

By: King of Zavala

H.B. No. 4762

A BILL TO BE ENTITLED

AN ACT

relating to the territory of and the validation of certain governmental acts and proceedings of the Edwards Aquifer Authority.

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

SECTION 1. Section 1.04, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

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

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

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

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

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

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

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

THENCE southwest along State Highway 21 to its intersection

1 with Hays County Road 266;

2 THENCE southwest along Hays County Road 266 to the place of
3 beginning;

4 (4) the part of Hays County beginning on the northwest
5 line of the R. B. Moore Survey, Abstract 412, in Comal County where
6 it crosses the Comal County-Hays County line northeast along the
7 northwest line of said Survey to the northeast corner of said Survey
8 in Hays County, Texas;

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

12 THENCE northeast along the northwest line of said Survey to
13 its most northerly northwest corner;

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

17 THENCE north along the west line of said Survey to its
18 northwest corner; THENCE east along the north line of said Survey to
19 its northeast corner;

20 THENCE northeast across the David Wilson Survey 83, Abstract
21 476, to the southeast corner of the F. W. Robertson Survey 71,
22 Abstract 385;

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

25 THENCE east along the south line of said Survey to its
26 southeast corner;

27 THENCE northeast across the William Gray Survey 73, Abstract

1 92, and the Murray Bailey Survey 75, Abstract 42, to the southwest
2 corner of the D.Holderman Survey 33, Abstract 225;

3 THENCE north along the west line of said Survey to its
4 northwest corner;

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

7 THENCE west along said north line of said Survey to its
8 northwest corner, which is in the east line of the Jesse Williams
9 Survey 4 to the northeast corner of said Survey;

10 THENCE west along the north line of said Survey to the
11 Southwest corner of the Amos Singleton Survey 106, Abstract 410;

12 THENCE north along the west lines of said Amos Singleton
13 Survey 106 and the Watkins Nobles Survey 107, Abstract 346, to the
14 northwest corner of said Watkins Nobles Survey 107;

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

17 THENCE north along the west line of said Jesusa Perez Survey
18 14 to its northwest corner;

19 THENCE east along the north line of said Survey to its
20 northeast corner;

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

24 THENCE, east by southeast along Ranch Road 150 approximately
25 24,500 feet to its intersection with the southern boundary line of
26 the Andrew Dunn Survey 9, Abstract 4;

27 THENCE, east along the south line of said survey as it extends

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1 and becomes the southern boundary line of the Morton M. McCarver
2 Survey 4, Abstract 10, for a distance of approximately 7,000 feet to
3 its intersection with Ranch Road 2770;

4 THENCE, south on Ranch Road 2770 for a distance of
5 approximately 400 feet to its intersection with Farm-to-Market Road
6 171;

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

10 THENCE, north by northeast along Farm-to-Market Road 25 for a
11 distance of approximately 3,100 feet to its intersection with
12 Farm-to-Market Road 131;

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

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

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

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

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

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

27 THENCE southeast along said southwest line to an interior

1 corner of said John Jones Survey;

2 THENCE southwest along the most southerly northwest line of
3 said Survey to the southwest corner of said Survey;

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

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

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

10 THENCE southwest along said right-of-way of said I. & G. N.
11 RR. to the Hays County-Comal County line;

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

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

17 Beginning on the most southern point of Hays County at the
18 intersection of Hays, Comal, and Guadalupe Counties; then
19 continuing in a northeasterly direction along the Hays-Guadalupe
20 county line to its intersection with the Hays-Caldwell county line;
21 then continuing along the Hays-Caldwell county line to an
22 intersection with Farm-to-Market Road 150; then continuing in a
23 northwesterly direction along Farm-to-Market Road 150 to the
24 intersection with the existing southern boundary of the part of
25 Hays County described in Subdivision (4) of this section; then
26 continuing in a southwesterly direction along the existing southern
27 boundary of the part of Hays County described in Subdivision (4) of

1 this section to the intersection with the Hays-Comal county line;
2 then continuing in a southerly direction along the Hay-Comal county
3 line to the point of beginning;

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

7 THENCE southwest along the Guadalupe County-Hays County line
8 to the intersect of the Guadalupe County-Hays County-Comal County
9 line.

