



# EDWARDS AQUIFER AUTHORITY ACT

(includes amendments through September 1, 2019 effective date)

Edwards Aquifer Authority Act, Act of May 30, 1993, 73d Leg., R.S., ch. 626, §§ 1.01-1.45, 1993 Tex. Gen. Laws 2350; as amended by Act of May 16, 1995, 74th Leg., R.S., ch. 524, §§ 1-3, sec. 3.03, 1995 Tex. Gen. Laws 3280; Act of May 29, 1995, 74th Leg., R.S., ch. 261, §§ 1-2, secs. 1.09, 1.091, 1.092, 1.093, 1995 Tex. Gen. Laws 2505; Act of May 6, 1999, 76th Leg., R.S., ch. 163, §§ 1-2, sec. 1.094, 1999 Tex. Gen. Laws 634; Act of May 25, 2001, 77th Leg., R.S., ch. 1192, §§ 1-2, sec. 1.03(26), (27), 2001 Tex. Gen. Laws 2696-97; Act of May 27, 2001, 77th Leg., R.S., ch. 966, §§ 2.60-2.62, 6.01-6.05, secs. 1.03(26), (27), 1.11(h), 1.115, 1.15(e), (f), 1.29(e), 1.41(e), 1.44(e), 2001 Tex. Gen. Laws 1991, 2021-22, 2075-76; Act of June 1, 2003, 78th Leg., R.S., ch. 1112, § 6.01(4), sec. 1.12, 2003 Tex. Gen. Laws 3188, 3193; Act of May 23, 2007, 80th Leg., R.S., ch. 510, §§ 1-2, sec. 1.081, 2007 Tex. Gen. Laws 900; Act of May 28, 2007, 80th Leg., R.S., ch. 1351, §§ 2.01-2.12, secs. 1.11(f), (f-1), (f-2), 1.14(a), (b), (c), (d), (e), (f), (h), 1.16(g), 1.19(b), 1.21, 1.22(a), 1.26, 1.26A, 1.29(a), (b), (c), (d), (h), (i), 1.45(a), 2007 Tex. Gen. Laws 4612, 4627-34; Act of May 28, 2007, 80th Leg., R.S., ch. 1430, §§ 12.01-12.12, secs. 1.11(f), (f-1), (f-2), 1.14(a), (b), (c), (d), (e), (f), (h), 1.16(g), 1.19(b), 1.21, 1.22(a), 1.26, 1.26A, 1.29(a), (b), (c), (d), (h), (i), 1.45(a), 2007 Tex. Gen. Laws 5848, 5901-09; Act of May 21, 2009, 81st Leg., R.S., ch. 1080, §§ 1-5, sec. 1.04, 2009 Tex. Gen. Laws 2818-25; Act of May 20, 2013, 83d Leg., R.S., ch. 783, §§ 1-2, sec. 1.33(c), (d), 2013 Tex. Gen. Laws 1998-99; Act of May 24, 2019, 86th Leg., R.S., ch. 904, §§ 1-4, sec. 1.34(a)-(f), 2019 Tex. Gen. Laws 2415-17; Act of May 25, 2019, 86th Leg., R.S., ch. 585, §§ 1, 3, sec. 1.44(c), (c-1), (e), (e-1), 2019 Tex. Gen. Laws 1633-34; Act of May 23, 2019, 86th Leg., R.S., ch. 1135, §§ 1-16, secs. 1.03(20), 1.07, 1.08(a), 1.09(d), (i)-(k), 1.11(d), 1.21, 1.211, 1.25(b), 1.26(a), 1.29(b), (f), 1.361, 1.37(j), (n), (r), 1.38, 1.46, 3.01(d), 2019 Tex. Gen. Laws 3213-18.

# EDWARDS AQUIFER AUTHORITY ACT

## TABLE OF CONTENTS

<b>ARTICLE 1</b>	<b>1</b>
SECTION 1.01	FINDINGS AND DECLARATION OF POLICY. ....1
SECTION 1.02	CREATION. ....1
SECTION 1.03	DEFINITIONS.....1
SECTION 1.04	BOUNDARIES.....5
SECTION 1.05	FINDINGS RELATING TO BOUNDARIES.....15
SECTION 1.06	FINDING OF BENEFIT.....15
SECTION 1.07	OWNERSHIP OF UNDERGROUND WATER.....16
SECTION 1.08	GENERAL POWERS.....16
SECTION 1.081	FIRE CONTROL.....17
SECTION 1.09	BOARD OF DIRECTORS; ELECTIONS; TERMS.....17
SECTION 1.091	NONVOTING MEMBERS OF BOARD.....18
SECTION 1.092	TEMPORARY BOARD AND INITIAL ELECTION OF DIRECTORS.....19
SECTION 1.093	SINGLE-MEMBER ELECTION DISTRICTS.....21
SECTION 1.094	MODIFICATION OF DISTRICT LINES AFTER DECENNIAL CENSUS. ....32
SECTION 1.10	SOUTH CENTRAL TEXAS WATER ADVISORY COMMITTEE. ....32
SECTION 1.11	GENERAL POWERS AND DUTIES OF THE BOARD AND AUTHORITY. ....34
SECTION 1.115	RULEMAKING PROCEDURES.....37
SECTION 1.12	SUNSET COMMISSION REVIEW. ....38
SECTION 1.13	REUSE AUTHORIZED. ....38
SECTION 1.14	WITHDRAWALS. ....38
SECTION 1.15	PERMIT REQUIRED.....40
SECTION 1.16	DECLARATIONS OF HISTORICAL USE; INITIAL REGULAR PERMITS.....41
SECTION 1.17	INTERIM AUTHORIZATION.....42
SECTION 1.18	ADDITIONAL REGULAR PERMITS.....42
SECTION 1.19	TERM PERMITS.....43
SECTION 1.20	EMERGENCY PERMITS.....43
SECTION 1.21	PERMIT RETIREMENT [REPEALED]. ....44
SECTION 1.21	CONTESTED CASE HEARINGS; REQUEST FOR REHEARING OR FINDINGS AND CONCLUSIONS. ....44
SECTION 1.211	DECISION; WHEN FINAL.....44
SECTION 1.22	ACQUISITION OF RIGHTS. ....45
SECTION 1.23	CONSERVATION AND REUSE PLANS. ....46
SECTION 1.24	LOANS AND GRANTS.....46
SECTION 1.25	COMPREHENSIVE MANAGEMENT PLAN.....46
SECTION 1.26	CRITICAL PERIOD MANAGEMENT PLAN. ....47
TABLE 1	CRITICAL PERIOD WITHDRAWAL REDUCTION STAGES FOR THE SAN ANTONIO POOL ..... 47
TABLE 2	CRITICAL PERIOD WITHDRAWAL REDUCTION STAGES FOR

	THE UVALDE POOL.....	47
SECTION 1.26A	DEVELOPMENT OF WITHDRAWAL REDUCTION LEVELS AND STAGES FOR CRITICAL PERIOD MANAGEMENT THROUGH RECOVERY IMPLEMENTATION PROGRAM. ....	48
SECTION 1.27	RESEARCH.....	54
SECTION 1.28	TAX; BONDS.....	54
SECTION 1.29	FEES. ....	55
SECTION 1.30	RIVER DIVERSIONS.....	56
SECTION 1.31	MEASURING DEVICES.....	57
SECTION 1.32	REPORTS.....	57
SECTION 1.33	WELL METERING EXEMPTION.....	57
SECTION 1.34	TRANSFER OF RIGHTS.....	57
SECTION 1.35	PROHIBITIONS.....	59
SECTION 1.36	ENFORCEMENT.....	59
SECTION 1.361	OPEN OR UNCOVERED WELLS.....	59
SECTION 1.37	ADMINISTRATIVE PENALTY.....	60
SECTION 1.38	INJUNCTION BY AUTHORITY.....	63
SECTION 1.39	SUIT FOR MANDAMUS.....	63
SECTION 1.40	CIVIL PENALTY.....	63
SECTION 1.41	REPEALER; TRANSFERS; RULES.....	64
SECTION 1.42	EFFECT ON OTHER DISTRICTS.....	64
SECTION 1.43	CREATION OF UNDERGROUND WATER CONSERVATION DISTRICT.....	65
SECTION 1.44	COOPERATIVE CONTRACTS FOR ARTIFICIAL RECHARGE. ....	66
SECTION 1.45	RECHARGE DAMS. ....	67
SECTION 1.46	SUIT.....	68
ENDNOTES	69	
<b>ARTICLE 2</b>	<b>.....</b>	<b>72</b>
SECTION 2.01	DEFINITION.....	72
SECTION 2.02	VALIDATION.....	72
SECTION 2.03	BOUNDARIES.....	72
SECTION 2.04	FINDING OF BENEFIT.....	72
SECTION 2.05	POWERS. ....	72
SECTION 2.06	LEVY OF TAXES.....	73
SECTION 2.07	PENDING LITIGATION.....	73
<b>ARTICLE 3</b>	<b>.....</b>	<b>74</b>
SECTION 3.01	LEGISLATIVE OVERSIGHT.....	74
SECTION 3.02	NOTICE OF AVAILABLE WATER.....	74
SECTION 3.03	SUNSET COMMISSION REVIEW OF GUADALUPE-BLANCO RIVER AUTHORITY [REPEALED].....	75
SECTION 3.04	COOPERATION.....	75
<b>ARTICLE 4</b>	<b>.....</b>	<b>76</b>

SECTION 4.01 FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.....76  
SECTION 4.02 EFFECTIVE DATES.....76  
SECTION 4.03 EMERGENCY.....76

## CHAPTER 626

S.B. No. 1477

### AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Edwards Aquifer Authority and the management of the Edwards Aquifer; granting the power of eminent domain; authorizing the issuance of bonds; providing civil and administrative penalties; and validating the creation of the Uvalde County Underground Water Conservation District.

