report 95-01, through Las Moras Springs to Las Moras Mountain,
18 through Pinto Springs to Pinto Mountain, and then to the Kinney
19 County/Edwards County line along the topographic high in the
20 unnamed escarpment referenced in Report 95-01. The source of water
21 discharged from both Las Moras Springs and Pinto Springs is the
22 Edwards Aquifer.

23 SECTION 4. AMENDMENT. Section 1.04, Chapter 626, Acts of
24 the 73rd Legislature, Regular Session, 1993, is amended to read as
25 follows:

26 Sec. 1.04. BOUNDARIES. The authority includes the
27 territory contained within the following area:

1 (1) all of the areas of Bexar, Kinney, Medina, and
2 Uvalde counties;

3 (2) all of the area of Comal County, except that
4 portion of the county that lies North of the North line through the
5 county of Subdivision No. 1 of the Underground Water Reservoir in
6 the Edwards Limestone, Balcones escarpment area, as defined by the
7 order of the Board of Water Engineers dated January 10, 1957;

8 (3) the part of Caldwell County beginning with the
9 intersection of Hays County Road 266 and the San Marcos River;

10 THENCE southeast along the San Marcos River to the point of
11 intersection of Caldwell, Guadalupe, and Gonzales counties;

12 THENCE southeast along the Caldwell-Gonzales County line to
13 its intersection with U.S. Highway 183;

14 THENCE north along U.S. Highway 183 to its intersection with
15 State Highway 21;

16 THENCE southwest along State Highway 21 to its intersection
17 with Hays County Road 266;

18 THENCE southwest along Hays County Road 266 to the place of
19 beginning;

20 (4) the part of Hays County beginning on the northwest
21 line of the R. B. Moore Survey, Abstract 412, in Comal County where
22 it crosses the Comal County-Hays County line northeast along the
23 northwest line of said Survey to the northeast corner of said Survey
24 in Hays County, Texas;

25 THENCE southeast in Hays County, Texas across the Jas.
26 Deloach Survey, Abstract 878, to the most westerly northwest corner
27 of the Presidio Irrigation Co. Survey, Abstract 583;

1 THENCE northeast along the northwest line of said Survey to
2 its most northerly northwest corner;

3 THENCE continuing in the same line across the R.S. Clayton
4 Survey 2, Block 742, to the west line of the H. & G. N. RR. Co.
5 Survey 1, Abstract 668;

6 THENCE north along the west line of said Survey to its
7 northwest corner;

8 THENCE east along the north line of said Survey to its
9 northeast corner;

10 THENCE northeast across the David Wilson Survey 83, Abstract
11 476, to the southeast corner of the F. W. Robertson Survey 71,
12 Abstract 385;

13 THENCE north along the east line of said Survey to the
14 southwest corner of the Benjamin Weed Survey 72, Abstract 483;

15 THENCE east along the south line of said Survey to its
16 southeast corner;

17 THENCE northeast across the William Gray Survey 73, Abstract
18 92, and the Murray Bailey Survey 75, Abstract 42, to the southwest
19 corner of the D. Holderman Survey 33, Abstract 225;

20 THENCE north along the west line of said Survey to its
21 northwest corner;

22 THENCE continuing in the same line to the north line of the
23 Day Land & Cattle Co. Survey 672;

24 THENCE west along said north line of said Survey to its
25 northwest corner, which is in the east line of the Jesse Williams
26 Survey 4 to the northeast corner of said Survey;

27 THENCE west along the north line of said Survey to the

1 Southwest corner of the Amos Singleton Survey 106, Abstract 410;

2 THENCE north along the west lines of said Amos Singleton
3 Survey 106 and the Watkins Nobles Survey 107, Abstract 346, to the
4 northwest corner of said Watkins Nobles Survey 107;

5 THENCE east along the north line of said Survey to the
6 southwest corner of the Jesusa Perez Survey 14, Abstract 363;

7 THENCE north along the west line of said Jesusa Perez Survey
8 14 to its northwest corner;

9 THENCE east along the north line of said Survey to its
10 northeast corner;

11 THENCE, south along the east line of said Survey for a
12 distance of approximately 10,000 feet to its intersection with
13 Ranch Road 150;

14 THENCE, east by southeast along Ranch Road 150 approximately
15 24,500 feet to its intersection with the southern boundary line of
16 the Andrew Dunn Survey 9, Abstract 4;

