

By: Madla

S.B. No. 1857

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.