*Be it enacted by the Legislature of the State of Texas:*

### ARTICLE 1

#### SECTION 1.01 FINDINGS AND DECLARATION OF POLICY.

The legislature finds that the Edwards Aquifer is a unique and complex hydrological system, with diverse economic and social interests dependent on the aquifer for water supply. In keeping with that finding, the Edwards Aquifer is declared to be a distinctive natural resource in this state, a unique aquifer, and not an underground stream. To sustain these diverse interests and that natural resource, a special regional management district is required for the effective control of the resource to protect terrestrial and aquatic life, domestic and municipal water supplies, the operation of existing industries, and the economic development of the state. Use of water in the district for beneficial purposes requires that all reasonable measures be taken to be conservative in water use.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.01, 1993 Tex. Gen. Laws 2350.*

#### SECTION 1.02 CREATION.

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

(b) The authority is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.02, 1993 Tex. Gen. Laws 2350, 2351.*

#### SECTION 1.03 DEFINITIONS.

In this article:

(1) “Aquifer” means the Edwards Aquifer, which is that portion of an arcuate belt of porous, water-bearing, predominately carbonate rocks known as the Edwards and Associated

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

(2) “Augmentation” means an act or process to increase the amount of water available for use or springflow.

(3) “Authority” means the Edwards Aquifer Authority.

(4) “Beneficial use” means the use of the amount of water that is economically necessary for a purpose authorized by law, when reasonable intelligence and reasonable diligence are used in applying the water to that purpose.

(5) “Board” means the board of directors of the authority.

(6) “Commission” means the Texas Natural Resource Conservation Commission.

(7) “Conservation” means any measure that would sustain or enhance water supply.

(8) “Diversion” means the removal of state water from a watercourse or impoundment.

(9) “Domestic or livestock use” means use of water for:

(A) drinking, washing, or culinary purposes;

(B) irrigation of a family garden or orchard the produce of which is for household consumption only; or

(C) watering of animals.

(10) “Existing user” means a person who has withdrawn and beneficially used underground water from the aquifer on or before June 1, 1993.

(11) “Industrial use” means the use of water for or in connection with commercial or industrial activities, including manufacturing, bottling, brewing, food processing, scientific research and technology, recycling, production of concrete, asphalt, and cement, commercial uses of water for tourism, entertainment, and hotel or motel lodging, generation of power other than hydroelectric, and other business activities.

(12) “Irrigation use” means the use of water for the irrigation of pastures and commercial crops, including orchards.

(13) “Livestock” means animals, beasts, or poultry collected or raised for pleasure, recreational use, or commercial use.

(14) “Municipal use” means the use of water within or outside of a municipality and its environs whether supplied by a person, privately owned utility, political subdivision, or other entity, including the use of treated effluent for certain purposes specified as follows. The term includes:

(A) the use of water for domestic use, the watering of lawns and family gardens, fighting fires, sprinkling streets, flushing sewers and drains, water parks and parkways, and recreation, including public and private swimming pools;

(B) the use of water in industrial and commercial enterprises supplied by a municipal distribution system without special construction to meet its demands; and

(C) the application of treated effluent on land under a permit issued under Chapter 26, Water Code, if:

(i) the primary purpose of the application is the treatment or necessary disposal of the effluent;

(ii) the application site is a park, parkway, golf course, or other landscaped area within the authority’s boundaries; or

(iii) the effluent applied to the site is generated within an area for which the commission has adopted a rule that prohibits the discharge of the effluent.

(15) “Order” means any written directive carrying out the powers and duties of the authority under this article.

(16) “Person” means an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

(17) “Pollution” means the alteration of the physical, thermal, chemical, or biological quality of any water in the state, or the contamination of any water in the state, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, property, or public health, safety, or welfare or that impairs the usefulness of the public enjoyment of the water for any lawful or reasonable purpose.

(18) “Recharge” means increasing the supply of water to the aquifer by naturally occurring channels or artificial means.

(19) “Reuse” means authorized use for one or more beneficial purposes of use of water that remains unconsumed after the water is used for the original purpose of use and before the water is discharged or otherwise allowed to flow into a watercourse, lake, or other body of state-

owned water.

(20) “Underground water” or “groundwater” means water percolating beneath the earth.

(21) “Waste” means:

(A) withdrawal of underground water from the aquifer at a rate and in an amount that causes or threatens to cause intrusion into the reservoir of water unsuitable for agricultural, gardening, domestic, or stock raising purposes;

(B) the flowing or producing of wells from the aquifer if the water produced is not used for a beneficial purpose;

(C) escape of underground water from the aquifer to any other reservoir that does not contain underground water;

(D) pollution or harmful alteration of underground water in the aquifer by salt water or other deleterious matter admitted from another stratum or from the surface of the ground;

(E) willfully or negligently causing, suffering, or permitting underground water from the aquifer to escape into any river, creek, natural watercourse, depression, lake, reservoir, drain, sewer, street, highway, road, or road ditch, or onto any land other than that of the owner of the well unless such discharge is authorized by permit, rule, or order issued by the commission under Chapter 26, Water Code;

(F) underground water pumped from the aquifer for irrigation that escapes as irrigation tailwater onto land other than that of the owner of the well unless permission has been granted by the occupant of the land receiving the discharge; or

(G) for water produced from an artesian well, “waste” has the meaning assigned by Section 11.205, Water Code.

(22) “Well” means a bored, drilled, or driven shaft or an artificial opening in the ground made by digging, jetting, or some other method where the depth of the shaft or opening is greater than its largest surface dimension, but does not include a surface pit, surface excavation, or natural depression.

(23) “Well J-17” means state well number AY-68-37-203 located in Bexar County.

(24) “Well J-27” means state well number YP-69-50-302 located in Uvalde County.

(25) “Withdrawal” means an act or a failure to act that results in taking water from the aquifer by or through man-made facilities, including pumping, withdrawing, or diverting underground water.



(26) “Agricultural use” means any use or activity involving any of the following activities:

(A) cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;

(B) the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or nonsoil media, by a nursery grower;

(C) raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;

(D) wildlife management;

(E) raising or keeping equine animals; and

(F) planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.

(27) “Nursery grower” means a person who grows more than 50 percent of the products that the person either sells or leases, regardless of the variety sold, leased, or grown. For the purpose of this definition, “grow” means the actual cultivation or propagation of the product beyond the mere holding or maintaining of the item before sale or lease and typically includes activities associated with the production or multiplying of stock, such as the development of new plants from cuttings, grafts, plugs, or seedlings.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.03, 1993 Tex. Gen. Laws 2350, 2351-53; as amended by Act of May 25, 2001, 77th Leg., R.S., ch. 1192, 2001 Tex. Gen. Laws 2696-97; Act of May 27, 2001, 77th Leg., R.S., ch. 966, § 2.60, 2001 Tex. Gen. Laws 1991, 2021-22; Act of May 23, 2019, 86th Leg., R.S., ch. 1135, § 1, 2019 Tex. Gen. Laws 3213.*

#### **SECTION 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 with Hays County Road 266;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

beginning;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) the following parcels:

(A) Parcel 1, consisting of two tracts:

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

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

THENCE South  $00^{\circ} 28'$  East, with the East line of the Lytle-Seglar Road, 1767.5 feet to an iron stake for the Southwest corner of this tract;

THENCE South  $89^{\circ} 27'$  East 3748.8 feet to an iron stake set for the Southeast corner of this tract, said stake being in the West line of a 40-foot road;