17 THENCE, east along the south line of said survey as it extends
18 and becomes the southern boundary line of the Morton M. McCarver
19 Survey 4, Abstract 10, for a distance of approximately 7,000 feet to
20 its intersection with Ranch Road 2770;

21 THENCE, south on Ranch Road 2770 for a distance of
22 approximately 400 feet to its intersection with Farm-to-Market Road
23 171;

24 THENCE, east along Farm-to-Market Road 171 for a distance of
25 approximately 10,500 feet to its intersection with Farm-to-Market
26 Road 25;

27 THENCE, north by northeast along Farm-to-Market Road 25 for a

1 distance of approximately 3,100 feet to its intersection with
2 Farm-to-Market Road 131;

3 THENCE, east by southeast along Farm-to-Market Road 131 for a
4 distance of approximately 3,000 feet to its intersection with the
5 east line of the Thomas G. Allen Survey, Abstract 26;

6 THENCE south along the east line of said Thomas G. Allen
7 Survey to the most northerly northwest corner of the Elisha Pruett
8 Survey 23, Abstract 376;

9 THENCE southwest along a west line of said Elisha Pruett
10 Survey 23 to the west corner of said Survey;

11 THENCE southeast along the southwest line of said Survey to
12 the north corner of the John Stewart Survey, Abstract 14;

13 THENCE southwest along the northwest line of said John
14 Stewart Survey to its west corner;

15 THENCE continuing in the same line to the most northerly
16 southwest line of the John Jones Survey, Abstract 263;

17 THENCE southeast along said southwest line to an interior
18 corner of said John Jones Survey;

19 THENCE southwest along the most southerly northwest line of
20 said Survey to the southwest corner of said Survey;

21 THENCE southeast along the south line of said Survey to the
22 north corner of the James W. Williams Survey 11, Abstract 473;

23 THENCE southwest along the northwest line of said James W.
24 Williams Survey 11 to its west corner;

25 THENCE southeast along the southwest line of said Survey to
26 the north right-of-way line of the I. & G. N. RR.;

27 THENCE southwest along said right-of-way of said I. & G. N.

1 RR. to the Hays County-Comal County line;

2 THENCE south along said county line to the northwest line of
3 the R. B. Moore Survey, Abstract 412, in Hays County where it
4 crosses the Hays County-Comal County line;

5 (5) all of the territory of Hays County contained
6 within the following described area:

7 Beginning on the most southern point of Hays County at the
8 intersection of Hays, Comal, and Guadalupe Counties; then
9 continuing in a northeasterly direction along the Hays-Guadalupe
10 county line to its intersection with the Hays-Caldwell county line;
11 then continuing along the Hays-Caldwell county line to an
12 intersection with Farm-to-Market Road 150; then continuing in a
13 northwesterly direction along Farm-to-Market Road 150 to the
14 intersection with the existing southern boundary of the part of
15 Hays County described in Subdivision (4) of this section; then
16 continuing in a southwesterly direction along the existing southern
17 boundary of the part of Hays County described in Subdivision (4) of
18 this section to the intersection with the Hays-Comal county line;
19 then continuing in a southerly direction along the Hays-Comal
20 county line to the point of beginning;

21 (6) the part of Guadalupe County beginning at the
22 Guadalupe County-Caldwell County-Hays County line at the San Marcos
23 River in the northeast corner of Guadalupe County, Texas.

24 THENCE southwest along the Guadalupe County-Hays County line
25 to the intersect of the Guadalupe County-Hays County-Comal County
26 line.

27 THENCE southwest along the Guadalupe County-Comal County

1 line to the intersect of the Guadalupe County-Comal County-Bexar
2 County intersect at the Cibolo creek.

3 THENCE south along the Guadalupe County-Bexar County line
4 along the Cibolo creek to the intersect of the Guadalupe
5 County-Bexar County-Wilson County line.

6 THENCE south along the Guadalupe County-Wilson County line
7 along the Cibolo creek to the intersect and crossing of Guadalupe
8 County Road 417.

9 THENCE east along Guadalupe County Road 417 to the intersect
10 of Guadalupe County Road 417 and Guadalupe County Road 412.