10 THENCE southwest along the Guadalupe County-Comal County
11 line to the intersect of the Guadalupe County-Comal County-Bexar
12 County intersect at the Cibolo creek.

13 THENCE south along the Guadalupe County-Bexar County line
14 along the Cibolo creek to the intersect of the Guadalupe
15 County-Bexar County-Wilson County line.

16 THENCE south along the Guadalupe County-Wilson County line
17 along the Cibolo creek to the intersect and crossing of Guadalupe
18 County Road 417.

19 THENCE east along Guadalupe County Road 417 to the intersect
20 of Guadalupe County Road 417 and Guadalupe County Road 412.

21 THENCE northeast along Guadalupe County Road 412 to the
22 intersect of Guadalupe County Road 412 and Guadalupe County Road
23 411 A.

24 THENCE east along Guadalupe County Road 411 A to the
25 intersect of Guadalupe County Road 411 A and Farm-to-Market road
26 number 725.

27 THENCE north along Farm-to-Market Road 725 to the intersect

1 of Farm-to-Market Road 725 and Interstate Highway 10.

2 THENCE east along Interstate Highway 10 to the intersect of
3 Interstate Highway 10 and State Highway 90.

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

6 THENCE northwest along the Guadalupe County-Caldwell County
7 line along the San Marcos river to the place of beginning; ~~and~~

8 (7) the part of Atascosa County beginning on the north
9 line of the Robt. C. Rogers Survey, at the Bexar County-Atascosa
10 County line, to its northwest corner, which is the northeast corner
11 of the F. Brockinzen Survey, Abstract 86;

12 THENCE south along the east line of said Survey passing
13 through its southeast corner and continuing south along the east
14 line of the F. Brockinzen Survey, Abstract 90, to its southeast
15 corner;

16 THENCE west along the south line of said survey to its
17 southwest corner;

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

20 THENCE west along the south line of said B. Bonngartner
21 Survey passing through its southwest corner and continuing along
22 the south line of the J. B. Goettlemann Survey, Abstract 309, to the
23 Atascosa County-Medina County line;

24 THENCE north along the Atascosa County-Medina County line to
25 the Bexar County line;

26 THENCE east along the Atascosa County-Bexar County Line to
27 the place of beginning; and

1 (8) the following parcels:

2 (A) Parcel 1, consisting of two tracts:

3 (i) Tract 1 - 153-70/100 acres of land in
4 Atascosa County, Texas, being out of the W.L. Hurd Original Survey
5 No. 368; said 153-70/100 acres being more particularly described as
6 follows:

7 beginning at an iron stake set in the
8 Northwest corner of the J.B. Bush 261.7 acre tract, said corner
9 being in the Southeast intersection of the Lytle-Seglar and
10 Lytle-Bexar Roads, for the Northwest corner of this tract;

11 THENCE South 00° 28' East, with the East line
12 of the Lytle-Seglar Road, 1767.5 feet to an iron stake for the
13 Southwest corner of this tract;

14 THENCE South 89° 27' East 3748.8 feet to an
15 iron stake set for the Southeast corner of this tract, said stake
16 being in the West line of a 40-foot road;

17 THENCE North 00° 39' West, with the West line
18 of said 40-foot road, 1806.9 feet to an iron stake set in the South
19 line of the Lytle-Bexar Road, for the Northeast corner of this
20 tract;

21 THENCE South 89° 57' West, with the South line
22 of the Lytle-Bexar Road, 3742.5 feet to the place of beginning; and

23 (ii) Tract 2 - 73 acres of land in Atascosa
24 County, Texas, being out of the R.C. Rogers Survey No. 530, said 73
25 acres being more particularly described as follows:

26 beginning at the most Northerly North East
27 corner of this tract, said corner being in the South R/W line of

State Highway No. 1518, and being South 89 degrees 02 minutes West
522.1 feet from the intersection of this road R/W with the West R/W
of the Luckey road;

THENCE South 497.5 feet to an iron pin for
corner;

THENCE East 522.0 feet to an iron pin for a
corner in the West R/W line of said Luckey Road;

THENCE South 24 minutes east 2559.0 feet
along said Luckey Road R/W to the Southeast corner of this tract;

THENCE South 89 degrees West 1148.6 feet to
the Southwest corner of this tract;

THENCE North 2855.4 feet to a corner;