THENCE North  $00^{\circ} 39'$  West, with the West line of said 40-foot road, 1806.9 feet to an iron stake set in the South line of the Lytle-Bexar Road, for the Northeast corner of this tract;

THENCE South  $89^{\circ} 57'$  West, with the South line of the Lytle-Bexar Road, 3742.5 feet to the place of beginning; and

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

beginning at the most Northerly North East 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 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;

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

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

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

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

(iii) Tract 3 - 304 acres of land, more or less, out of the Robert C. Rogers Sur. No. 530, Abstr. No. 721, in Atascosa County, Texas, described as "Second 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 a fence corner, the most easterly SE corner of this tract in the NW corner of a county road, said fence corner being the northeast corner of a 20 acre tract out of the Robert C. Rogers Sur. No. 530, Abstr. No. 721, more particularly described by metes and bounds in Deed dated May 31, 1985, executed by Thomas W. Thornton, et ux, to Robert Harold Griffin, recorded in Vol. 717, p. 92, Deed Records, Atascosa County, Texas; said point also being the northeast corner of that certain 177.596 acre tract described in Deed dated October 13, 1980, executed by Harry E. Richardson, et al, to Thomas Warren Thornton, et ux, recorded in Vol. 538, p. 363, Deed Records, Atascosa County, Texas;

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

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

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

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

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

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

(iv) Tract 4 - 313.8 acres of land, more or less, composed of lands formerly owned in part by Martha W. White and in part by M. E. Jordan and subsequently owned by the Dr. R. B Touchstone Estate, said 313.8 acres of land,

more or less, being out of the Robert C. Rogers Sur. No. 530, Abstr. No. 721, in Atascosa County, Texas, and described as "Third 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 a fence corner, the NE corner of this tract and the SE corner of the Mae S. Bush tract, as described in Deed dated September 22, 1944, executed by H. M. Bush, Sr., to Mae S. Bush, recorded in Vol. 166, p. 508, Deed Records, Atascosa County, Texas;

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

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

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

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

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

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

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.04, 1993 Tex. Gen. Laws 2350, 2353-55; as amended by Act of May 21, 2009, 81st Leg., R.S., ch. 1080, 2009 Tex. Gen. Laws 2818-25.*

#### **SECTION 1.05 FINDINGS RELATING TO BOUNDARIES.**

The legislature finds that the boundaries and field notes of the authority form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the organization, existence, or validity of the district or the legality or operation of the district or its governing body.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.05, 1993 Tex. Gen. Laws 2350, 2355.*

#### **SECTION 1.06 FINDING OF BENEFIT.**

(a) The legislature finds that the water in the unique underground system of water-bearing formations known as the Edwards-Balcones Fault Zone Aquifer has a hydrologic interrelationship to the Guadalupe, San Antonio, San Marcos, Comal, Frio, and Nueces river basins, is the primary source of water for the residents of the region, and is vital to the general economy and welfare of this state. The legislature finds that it is necessary, appropriate, and a benefit to the welfare of this state to provide for the management of the aquifer through the application of management mechanisms consistent with our legal system and appropriate to the aquifer system.

(b) The legislature further finds that the state will be benefited by exercise of the powers of the authority and by the works and projects that are to be accomplished by the authority under powers conferred by Article XVI, Section 59, of the Texas Constitution. The authority is created to serve a public use and benefit.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.06, 1993 Tex. Gen. Laws 2350, 2355-56.*

#### **SECTION 1.07 OWNERSHIP OF UNDERGROUND WATER.**

The ownership and rights of the owner of the land and the owner's lessees and assigns, including holders of recorded liens or other security interests in the land, in underground water and the contract rights of any person who purchases water for the provision of potable water to the public or for the resale of potable water to the public for any use are recognized. However, action taken pursuant to this Act may not be construed as depriving or divesting the owner or the owner's lessees and assigns, including holders of recorded liens or other security interests in the land, of these ownership rights or as impairing the contract rights of any person who purchases water for the provision of potable water to the public or for the resale of potable water to the public for any use, subject to the rules adopted by the authority under this Act or a district exercising the powers provided by Chapter 36, Water Code. The legislature intends that just compensation be paid if implementation of this article causes a taking of private property or the impairment of a contract in contravention of the Texas or federal constitution.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.07, 1993 Tex. Gen. Laws 2350, 2356; as amended by Act of May 23, 2019, 86th Leg., R.S., ch. 1135, § 2, 2019 Tex. Gen. Laws 3213.*

#### **SECTION 1.08 GENERAL POWERS.**

(a) The authority has all of the powers, rights, and privileges necessary to manage, conserve, preserve, and protect the aquifer and to increase the recharge of, and prevent the waste or pollution of water in, the aquifer. The authority has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 49 and 51, Water Code, applicable to an authority created under Article XVI, Section 59, of the Texas Constitution. This article prevails over any provision of general law that is in conflict or inconsistent with this article regarding the area of the authority's jurisdiction. Chapter 36, Water Code, does not apply to the authority.

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

(c) The authority and local governments with pollution control powers provided under Subchapters D and E, Chapter 26, Water Code, in order to prevent pollution and enforce water quality standards in the counties included within the authority's boundaries and within a buffer zone that includes all of the area less than five miles outside of those counties, shall apply pollution control regulations equally and uniformly throughout the area within the counties and the buffer zone. The buffer zone does not include the territory within a water management district created under Chapter 654, Acts of the 71st Legislature, Regular Session, 1989.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.08, 1993 Tex. Gen. Laws 2350, 2356; as amended by Act of May 23, 2019, 86th Leg., R.S., ch. 1135, § 3, 2019 Tex. Gen. Laws 3213-14.*

### **SECTION 1.081 FIRE CONTROL.**

To protect the water quality of the aquifer, the board shall adopt rules regarding the control of fires in the aquifer's recharge zone. In adopting rules under this section, the board shall consult with fire departments and fire marshals with jurisdiction over the recharge zone.

*Act of May 23, 2007, 80th Leg., R.S., ch. 510, 2007 Tex. Gen. Laws 900.*

### **SECTION 1.09 BOARD OF DIRECTORS; ELECTIONS; TERMS.**

(a) The authority is governed by a board of directors composed of 15 directors elected from the single-member election districts described by Section 1.093 of this article and two directors appointed as provided by Section 1.091 of this article. The elected directors serve staggered four-year terms with as near as possible to one-half of the members' terms expiring December 1 of each even-numbered year.

(b) The board shall order elections of the appropriate number of directors to replace directors holding elected offices whose terms are nearest expiration to be held on the uniform election date in November of each even-numbered year.

(c) If a director's position becomes vacant for any reason, the board shall appoint a qualified person to serve until the first election of directors following the appointment. If the position is not scheduled to be filled at that election, the board shall provide for a director to be elected at that election to serve in the position for the remainder of the unexpired term.

(d) Section 41.008, Election Code, does not apply to an election held under this article.

(e) At the initial meeting of the board following an election of new directors, the directors shall elect a presiding officer and other necessary officers. Officers serve terms set by rule of the board not to exceed two years.

(f) An act of the board is not valid unless adopted by the affirmative vote of a majority of the directors who are entitled to vote when a quorum is present. For purposes of this subsection, eight directors who are entitled to vote constitute a quorum.

(g) A director receives no compensation for service on the board but is entitled to reimbursement for actual and necessary expenses incurred in the performance of the director's duties.

(h) An elected director shall hold office until a successor has been elected and has qualified by taking the oath of office.

(i) A member of a governing body of another political subdivision is ineligible for appointment or election as a director of the authority. A director of the authority is disqualified and vacates the office of director if the director is appointed or elected as a member of the governing body of another political subdivision.

(j) For liability purposes only, a director of the authority is considered an employee of the authority under Chapter 101, Civil Practice and Remedies Code, even if the director does not receive fees of office voluntarily, by authority policy, or through a statutory exception.

(k) A director of the authority is immune from suit and immune from liability for official votes and official actions. To the extent an official vote or official action conforms to laws relating to conflicts of interest, abuse of office, or constitutional obligations, this subsection provides immunity for those actions.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.09, 1993 Tex. Gen. Laws 2350, 2356; as amended by Act of May 29, 1995, 74th Leg., R.S., ch. 261, § 1, 1995 Tex. Gen. Laws 2505-06; Act of May 23, 2019, 86th Leg., R.S., ch. 1135, § 4, 2019 Tex. Gen. Laws 3213, 3214.*

#### **SECTION 1.091 NONVOTING MEMBERS OF BOARD.**

(a) In addition to the directors provided by Section 1.09 of this article, the board includes two nonvoting directors appointed as provided by this section.