11 THENCE northeast along Guadalupe County Road 412 to the
12 intersect of Guadalupe County Road 412 and Guadalupe County Road
13 411 A.

14 THENCE east along Guadalupe County Road 411 A to the
15 intersect of Guadalupe County Road 411 A and Farm-to-Market road
16 number 725.

17 THENCE north along Farm-to-Market Road 725 to the intersect
18 of Farm-to-Market Road 725 and Interstate Highway 10.

19 THENCE east along Interstate Highway 10 to the intersect of
20 Interstate Highway 10 and State Highway 90.

21 THENCE east along State Highway 90 to the Guadalupe
22 County-Caldwell County line at the San Marcos river.

23 THENCE northwest along the Guadalupe County-Caldwell County
24 line along the San Marcos river to the place of beginning; and

25 (7) the part of Atascosa County beginning on the north
26 line of the Robt. C. Rogers Survey, at the Bexar County-Atascosa
27 County line, to its northwest corner, which is the northeast corner

1 of the F. Brockinzen Survey, Abstract 86;

2 THENCE south along the east line of said Survey passing
3 through its southeast corner and continuing south along the east
4 line of the F. Brockinzen Survey, Abstract 90, to its southeast
5 corner;

6 THENCE west along the south line of said survey to its
7 southwest corner;

8 THENCE north along the west line of said F. Brockinzen Survey
9 to the southeast corner of the B. Bonngartner Survey, Abstract 87;

10 THENCE west along the south line of said B. Bonngartner
11 Survey passing through its southwest corner and continuing along
12 the south line of the J. B. Goettlemann Survey, Abstract 309, to the
13 Atascosa County-Medina County line;

14 THENCE north along the Atascosa County-Medina County line to
15 the Bexar County line;

16 THENCE east along the Atascosa County-Bexar County Line to
17 the place of beginning.

18 SECTION 5. AMENDMENT. Section 1.08(b), Chapter 626, Acts
19 of the 73rd Legislature, Regular Session, 1993, is amended to read
20 as follows:

21 (b) The authority's powers regarding underground water
22 apply only to underground water within or withdrawn from the
23 aquifer or any other underground water resource made subject to the
24 authority's jurisdiction. This subsection is not intended to allow
25 the authority to regulate surface water.

26 SECTION 6. AMENDMENT. Section 1.093(n), Chapter 626, Acts
27 of the 73rd Legislature, Regular Session, 1993, is amended to read

1 as follows:

2 (n) District 14 is composed of Kinney County and that part
3 of Uvalde County BNA 9502 included in block groups 3 and 4 and
4 blocks 102, 103, 106, 117, 140, 142, 201, 202, 203, 204, 206, 207,
5 208, 209, 210, 211, 212, 213, 214, 215, 216A, 216B, 217, 218, 219,
6 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232,
7 233, 234, 235, 236, 237, 238, 239A, 239B, 240, 241, 242, 243, 244,
8 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257,
9 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270,
10 271, 272, 273, 274, 278, 279, 280, 281, 282, 283, 284, 285, 286,
11 288, 296, 297, 299, 299R, 521, 522, 523, 524, 525, 526, 527, 528,
12 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, and 541;
13 and that part of Uvalde County BNA 9503 included in block groups 2,
14 3, 4, 5, 6, and blocks 101B, 101C, 102, 103, 104, 105, 106, 107, 108,
15 109A, 109B, 110, 111, 112, 113, 114, 115, 116A, 116B, 116C, 117A,
16 117B, 118, 119, 120, 121, 122, 123, 124, 126, 133, 134, 135, 136,
17 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149,
18 150, 151, 152, 153, 154, 155, 156, 164A, 164B, 165, 166, 167, 168,
19 169, 170, 171, 172, 173, and 174; and that part of Uvalde County BNA
20 9504 included in block group 4 and blocks 314, 316, and 319; and
21 that part of Uvalde County BNA 9505 included in block groups 2 and 3
22 and blocks 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123,
23 124, 125, 126A, 126B, 126C, 127, 128, 129, 130, 131, 132, 133, 134,
24 135, 136, 137, 138, 139A, 139B, 140, 141, 142A, 142B, 143A, 143B,
25 144, 145, 146, 147, 148, 149A, 149B, 150, 151, and 152.