THENCE East 210.0 feet to a corner;

THENCE North 210.0 feet to a corner in the
South R/W line of State Highway No. 1518;

THENCE North 89 degrees 02 minutes East 397.0
feet along said Highway R/W to the place of beginning; and

(B) Parcel 2, consisting of five tracts:

(i) Tract 1 - 185.14 acres of land, more or
less, out of the Robert C. Rogers Sur. No. 530, Abstr. No. 721, in
Atascosa County, Texas, described as being all of that certain
242.025 acres of land, more or less, described as "First Tract" in
Warranty Deed recorded in Vol. 291, p. 120, Deed Records, Atascosa
County, Texas, dated October 31, 1962, executed by Mae S. Bush, et
vir, to C.W. Mask, et ux, and more particularly described by metes
and bounds as follows:

beginning at the NE corner of the original

1 W.P. Riley 565.3 acre tract, more particularly described in
2 Warranty Deed dated June 18, 1923, executed by W.P. Riley to B.L.
3 Riley, recorded in Vol. 93, p. 24, Deed Records, Atascosa County,
4 Texas, said point also being the NE corner of that certain 80.675
5 acre tract more particularly described by metes and bounds in
6 Warranty Deed dated May 24, 1943, executed by J.F. Riley, et ux, to
7 J.W. Bush, Sr., recorded in Vol. 162, p. 125, Deed Records, Atascosa
8 County, Texas;

9 THENCE west along the south R.O.W. line of
10 the Lytle-New Somerset public road, 1129 feet to a point for
11 beginning; said beginning point being the NE corner of said 242.025
12 acre subdivision, being also the NW corner of a subdivision of
13 80.675 acres heretofore conveyed to J.W. Bush, Sr.;

14 THENCE S. 0° 09' E. 3075.43 feet to the SE
15 corner of said 242.025 acre subdivision;

16 THENCE S. 89° 20' W. 2489.44 feet to an inside
17 corner;

18 THENCE S. 0° 34' W. 602 feet to corner;

19 THENCE N. 89° 36' W. 778 feet to the SW corner
20 of this tract, being also the SE corner of the W.C. Riley 242.6
21 acres;

22 THENCE N. 0° 09' W. 3660.9 feet to the NW
23 corner of this tract, being also the NE corner of the W.C. Riley
24 242.6 acre tract;

25 THENCE E. along the S. R.O.W. line of the
26 Lytle-New Somerset Road 3260 feet to the place of beginning, and
27 containing 242.025 acres of land, more or less, being parcels 1, 2,

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and 3, of a subdivision of the east portion of the said W.P. Riley original 565.3 acres of land;

LESS HOWEVER, the following:

23.20 acres of land, more less, out of the northwest corner of the C.W. Mask 860 acre tract of land, said 23.20 acres of land, more or less, more particularly described by metes and bounds as follows:

beginning at a cedar corner post in the south R.O.W. line of Farm Road 1518, at station no. 325 plus 90.5 for the northwest corner of this tract, said corner being also the northwest corner of said 860 acre tract;

THENCE S. 89° 47' E. 661.0 feet along a fence line to an iron pin in a fence corner for the southeast corner;

THENCE S. 89° 17' W. 672.1 feet along a fence to an iron pin in a fence corner for the southwest corner, said corner being in the west line of the 860 acre tract;

THENCE N. 0° 23' W. 1521.6 feet along the west line of said 860 acre tract to the place of beginning; and

LESS 14.86 acres of land, more or less, out of the C.W. Mask 860 acre tract of land, said 14.86 acres of land, more or less, more particularly described by metes and bounds as follows:

beginning at a creosote corner post in the south R.O.W. line of Farm Road 1518 at station 314 plus 96.5 on a line 661' from corner of C.W. Mask 860 acre tract for the NW corner of this tract;

THENCE S. 89° 47' E. 433 feet along a fence

line on said Road 1518 south R.O.W. line to an 8" cedar corner post for the NE corner;

THENCE S. 0° 13' W. 1504.0 feet along a fence line to an iron pin in a fence corner for the SE corner;

THENCE S. 89° 21' W. 426.5 feet along a fence line to an iron pin in the fence corner for the SW corner;

THENCE N. 0° 02' W. 1510.6 feet along a fence line to the place of beginning; and