(b) One nonvoting director shall be appointed by a majority vote of the South Central Texas Water Advisory Committee from among the members of the committee.

(c) One nonvoting director shall be appointed by the Commissioners Court of Medina County or Uvalde County as provided by this subsection. A nonvoting director appointed by the Commissioners Court of Medina County must be a resident of Medina County, and a nonvoting director appointed by the Commissioners Court of Uvalde County must be a resident of Uvalde County. The Commissioners Court of Medina County shall appoint the nonvoting director for the term beginning December 1, 1996, and the Commissioners Court of Uvalde County shall appoint the nonvoting director for the term beginning December 1, 2000. Subsequent directors shall be appointed under this subsection by the Commissioners Courts of Medina County and Uvalde

County in alternation.

(d) A director appointed under this section serves a four-year term. The terms of the initial directors appointed under this section begin December 1, 1996, and expire December 1, 2000. Subsequent regular appointments under this section shall be made on or before the date of the directors election held for the even-numbered election districts described by Section 1.093 of this article. Subsequently appointed directors' terms expire December 1 following the appointment of the directors' successors. If the office of a director appointed under this section becomes vacant for any reason, the office shall be filled by appointment as provided by Subsection (b) or (c) of this section, as appropriate, for the unexpired portion of the term.

(e) A director appointed under this section is entitled to participate in and comment on any matter before the board in the same manner as a voting director, except that a director appointed under this section may not vote on any matter before the board.

(f) A director appointed under this section is not entitled to compensation for service on the board but is entitled to reimbursement for actual and necessary expenses incurred in performing the director's duties.

*Act of May 29, 1995, 74th Leg., R.S., ch. 261, § 1, 1995 Tex. Gen. Laws 2505, 2507.*

**SECTION 1.092 TEMPORARY BOARD AND INITIAL ELECTION OF DIRECTORS.**

(a) Until a board is elected as provided by this section and takes office, the authority is governed by a temporary board that consists of:

- (1) Mr. Phil Barshop;
- (2) Mr. Ralph Zendejas;
- (3) Mr. Mike Beldon;
- (4) Ms. Rosa Maria Gonzales;
- (5) Mr. John Sanders;
- (6) Ms. Sylvia Ruiz Mendelsohn;
- (7) Mr. Joe Bernal;
- (8) Mr. Oliver R. Martin;
- (9) Mr. A. O. Gilliam;
- (10) Mr. Bruce Gilleland;

(11) Mr. Rogelio Munoz;

(12) Mr. Doug Miller;

(13) Ms. Paula DiFonzo;

(14) Mr. Mack Martinez;

(15) Ms. Jane Houghson;

(16) one temporary director appointed by the South Central Texas Water Advisory Committee from among the members of the committee; and

(17) one temporary director appointed jointly by the Commissioners Courts of Medina County and Uvalde County who must be a resident of one of those counties.

(b) A temporary director appointed by the South Central Texas Water Advisory Committee or by the Commissioners Courts of Medina County and Uvalde County is a nonvoting member of the temporary board. The temporary director appointed by the South Central Texas Water Advisory Committee serves until the first nonvoting director appointed under Section 1.091(b) takes office. The temporary director appointed by the Commissioners Courts of Medina County and Uvalde County serves until the first nonvoting director appointed under Section 1.091(c) of this article takes office.

(c) If a vacancy occurs in a temporary director's office, except for the two nonvoting temporary directors, the remaining directors shall appoint a person to fill the vacancy. If a vacancy occurs in the office of one of the nonvoting temporary directors, the body that made that director's appointment shall appoint a person to fill the vacancy.

(d) As soon as is practicable, the temporary board shall:

(1) meet to elect a presiding officer and other necessary officers; and

(2) adopt rules governing the authority and board procedures.

(e) A temporary director receives no compensation for service on the board but is entitled to reimbursement for actual and necessary expenses incurred in the performance of the director's duties.

(f) A temporary director is not personally liable for any action the director takes within the scope of the director's office and under color of authority granted by this article.

(g) The temporary board shall order an election of directors to be held on the uniform election date in November 1996. Notwithstanding Section 1.09 of this article, the initial directors elected from odd-numbered election districts described by Section 1.093 of this article serve



terms expiring December 1, 1998, and the initial directors elected from even-numbered districts described by that section serve terms expiring December 1, 2000.

(h) The temporary board has all of the authority granted to the permanent board by this article and by general law.

*Act of May 29, 1995, 74th Leg., R.S., ch. 261, § 1, 1995 Tex. Gen. Laws 2505, 2507-08.*

### **SECTION 1.093 SINGLE-MEMBER ELECTION DISTRICTS.**

(a) District 1 is composed of Bexar County tracts 1203, 1204, 1205.02, 1206, 1208, 1209.02, 1211.03, 1211.04, 1211.05, 1211.06, 1211.07, 1211.08, 1212.01, 1212.02, 1218.01, 1218.03, 1218.04, 1218.05, 1219.02, 1914.02, 1917, 1918.01, and 1918.02; and that part of Bexar County tract 1205.01 included in block groups 6, 7, 8, and blocks 104, 105, 106, 107, 310, 501, and 504; and that part of Bexar County tract 1207 included in block groups 2 and 3 and blocks 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 120, 121, 122, 123, 124, 125, 407, 408, 409, 410, 411, 412, 413, 414, 415, 417, 418, 419, 502, 503, 504, 505, and 506; and that part of Bexar County tract 1209.01 included in block groups 2 and 3 and blocks 102, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, and 132; and that part of Bexar County tract 1210 included in block groups 4, 5, and 6; and that part of Bexar County tract 1213 included in block groups 1 and 2; and that part of Bexar County tract 1214.01 included in blocks 102A, 102B, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 113; and that part of Bexar County tract 1215.01 included in blocks 101, 102, 103, 104, 105A, 105B, 106, 108, 109, 110, 118, 119, 120, 121, 122, 123, 124, 125, 126, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, and 231; and that part of Bexar County tract 1216.03 included in block groups 3, 4, 5, 6, and blocks 101, 102, 103A, 103B, 103C, 104, 105A, 105B, 107, 108, 109, 201B, 201C, 201E, 202, 204, 205, and 206; and that part of Bexar County tract 1217 included in blocks 101A, 101B, 101C, 101D, 111A, 111B, and 112; and that part of Bexar County tract 1218.02 included in block groups 1 and 3; and that part of Bexar County tract 1219.01 included in blocks 202, 203, 204, 205, 206A, 206B, 207A, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, and 318; and that part of Bexar County tract 1903 included in blocks 132A, 133, 134A, 134B, 134C, 134D, 135A, and 135B; and that part of Bexar County tract 1904 included in blocks 101A, 101B, 103, 104, and 105; and that part of Bexar County tract 1908 included in blocks 101, 102, 103, 105, 106, 107, 108, 110, 111, 112, 113, 118, 120, 122, 125, 127, 130, 201, 202, 204, 205, 208, 210, 211, 212, 216, 217, 218, 219, 220, 221, 225, 301, 302, 304, 305, 306, 307, 311, 313, 314, 315, 316, 317, 318, 319, 320, 321, and 334; and that part of Bexar County tract 1909 included in blocks 313, 317, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, and 329; and that part of Bexar County tract 1912 included in block groups 1, 2, 6, 7, and blocks 301, 302, 303, 304, 305, 306, 309, 310, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, and 511; and that part of Bexar County tract 1913 included in block groups 1, 4, 5, and blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 215, 216, 217, 218, 219, 220, 221, 222, 236, 237, 244, 301, 302, 303, 304, 305, 306, 307, 308, and 310; and that part of Bexar County tract 1914.01 included in block group 1; and that part of Bexar County tract 1914.03 included in block groups 3 and 4.