26 SECTION 7. AMENDMENT. Section 1.10(a), Chapter 626, Acts
27 of the 73rd Legislature, Regular Session, 1993, is amended to read

1 as follows:

2 (a) The South Central Texas Water Advisory Committee shall
3 advise the board on downstream water rights and issues. The
4 advisory committee consists of one member appointed by the
5 governing body of each of the following counties and
6 municipalities, except that Atascosa County may not have a
7 representative on the advisory committee when the county has a
8 representative member on the board:

- 9 (1) Atascosa;
- 10 (2) Caldwell;
- 11 (3) Calhoun;
- 12 (4) Comal;
- 13 (5) DeWitt;
- 14 (6) Goliad;
- 15 (7) Gonzales;
- 16 (8) Guadalupe;
- 17 (9) Hays;
- 18 (10) Karnes;
- 19 (10-a) Kinney;
- 20 (11) Medina;
- 21 (12) Nueces;
- 22 (13) Refugio;
- 23 (14) San Patricio;
- 24 (15) Uvalde;
- 25 (16) Victoria;
- 26 (17) Wilson;
- 27 (18) the City of San Antonio;

1 (19) the City of Victoria; and

2 (20) the City of Corpus Christi.

3 SECTION 8. AMENDMENT. Section 1.34(c), Chapter 626, Acts
4 of the 73rd Legislature, Regular Session, 1993, is amended to read
5 as follows:

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

12 SECTION 9. REPEALER. Chapter 1344, Acts of the 77th
13 Legislature, Regular Session, 2001, is repealed.

14 SECTION 10. TRANSITION. (a) On the effective date of this
15 Act:

16 (1) all the powers, duties, rights, assets, and
17 obligations of the Kinney County Groundwater Conservation District
18 become the powers, duties, rights, assets, and obligations of the
19 Edwards Aquifer Authority;

20 (2) all records, supplies, and other property relating
21 to the administration of the Kinney County Groundwater Conservation
22 District shall be transferred to the Edwards Aquifer Authority; and

23 (3) the Edwards Aquifer Authority shall be
24 automatically substituted for the Kinney County Groundwater
25 Conservation District in any judicial or administrative proceeding
26 to which, on the effective date of this Act, the Kinney County
27 Groundwater Conservation District is a party or is sitting or

1 serving as an administrative, regulatory, or adjudicative body.

2 (b) Not later than the 60th day after the effective date of
3 this Act and irrespective of any action by the Kinney County
4 Groundwater Conservation District before that effective date, the
5 Edwards Aquifer Authority shall grant, consistent with Section
6 1.16(g), Chapter 626, Acts of the 73rd Legislature, Regular
7 Session, 1993, all historic use and existing use permits as filed
8 with the Kinney County Groundwater Conservation District on or
9 before December 31, 2003, in accordance with the recommendations in
10 each hearing report prepared in accordance with district rules by
11 the district's private consultant, who is also an employee of the
12 authority and, in that capacity as an employee, has provided to the
13 authority the same or similar reports and services.

14 (c) On completion of the transfer under Subsection (a)(2) of
15 this section, the Kinney County Groundwater Conservation District
16 is dissolved.

17 (d) As soon as practicable after the effective date of this
18 Act, the Kinney County Commissioners Court shall appoint a member
19 of the South Central Texas Water Advisory Committee under Section
20 1.10(a), Chapter 626, Acts of the 73rd Legislature, Regular
21 Session, 1993, as amended by this Act.

22 SECTION 11. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

23 (a) The legal notice of the intention to introduce this Act,
24 setting forth the general substance of this Act, has been published
25 as provided by law, and the notice and a copy of this Act have been
26 furnished to all persons, agencies, officials, or entities to which
27 they are required to be furnished under Section 59, Article XVI,

1 Texas Constitution, and Chapter 313, Government Code.

2 (b) The governor has submitted the notice and Act to the
3 Texas Commission on Environmental Quality.

4 (c) The Texas Commission on Environmental Quality has filed
5 its recommendations relating to this Act with the governor,
6 lieutenant governor, and speaker of the house of representatives
7 within the required time.

8 (d) All requirements of the constitution and laws of this
9 state and the rules and procedures of the legislature with respect
10 to the notice, introduction, and passage of this Act are fulfilled
11 and accomplished.

12 SECTION 12. EFFECTIVE DATE. This Act takes effect
13 September 1, 2005.