LESS 6.31 acres of land, more or less, more particularly described by metes and bounds as follows:

beginning at a cedar corner post in the south R.O.W. line of FM 2790 at Station 314 plus 96.5 for the northwest corner of this tract;

THENCE S. 89° 47' E. 275 feet along a fence on FM 2790 south R.O.W. line to an iron pin for the northeast corner;

THENCE S. 0° 13' W. 1000 feet to an iron pin for the southeast corner;

THENCE N. 89° 41' W. 275 feet to an iron pin in a fence line, for the southwest corner;

THENCE N. 0° 13' E. 1000 feet along an existing fence line to the place of beginning; and

LESS the south 12.515 acres of the above described 242.025 acres of land, more or less;

(ii) Tract 2 - 12.515 acres of land, more or less, out of the Robert C. Rogers Sur No. 530, Abstr. No. 721, in Atascosa County, Texas, described as being the south 12.515 acres of land, more or less, of that certain 242.025 acres of land, more

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or less, described as "First Tract" in Warranty Deed recorded in
Vol. 291, p. 120, Deed Records, Atascosa County, Texas, dated
October 31, 1962, executed by Mae S. Bush, et vir, to C.W. Mask, et
ux, and which 242.025 acres of land, more or less, is more
particularly described by metes and bounds as follows:

beginning at the NE corner of the original
W.P. Riley 565.3 acre tract, more particularly described in
Warranty Deed dated June 18, 1923, executed by W.P. Riley to B. L.
Riley, recorded in Vol. 93, p. 24, Deed Records, Atascosa County,
Texas; said point also being the NE corner of that certain 80.675
acre tract more particularly described by metes and bounds in
Warranty Deed dated May 24, 1943, executed by J.F. Riley, et ux, to
J.W. Bush, Sr., recorded in Vol. 162, p. 125, Deed Records, Atascosa
County, Texas;

THENCE west along the south R.O.W. line of
the Lytle-New Somerset public road, 1129 feet to a point for
Beginning; said Beginning point being the NE corner of said 242.025
acre subdivision, being also the NW corner of a subdivision of
80.675 acres heretofore conveyed to J.W. Bush, Sr.;

THENCE S. 0° 09' E. 3075.43 feet to the SE
corner of said 242.025 acre subdivision;

THENCE S. 89° 20' W. 2489.44 feet to an inside
corner;

THENCE S. 0° 34' W. 602 feet to corner;

THENCE N. 89° 36' W. 778 feet to the SW corner
of this tract, being also the SE corner of the W.C. Riley 242.6
acres;

1 THENCE N. 0° 09' W. 3660.9 feet to the NW
2 corner of this tract, being also the NE corner of the W.C. Riley
3 242.6 acre tract;

4 THENCE E. along the S. R.O.W. line of the
5 Lytle-New Somerset Road 3260 feet to the place of beginning, and
6 containing 242.025 acres of land, more or less, being parcels 1, 2,
7 and 3, of a subdivision of the east portion of the said W. P. Riley
8 original 565.3 acres of land;

9 (iii) Tract 3 - 304 acres of land, more or
10 less, out of the Robert C. Rogers Sur. No. 530, Abstr. No. 721, in
11 Atascosa County, Texas, described as "Second Tract" in Warranty
12 Deed recorded in Vol. 291, p. 120, Deed Records, Atascosa County,
13 Texas, dated October 31, 1962, executed by Mae S. Bush, et vir, to
14 C. W. Mask, et ux, and more particularly described by metes and
15 bounds as follows:

16 beginning at a fence corner, the most
17 easterly SE corner of this tract in the NW corner of a county road,
18 said fence corner being the northeast corner of a 20 acre tract out
19 of the Robert C. Rogers Sur. No. 530, Abstr. No. 721, more
20 particularly described by metes and bounds in Deed dated May 31,
21 1985, executed by Thomas W. Thornton, et ux, to Robert Harold
22 Griffin, recorded in Vol. 717, p. 92, Deed Records, Atascosa
23 County, Texas; said point also being the northeast corner of that
24 certain 177.596 acre tract described in Deed dated October 13,
25 1980, executed by Harry E. Richardson, et al, to Thomas Warren
26 Thornton, et ux, recorded in Vol. 538, p. 363, Deed Records,
27 Atascosa County, Texas;