(b) District 2 is composed of Bexar County tracts 1102, 1201.85, 1214.02, 1301, 1302, 1303, 1305, 1306, 1307.85, 1308, 1308.84, 1309, 1310, 1311, 1312, 1313, 1314, 1315.01, 1315.02, and 1316.04; and that part of Bexar County tract 1101 included in block groups 2, 3, 4, 5, 6, 7, and blocks 102, 103, 104, 105, 106, 107, 110, 111, 112, 113, 114, 118, 119, 120, 121, 122, 124, 125, 126, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 142, and 144; and that part of Bexar County tract 1109 included in blocks 126, 130, 201, 202, 203, 204, 209, 210, 211, 212, 213, 214, 217, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, and 249; and that part of Bexar County tract 1110 included in block group 1 and blocks 201, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231A, 231B, 232, 233, 234, 235, 236, 237, 238, 239, 401, 406, 407, 408, 409, 410, 415, 416, and 417; and that part of Bexar County tract 1202.85 included in block groups 1, 2, 3, 4, 5, 9, and blocks 601, 602, 603, 604, 605, 606, 607, 608A, 608B, 610, 613, 614, 615, and 617; and that part of Bexar County tract 1205.01 included in block groups 2 and 4 and blocks 101, 102, 103, 108, 109, 110, 111, 301, 302, 303, 304, 305, 306, 307, 308, 309, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 502, 503, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, and 520; and that part of Bexar County tract 1214.01 included in block groups 4, 5, 6, and 7; and that part of Bexar County tract 1215.02 included in block groups 4 and 5; and that part of Bexar County tract 1215.03 included in block groups 3 and 4; and that part of Bexar County tract 1304 included in block groups 1 and 8 and blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214B, 701, 704B, 705, 706, and 707; and that part of Bexar County tract 1404 included in blocks 408, 409, and 411; and that part of Bexar County tract 1902 included in blocks 317 and 318; and that part of Bexar County tract 1903 included in blocks 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 112, 121, 122, 123, 126, 127, 132B, and 138; and that part of Bexar County tract 1904 included in blocks 102, 106, 107, 108, 109, 110, 111, 118, 122, 201, 202, 209, 210B, 301, 309, 310, 311, and 404.

(c) District 3 is composed of Bexar County tracts 1105, 1106, 1107, 1108, 1601, 1701, 1702, 1704, 1705, 1809.01, 1809.02, 1810.01, 1811, 1901, 1905, 1906, 1907, 1910.01, 1910.02, 1911.01, and 1911.02; and that part of Bexar County tract 1101 included in blocks 101, 108, and 109; and that part of Bexar County tract 1104 included in block groups 3 and 4 and blocks 106, 202, 203, 204, and 205; and that part of Bexar County tract 1109 included in blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 128, 139, 140, 205, 206, 207, 208, 215, 216, 218, 219, 230A, 230B, 231, 232, 233, and 234; and that part of Bexar County tract 1110 included in block group 3 and blocks 202, 203, 204, 205, 402, 403, 404, 405, 411, 412, 413, 414, 418, 419, and 420; and that part of Bexar County tract 1202.85 included in blocks 609, 611, 612, and 616; and that part of Bexar County tract 1207 included in block groups 6, 7, 8, and blocks 101, 102, 103, 119, 401A, 401B, 402, 403, 404, 405, 406, 416, 420, 421, and 501; and that part of Bexar County tract 1209.01 included in blocks 101 and 140; and that part of Bexar County tract 1210 included in block groups 1, 2, and 3; and that part of Bexar County tract 1501 included in blocks 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 624, 625, and 626; and that part of Bexar County tract 1602 included in blocks 214, 303, and 310; and that part of Bexar County tract 1605 included in block groups 2 and 3 and blocks 117, and 118; and that part of Bexar County tract 1703 included in block groups 1, 2, 7, 8, and blocks 301, 302, 303, 304, 305, 306, 307, 308, 311, 312, 321, 322, 323, 324, 327, 399, 405, 406, 414, 415, 505,

506, 513, 514, 605, 606, 612, 613, 614, and 615; and that part of Bexar County tract 1802 included in block groups 1, 2, 3, 4, 7, 8, and 9; and that part of Bexar County tract 1808 included in blocks 110B and 111; and that part of Bexar County tract 1812 included in blocks 401, 402, 408, 409, 410, 411, and 412; and that part of Bexar County tract 1813 included in block groups 1, 2, 3, 4, and 5; and that part of Bexar County tract 1902 included in block groups 1, 2, 4, 5, 6, 7, and blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 316, 319, 320, and 323; and that part of Bexar County tract 1903 included in blocks 109, 110, and 111; and that part of Bexar County tract 1904 included in blocks 203, 204, 205, 206, 207, 208, 210A, 211, 212, 213, 214, 215, 303, 304, 305, 306, 307, 308, 312, 313, 314, 401, 402, 403, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, and 417; and that part of Bexar County tract 1908 included in blocks 104, 109, 124, 126, 128, 129, 206, 207, 213, 214, 215, 222, 303, 308, 309, 310, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 335, and 336; and that part of Bexar County tract 1909 included in block groups 1, 2, 4, 5, 6, 7, 8, 9, and blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 314, 315, 316, and 318; and that part of Bexar County tract 1912 included in block group 4 and blocks 307, 308, 311, 312, 313, 314, 315, and 512; and that part of Bexar County tract 1913 included in blocks 211, 212, 213, 214, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 238, 239, 240, 241, 242, 243, 309, 311, 312, and 313; and that part of Bexar County tract 1914.04 included in blocks 202, 203, 204, 205, 206, 207, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, and 317.

(d) District 4 is composed of Bexar County tracts 1617, 1719.01, 1719.02, 1719.03, 1719.04, 1719.05, 1719.06, 1817.01, 1817.03, 1817.04, 1817.05, 1817.06, 1817.07, 1817.08, 1817.09, 1817.10, 1818.01, 1818.05, 1819, 1820, 1821, 1914.05, 1915.01, 1915.02, 1916, and 1918.03; and that part of Bexar County tract 1614.01 included in block 913B; and that part of Bexar County tract 1616 included in block groups 1 and 2 and blocks 304, 305, and 306; and that part of Bexar County tract 1618 included in block groups 1, 2, and 3; and that part of Bexar County tract 1720 included in block group 1 and blocks 201, 202, 203A, 203B, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292A, 292B, 293, 294, 295A, 295B, and 296; and that part of Bexar County tract 1812 included in block groups 1, 2, 3, 5, and blocks 403, 404, 405, 406, and 407; and that part of Bexar County tract 1815.02 included in block groups 5, 6, and 7; and that part of Bexar County tract 1816 included in block group 2 and blocks 101A, 101B, 101C, 102A, 102B, 103, 104A, 104B, 105A, 105B, 106, 107, 108A, 109A, 110A, 111A, 112, 113, 114, 122, 136A, 136B, 143A, 143B, 305, 306, 601, and 602; and that part of Bexar County tract 1818.02 included in block groups 2, 3, 4, 5, and blocks 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, and 113; and that part of Bexar County tract 1818.03 included in blocks 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 120A, 120B, and 301; and that part of Bexar County tract 1818.04 included in block groups 2, 3, 4, 5, 6, 7, and block 101; and that part of Bexar County tract 1914.01 included in block groups 2 and 3; and that part of Bexar County tract 1914.03 included in block groups 1 and 2; and that part of Bexar County tract 1914.04 included in block group 1 and blocks 201 and 301.

(e) District 5 is composed of Bexar County tracts 1216.01, 1317, 1416, 1418, 1511,

1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1606, 1607.85, 1610.85, 1611, 1612, 1613, 1614.85, 1615.01, 1615.02, 1619, and 1620; and that part of Bexar County tract 1216.03 included in blocks 106A, 106B, 201D, 201F, and 203; and that part of Bexar County tract 1216.04 included in block groups 1 and 2 and blocks 301A, 301B, 302, 303, 304, and 305; and that part of Bexar County tract 1217 included in block groups 2, 3, 4, 5, 6, and blocks 102A, 102B, 103, 104A, 104B, 105, 106, 107, 108, 109, 110A, and 110B; and that part of Bexar County tract 1218.02 included in block group 2; and that part of Bexar County tract 1219.01 included in block group 1 and blocks 201, 207B, 208, 209, 210, 319, and 320; and that part of Bexar County tract 1316.01 included in blocks 101, 102, 103A, 103B, 103C, 103D, 103E, 104A, 104B, 104C, 105A, 105B, 106, 107A, 107B, 108A, 108B, 109, 110, 113, 114, 117, 118A, 118B, 119A, 119B, 119C, 119D, 119E, 119F, 119G, 121A, 121B, 121C, 121D, 121E, 122, 124, 133, 134, 135, 136, 137, 138A, and 138B; and that part of Bexar County tract 1316.03 included in blocks 201 and 204; and that part of Bexar County tract 1318 included in block group 3 and blocks 214, 215, 216, 218, 401, 411, 412, 413, 414, 415, 416, 417, 418, 424, 425, 426, 427, 428, 429, and 430; and that part of Bexar County tract 1415 included in block 901A; and that part of Bexar County tract 1417 included in blocks 101, 102, 103, 104, 105, 106, 107, 108A, 108B, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119A, 119B, 120, 121, 122, 124, 125, 126, 132A, 132B, 133, 134, 135, 136, 139, 140, 141, 142, 143, and 199; and that part of Bexar County tract 1419 included in block group 2 and blocks 101, 102, 103A, 103B, 104, 105, 106, 107, 108, 109, 110, 111A, 111B, 112A, 112B, 301A, 301B, 302, 309A, 310, 311, 312, 314, 315, 316, 317, 318, 319, 320A, 320B, 321, 322, 323, 324, 325, 326, 327, 328, 329A, 329B, 330A, 330B, 331, 332, and 399; and that part of Bexar County tract 1605 included in block groups 6, 7, 8, and blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, and 116; and that part of Bexar County tract 1609 included in block groups 3, 4, 5, and blocks 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, and 618; and that part of Bexar County tract 1614.01 included in blocks 913A, 913C, and 913D; and that part of Bexar County tract 1616 included in blocks 302, 303, 307A, 307B, and 308; and that part of Bexar County tract 1618 included in block group 4; and that part of Bexar County tract 1703 included in blocks 313, 314, 315, 316, 317, 318, 319, 401, 402, 403, 404, 407, 408, 409, 410, 411, 412, 413, 416, 417, 418, 419, 501, 502, 503, 504, 507, 508, 509, 510, 511, 512, 515, 516, 517, 518, 601, 602, 603, 604, 607, 608, 609, 610, 611, 616, and 617; and that part of Bexar County tract 1710 included in block groups 4, 5, and 6; and that part of Bexar County tract 1720 included in block 297.