1 THENCE N. 0° 35' E. with the west line of said
2 county road, 2447 feet to a fence corner, the NE corner of this
3 tract;

4 THENCE S. 89° 20' W. with a fence, 3648 feet
5 to a fence corner for the NW corner;

6 THENCE with a fence the west line as follows:
7 S. 0° 34' E. 602 feet; S. 0° 38' E. 1836 feet, and S. 0° 19' W. 2447
8 feet to a fence corner in the SW corner;

9 THENCE S. 89° 35' E. with a fence, 1787 feet
10 to a fence corner in the west line of the county road for the SE
11 corner;

12 THENCE N. 0° 01' W. with a fence, the west
13 line of said road, 2482 feet to a fence corner;

14 THENCE N. 89° 41' E. with the north line of
15 road 1823 feet to the place of beginning;

16 (iv) Tract 4 - 313.8 acres of land, more or
17 less, composed of lands formerly owned in part by Martha W. White
18 and in part by M. E. Jordan and subsequently owned by the Dr. R. B
19 Touchstone Estate, said 313.8 acres of land, more or less, being out
20 of the Robert C. Rogers Sur. No. 530, Abstr. No. 721, in Atascosa
21 County, Texas, and described as "Third Tract" in Warranty Deed
22 recorded in Vol. 291, p. 120, Deed Records, Atascosa County, Texas,
23 dated October 31, 1962, executed by Mae S. Bush, et vir, to C. W.
24 Mask, et ux, and more particularly described by metes and bounds as
25 follows:

26 beginning at a fence corner, the NE corner of
27 this tract and the SE corner of the Mae S. Bush tract, as described

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1 in Deed dated September 22, 1944, executed by H. M. Bush, Sr., to
2 Mae S. Bush, recorded in Vol. 166, p. 508, Deed Records, Atascosa
3 County, Texas;

4 THENCE with a fence, the east line of this
5 tract, S. 0° 21' E. 3694.8 feet to a fence corner, the SE corner of
6 the M.E. Jordan tract, for the SE corner of this tract;

7 THENCE S. 89° 33' W. with a fence, the south
8 line of the Jordan tract, 3709.4 feet to the SW corner of the Jordan
9 tract, the SW corner of this tract;

10 THENCE N. 0° 34' E. with a fence at 1869 feet
11 pass common corner of the Jordan and White tract, a distance of 3731
12 feet to a fence corner, the NW corner of the White tract, for the NW
13 corner of this tract;

14 THENCE N. 89° 37' E. with a fence the north
15 line of the White tract, the north line of this tract, 711.8 feet to
16 an angle in fence;

17 THENCE N. 89° 50' E. continuing with said
18 fence, 2937.1 feet to the place of Beginning; and

19 (v) Tract 5 - 5.066 acres of land, more or
20 less, out of the Robert C. Roberts Sur. 530, Abstr. No. 721, in
21 Atascosa County, Texas, more particularly described by metes and
22 bounds in Warranty Deed dated July 31, 1992, recorded in Vol. 854,
23 p. 724, Deed Records, Atascosa County, Texas, executed by Thomas
24 Warren Thornton, et ux, to Jerry Kye Mask.

25 SECTION 2. (a) All governmental acts and proceedings of the
26 Edwards Aquifer Authority relating to the following initial regular
27 permits are validated in all respects:

- (1) P100-013;
- (2) P100-014; and
- (3) P100-017.

(b) This section does not apply to any matter that on the effective date of this Act:

(1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final court judgment; or

(2) has been held invalid by a final court judgment.

SECTION 3. The permits described by Section 2(a) of this Act were regular permits issued by the Edwards Aquifer Authority as of January 1, 2005, and the withdrawals authorized by those permits as they were originally issued were included within the 572,000 acre-feet of water for each calendar year established by Section 1.14(c), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993.

SECTION 4. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed

1 its recommendations on this Act with the governor, the lieutenant
2 governor, and the speaker of the house of representatives within
3 the required time.

4 (d) All requirements of the constitution and laws of this
5 state and the rules and procedures of the legislature with respect
6 to the notice, introduction, and passage of this Act are fulfilled
7 and accomplished.

8 SECTION 5. This Act takes effect September 1, 2009.