(f) District 6 is composed of Bexar County tracts 1103, 1215.04, 1401, 1402, 1403, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1603, 1604, and 1608; and that part of Bexar County tract 1104 included in blocks 101, 102, 103, 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115, 201, 206, 207, 208, 209, 210, 211, 212, 213, 214, and 215; and that part of Bexar County tract 1213 included in block groups 3, 4, and 5; and that part of Bexar County tract 1214.01 included in block groups 2 and 3 and block 101; and that part of Bexar County tract 1215.01 included in block group 3 and blocks 107, 111, 112, 113, 114, 115, 116, 117, 127, 128, 129, 130, 131, 232, 233, 234, 235, and 236; and that part of Bexar County tract 1215.02 included in block groups 1, 2, and 3; and that part of Bexar County tract 1215.03 included in block groups 1, 2, 5, 6, 7, and 8; and that part of Bexar County tract 1216.03 included in block 201A; and that part of Bexar County tract 1216.04 included in block group 4 and blocks 306, 307, 308, 309, 310, 311, 312,

313, 314, 315, 316, 317, 318, 319, 320, and 321; and that part of Bexar County tract 1304 included in block groups 3, 4, 5, 6, and blocks 214A, 215, 220, 221, 702, 703, 704A, 720, 726, 734, 735, 736, 737, 738, 739, and 740; and that part of Bexar County tract 1316.01 included in blocks 111, 112, 115A, 115B, 116, 120A, 120B, 120C, 123A, 123B, 125, 126, 127, 128A, 128B, 128C, 129A, 129B, 130, 131A, 131B, 131C, 131D, 132, 139, 140, 141, 142, and 143; and that part of Bexar County tract 1316.03 included in block groups 1, 3, 4, and blocks 202, 203A, 203B, 203C, 203D, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214A, 214B, 214C, 214D, 214E, 215A, 215B, 216A, 216B, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, and 227; and that part of Bexar County tract 1318 included in block group 1 and blocks 201, 202, 203A, 203B, 204A, 204B, 205, 206A, 206B, 206C, 207A, 207B, 208, 209, 210, 211, 212, 213, 217, 219, 220, 221, 222A, 222B, 223A, 223B, 224, 225, 226, 227, 228, 229, 230, 402, 403, 404, 405, 406, 407, 408, 409, 410, 419, 420, 421, 422, and 423; and that part of Bexar County tract 1404 included in block groups 1, 2, 3, and blocks 401, 402, 403, 404, 405, 406, 407, 410, 414, 415, 423, 424, 425, 426, 428, 429, and 430; and that part of Bexar County tract 1415 included in blocks 901B and 902; and that part of Bexar County tract 1417 included in block group 2 and blocks 123A, 123B, 127A, 127B, 127C, 128A, 128B, 129A, 129B, 130A, 130B, 131, 137A, 137B, 138A, and 138B; and that part of Bexar County tract 1419 included in blocks 113A, 113B, 113C, 114, 115, 303A, 303B, 304A, 304B, 305A, 305B, 306A, 306B, 307, 308, 309B, and 313; and that part of Bexar County tract 1501 included in block groups 1, 2, 3, 4, 5, and blocks 620, 621, 622, 623, 627, 628, and 629; and that part of Bexar County tract 1602 included in block group 1 and blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 301, 302, 304, 305, 306, 307, 308, 309, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, and 321; and that part of Bexar County tract 1605 included in block groups 4 and 5; and that part of Bexar County tract 1609 included in block groups 1 and 7 and blocks 201, 202, 203, 204, 205, 206, 614, 615, 616, 617, 621, and 622.

(g) District 7 is composed of Bexar County tracts 1706, 1707, 1708, 1709, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1801, 1803, 1804, 1805.01, 1805.02, 1806, 1807.01, 1807.02, 1810.03, 1810.04, 1810.05, 1814.01, 1814.02, and 1815.01; and that part of Bexar County tract 1616 included in block 301; and that part of Bexar County tract 1710 included in block groups 1, 2, 3, 7, and 8; and that part of Bexar County tract 1802 included in block groups 5 and 6; and that part of Bexar County tract 1808 included in block groups 2 and 3 and blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110A, 110C, 112, 113, 114, and 115; and that part of Bexar County tract 1813 included in block group 6; and that part of Bexar County tract 1815.02 included in block groups 1, 2, 3, and 4; and that part of Bexar County tract 1816 included in block groups 4 and 5 and blocks 108B, 109B, 110B, 111B, 301, 302, 303, 304, 603, 604, 605, 606, 607, and 608; and that part of Bexar County tract 1818.02 included in block 101; and that part of Bexar County tract 1818.03 included in block group 2 and blocks 101, 102A, 102B, 102C, 103, 104, 105, 106, 107, 119, 302, 303, 304, 305, 306, and 307; and that part of Bexar County tract 1818.04 included in blocks 102, 103, 104, 105, 106, 107, 108, 109, and 110.

(h) District 8 is composed of that part of Comal County tract 3101 included in block group 5 and blocks 101, 102A, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113A, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 130, 131, 132, 133, 134, 135, 142, 143, 144, 145, 146, 147, 148, 149, 150, 201, 202, 211, 212, 213, 214, 225, 226, 243, 244, 245, 301, 302, 303, 304, 305, 309, 310, 312, 315, 316, 317, 318, 319, 320, 321, 401, 402, 403, 404, 405, 406,

407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, and 499; and that part of Comal County tract 3102 included in block group 2 and blocks 110, 111, 118, 125, 127A, 145, 146, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, and 325; and that part of Comal County tract 3103 included in blocks 112B, 212, and 520; and that part of Comal County tract 3104.01 included in block groups 3, 4, 5, 6, and blocks 102, 103, 104, 115, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220A, 220B, 220C, 221, 222, 223, 224, and 225; and that part of Comal County tract 3104.02 included in blocks 201, 206, 207, 208, 302, 401, 402, 403, 404, 405, 406, 407, 408, 410, 411, 412, and 413; and that part of Comal County tract 3105 included in blocks 110, 111, 113, 114, 115, 116, 117, 122, 123, 124, 125, 126, 127, 128, 129, 130, 135, 136, 137, 138, 139, 140, 141, 142, 144, 145, 146, 147, 148, 149, 199X, 199Y, 210, 211, 212, 218, 219, 220, and 222; and that part of Comal County tract 3108 included in blocks 141, 142, 144, 145, 201, 202, 204, 205, 208, 212A, 212B, 214, 217, 218, 219, 220A, 220B, 220C, 221A, 221B, 222, 223A, 223B, 225, 226, 227, 228A, 228B, 228C, 229A, 229B, 230A, 230B, 231B, 232B, 251A, 251B, 252A, and 252B.

(i) District 9 is composed of that part of Comal County tract 3101 included in blocks 102B, 103, 113B, 114, 127, 128, 129, 136, 137, 138, 139, 140, 141, 203, 204, 205, 206, 207, 208, 209, 210, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 227, 306, 307, 308, 311, 313, 314, 322, 323, 324, 325, 326, 327, 431, and 432; and that part of Comal County tract 3102 included in blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 112, 113, 114, 115, 116, 117, 119, 120, 121, 122, 123, 124, 126, 127B, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 147, 199, and 324; and that part of Comal County tract 3103 included in block groups 3 and 4 and blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112A, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 213, 214, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 521, 522, 523, 599, 599Y, and 599Z; and that part of Comal County tract 3104.01 included in blocks 101, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 199, and 220D; and that part of Comal County tract 3104.02 included in block group 1 and blocks 202, 203, 204, 205, 209, 210, 211, 212, 213, 301, 303, 304A, 304B, 305, 306, 307, 308, 309, 310, 311, 312, 313A, 313B, 314, 409, 414, 415, 416A, 416B, and 417; and that part of Comal County tract 3105 included in block groups 3 and 4 and blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 112, 118, 119, 120, 121, 131, 132, 133, 134, 143, 199Z, 201, 202, 203, 204, 205, 206, 207, 208, 209, 213, 214, 215, 216, 217, and 221; and that part of Comal County tract 3106.01 included in blocks 189 and 190; and that part of Comal County tract 3107 included in blocks 330, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342A, 342B, 343, 344A, 344B, 345, 346, 347, 348, 349, 350, 351, and 352; and that part of Comal County tract 3108 included in block group 3 and blocks 101A, 101B, 102, 103, 104, 105, 106A, 106B, 106C, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116A, 116B, 117, 118, 119A, 119B, 120, 121, 122, 123, 124A, 124B, 124C, 124D, 124E, 125A, 125B, 126A, 126B, 127, 128, 129, 130, 131, 132, 133, 134A, 134B, 134C, 135, 136, 137, 138, 139, 140, 143, 199, 203, 206, 207, 209, 210, 211, 213A, 213B, 215A, 215B, 216A, 216B, 216C, 224, 231A, 232A, 233A, 233B, 234A, 234B, 235, 236A, 236B, 237A, 237B, 238, 239A, 239B, 239C, 240, 241, 242, 243, 244A, 244B, 244C, 245A, 245B, 246, 247, 248, 249A, 249B, 250A, 250B, 253, 254A, 254B, 255A, 255B, 256A, 256B, 257A, 257B, and 258; and that part of Comal County tract 3109 included in block group 3 and blocks 101, 102, 103, 104, 105, 106, 108, 110, 136, 137, 142, 143, 144, 145, 146, 147, 148, 149A, 149B,

150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165A, 165B, 166, 167A, 167B, 168, 169A, 169B, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180A, 180B, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277A, 277B, 277C, 277D, 277E, 278, 279A, 279B, 280, 281, 282, 283A, 283B, 284, 285, 286, 287, 288A, 288B, 289, 290, 291A, 291B, 292, 293, 294A, 294B, 295, 296, and 297; Guadalupe County tracts 2105.01, 2106.01, 2106.02, 2107.01, and 2107.03; and that part of Guadalupe County tract 2105.02 included in block groups 1 and 4 and blocks 201A, 201B, 201C, 202A, 202B, 203, 204, 205, 206, 207, 208, 209, 210A, 210B, 211A, 211B, 212, 213A, 213B, 213C, 213D, 214, 215A, 215B, 216A, 216B, 217A, 217B, 218A, 218B, 218C, 219, 220, 221, 222, 223, 224, 225, 226, 227A, 227B, 227C, 227D, 228, 229, 230A, 230B, 231, 232, 233, 234, 235A, 235B, 236, 237, 238, 239, 240, 241, 243, 299Y, 299Z, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318A, 318B, 319, 320, 321, 322, 323, 324A, 324B, 324C, 325A, 325B, 325C, 327A, 327B, 328A, 328B, 329, 330, 331, 332, 333, 334, and 335; and that part of Guadalupe County tract 2107.04 included in block groups 1, 2, 4, 5, 6, and blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315A, 315B, 315C, 315D, 316, 317, and 318; and that part of Guadalupe County tract 2108 included in block groups 6 and 7 and blocks 415, 416A, 416B, 419, 501A, 501B, 502A, 502B, 503, 504, 505, 506, 507A, 507B, 508A, 508B, 509A, 509B, 510A, 510B, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529A, 529B, 529C, 529D, 530, 531, 532, 533, 534A, 534B, 534C, 534D, 535A, 535B, 536A, 536B, 536C, 537A, 537B, 538, 539, 555, 556A, 556B, 557, 558A, 558B, 558C, 559, 560A, 560B, 561A, 561B, 562A, 562B, 563A, 563B, and 564. District 9 also includes that part of Comal County tract 3106.01 included in block 194; that part of Comal County tract 3107 included in block 331; that part of Comal County tract 3109 included in block 141; that part of Guadalupe County tract 2105.02 included in block 242; and that part of Guadalupe County tract 2107.04 included in block 319.

(j) District 10 is composed of that part of Hays County tract 0101 included in blocks 137, 138, 142, 148, 237, 238, 239, 240, 241, 242, 243, 244, and 245; and that part of Hays County tract 0103.01 included in blocks 301, 302, 303, 304, 305, 306, 307, 402, 408, 409, 410, 411, 413, 503A, 503B, 504, 505, 506, 510B, 513, 514, 517A, 517B, 518, 519A, 519B, 519C, 520A, 520B, 521A, 521B, 522, 523, 525, 526A, 526B, 527, 528, 529, and 530; and that part of Hays County tract 0103.02 included in blocks 101, 102, 103, 104, 107, 109, 110, 111, 112, 113, 114, 201, 202A, 202B, 203A, 203B, 204, 205, 207, 208, 209, 210, 211, 212, 213, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228A, 228B, 229, 230, 231, 232, 233A, 233B, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, and 251; and that part of Hays County tract 0104 included in block group 1 and blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 301, 302, 303, 304, 305, 306B, 307, 308, 309A, 309B, 316A, 316B, 317A, 317B, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330A, 330B, 331A, 331B, 332, 333, 334, 335, 336, 337A, 337B, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, and 399R; and that part of Hays County tract 0105 included in block group 2 and blocks 113, 114, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127,

128, 129, 130, 131, 132, 133, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 313, 314, 408, 409A, 409B, 411, 412, 413A, 413B, 414, 415, 416A, 416B, and 417; and that part of Hays County tract 0106 included in blocks 332, 333, 334, 335, and 337.

(k) District 11 is composed of Caldwell County BNA 9605 and that part of Caldwell County BNA 9601 included in blocks 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 348, 349, 350, 354, 355, 356, 357, 358, 359, 360, 361, 362, 405A, 405B, 405C, 405D, 405E, 406, 407A, 407B, 408, 409, 410A, 410B, 410C, 410D, 410E, 411A, 411B, 412A, 412B, 412C, 412D, 413A, 413B, 413C, 414A, 414B, 415B, 416A, 416B, 416C, 417, 418A, 418B, 419A, 419B, 420, 421, 422A, 422B, 423, 424, 425, 426, 427, 428, 429, 430A, 430B, 431A, 431B, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441A, 441B, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, and 499; and that part of Caldwell County BNA 9602 included in blocks 209, 217, 218, 308, 309A, 309B, 309C, 310, 311, 312, 313, 314A, 314B, 314C, 314D, 315A, 315B, 316, 317, 318A, 318B, 319A, 319B, 319C, 320, 328, 329, 332, 333, and 334; and that part of Caldwell County BNA 9603 included in block groups 3 and 4 and blocks 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 217, and 218; and that part of Caldwell County BNA 9604 included in block group 3 and blocks 102, 103, 106, 107, 108, 109, 110, 119, 120, 121, 122, 123, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238A, 238B, 239, 240, 241, 242, 243, 244, and 245; and that part of Caldwell County BNA 9606 included in blocks 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 246, 288, 293, and 294; and that part of Caldwell County BNA 9607 included in block groups 4 and 5 and blocks 103, 104, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120A, 120B, 134, 137, 138, 139, 140, 141, 142A, 142B, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 204, 205, 206, 207, 208, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 258, 259, 260, 261, 262, 263, 264, 265, 266, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313A, 313B, 314, 315, 320, 321, 322, 323, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, and 347; Hays County tract 0102; and that part of Hays County tract 0101 included in blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 139, 140, 141, 143, 144, 145, 146, 147, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, and 236; and that part of Hays County tract 0103.01 included in block groups 1 and 2 and blocks 308, 309, 310, 311, 401, 403, 404, 405, 406, 407, 412, 414, 415, 416, 417, 418, 501A, 501B, 501C, 501D, 502A, 502B, 507A, 507B, 508A, 508B, 509A, 509B, 510A, 511, 512, 515, 516, and 524; and that part of Hays County tract 0103.02 included in blocks 105, 106, 108A, 108B, 206, 214A, 214B, 215, and 216; and that part of Hays County tract 0104 included in blocks 216, 217, 218, 219A, 219B, 220, 221A, 221B, 306A, 310A, 310B, 311, 312, 313, 314, and 315; and that part of Hays County tract 0105 included in blocks 101, 102, 103, 104, 105,



106, 107, 108, 109, 110, 111, 112, 116, 134, 135, 136, 137, 312, 401, 402A, 402B, 403A, 403B, 404, 405, 406, 407, 410A, 410B, 418, 419A, 419B, 420A, 420B, 421, 422, and 423; and that part of Hays County tract 0106 included in block groups 1 and 2 and blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 336, 401A, 401B, 401C, 401D, 401E, 401F, 402, 403, 404, 405, 406, 407, 408, 411, 412, 413, 414, 415, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435A, 435B, 436, 437, 438, 439A, 439B, 440, 441, 442A, 442B, 442C, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, and 477; and that part of Hays County tract 0107 included in block groups 1, 3, 4, and blocks 201, 202, 203, 204, 205, 206, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255A, 255B, 256, 257, 258, 259, 260, 261, 262A, 262B, 262C, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293A, 293B, 294, 295, and 296; and that part of Hays County tract 0108.02 included in blocks 130, 137, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 501, 502, 524, 525, 532, 533, 534, 655, 656, 657, 663, 664, 673, 674, 675, and 676; and that part of Hays County tract 0109.02 included in blocks 123, 126, 127, 132B, 312, 313A, 313B, and 399; and that part of Hays County tract 0109.04 included in block groups 2, 4, 5, and blocks 101, 102A, 102B, 102C, 102D, 112, 113A, 113B, 113C, 114A, 114B, 114C, 115A, 115B, 301A, 301B, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 317, 318A, 318B, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333A, 333B, 334, 335, 336, 337, 338, 339, 340, 341, and 342. District 11 also includes that part of Caldwell County BNA 9601 included in block 415A; that part of Hays County tract 0106 included in block 409; that part of Hays County tract 0108.02 included in blocks 526 and 601; that part of Hays County tract 0109.02 included in block 125; that part of Hays County tract 0109.03 included in block 223; and that part of Hays County tract 0109.04 included in block 104.

(l) District 12 is composed of Medina County BNA 9902 and that part of Medina County BNA 9903 included in blocks 201A, 201B, 201C, 202, 203, 204A, 204B, 204C, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223A, 223B, 223C, 224, 225A, 225B, 226A, 226B, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242A, 243, 244, 245, 247, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 358, 359A, 362A, 362B, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 401, 402A, 402B, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, and 435; and that part of Medina County BNA 9905 included in blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153A, 153B, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171,

172, 173A, 173B, 174, 175, 176, 177, 178, 181A, 181B, 182, 201, 202, 203, 215, 222, 223, 224, 225, 235, 301, 302, 303, 307, 308, 315, 338, 350, 351, 353, 362, 430, 431, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 461, 462, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, and 499; and that part of Medina County BNA 9906 included in blocks 152, 153, 154, 155, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 226, 227, 228, 229, 230, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, and 274; and that part of Medina County BNA 9907 included in blocks 101, 111, 112, 113, 114, 115, 116, 117, 118, 133, 134, 135, 136, 137, 138, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 165, 211A, 212, 213, 214, 215, 219A, 219B, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 340A, 340B, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358A, 358B, 359, 360A, 360B, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371A, 371B, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, and 413A.

(m) District 13 is composed of that part of Atascosa County BNA 9602 included in blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146A, 146B, 147A, 147B, 207, 208, 209, 210, 211, 501A, 501B, 502, 503, 504, 505A, 505B, 506, 507A, 507B, 508A, 508B, 509, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531A, 531B, 532A, 532B, 533, 534A, 534B, 535, and 536; Medina County BNAs 9901 and 9904; and that part of Medina County BNA 9903 included in block group 1 and blocks 242B, 242C, 246A, 246B, 246C, 246D, 248, 249, 250, 251, 357A, 357B, 359B, 360, 361, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 436A, 436B, and 437; and that part of Medina County BNA 9905 included in blocks 179, 180, 183A, 183B, 184A, 184B, 185, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 218, 219, 220, 221, 226, 227, 228, 229, 230, 231, 232, 233, 234, 236, 237, 238, 239, 240, 241, 242, 243, 244, 304, 305, 306, 309, 310, 311, 312, 313, 314, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 352, 354, 355, 356, 357, 358, 359, 360A, 360B, 361, 363, 364, 365, 366, 367, 368, 369A, 369B, 370, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 432, 433, 434, 435, 436, 458, 459, 460, 463, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, and 497; and that part of Medina County BNA 9906 included in blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 156, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 231, 232, 233, 275, 276, 277, 278, 279, 280, and 281; and that part of Medina County BNA 9907 included in blocks 102, 103, 104, 105, 106, 107A, 107B, 107C, 108, 109, 110, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 139, 140, 141, 142, 143, 144, 145, 146, 157, 158, 159, 160, 161, 162, 163, 164, 166, 167, 201, 202, 203, 204, 205, 206A, 206B, 207, 208, 209, 210, 211B, 216, 217A, 217B, 218, 232A, 232B, 233, 234, 235,

236, 237, 238, 301, 302A, 302B, 303, 304, 305, 306, 307, 308, 309A, 309B, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 333, 334, 335, 336, 337, 338, 339, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413B, 414, 415, 416, 417, 418, 419, 420A, 420B, 420C, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, and 448. District 13 also includes that part of Atascosa County BNA 9602 included in block 510.

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

(o) District 15 is composed of Uvalde County BNA 9501 and that part of Uvalde County BNA 9502 included in block group 6 and blocks 101, 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 141, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195A, 195B, 196A, 196B, 197, 205, 275, 276, 277, 287, 289, 290, 291, 292, 293, 294, 295, 501, 502, 503, 504, 505, 506, 507A, 507B, 508, 509A, 509B, 509C, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, and 597; and that part of Uvalde County BNA 9503 included in blocks 101A, 101D, 125, 127, 128, 129, 130, 131, 132, 157A, 157B, 158, 159, 160, 161, 162, 163, 175A, and 175B; and that part of Uvalde County BNA 9504 included in block groups 1 and 2 and blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 315, 317, 318, 320, 321, 322, 323, 324, 325, 326, 327, and 328; and that part of Uvalde County BNA 9505 included in blocks 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 109, 110A, 110B, 110C, 111, and 112.

(p) Each district described by this section includes only the part of the described geographic area that is included in the boundaries of the authority as provided by Section 1.04 of

this article.

(q) In this section, the terms “tract,” “block,” “block group,” and “BNA” (block numbering area) mean the geographic areas identified by those terms in the Redistricting Map Data Base for the State of Texas prepared by the Texas Legislative Council and distributed by the council to the State Data Center, Texas Department of Commerce, on March 22, 1991, for public distribution by the State Data Center.

*Act of May 29, 1995, 74th Leg., R.S., ch. 261, § 1, 1995 Tex. Gen. Laws 2505, 2508-16.*

#### **SECTION 1.094 MODIFICATION OF DISTRICT LINES AFTER DECENNIAL CENSUS.**

(a) After each federal decennial census, or as needed, the board may modify the district lines described in Section 1.093 of this article. During March or April of an even-numbered year, the board by order may modify the district lines described in Section 1.093 of this article to provide that the lines do not divide a county election precinct except as necessary to follow the authority’s jurisdictional boundaries.

(b) Modifications under this section may not result in:

(1) the dilution of voting strength of a group covered by the federal Voting Rights Act (42 U.S.C. Section 1973c et seq.), as amended;

(2) a dilution of representation of a group covered by the federal Voting Rights Act (42 U.S.C. Section 1973c et seq.), as amended;

(3) discouraging participation by a group covered by the federal Voting Rights Act (42 U.S.C. Section 1973c et seq.), as amended; or

(4) increasing or decreasing the number of districts in any county.

(c) A county election precinct established by a county in accordance with Chapter 42, Election Code, may not contain territory from more than one authority district.

*Act of May 6, 1999, 76th Leg., R.S., ch. 163, § 1, 1999 Tex. Gen. Laws 634-35.*

#### **SECTION 1.10 SOUTH CENTRAL TEXAS WATER ADVISORY COMMITTEE.**

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

(1) Atascosa;

- (2) Caldwell;
- (3) Calhoun;
- (4) Comal;
- (5) DeWitt;
- (6) Goliad;
- (7) Gonzales;
- (8) Guadalupe;
- (9) Hays;
- (10) Karnes;
- (11) Medina;
- (12) Nueces;
- (13) Refugio;
- (14) San Patricio;
- (15) Uvalde;
- (16) Victoria;
- (17) Wilson;
- (18) the City of San Antonio;
- (19) the City of Victoria; and
- (20) the City of Corpus Christi.

(b) A member must be a resident or qualified voter of or engaged in business in a county all or part of which is included in the member's area of representation.

(c) The reimbursement of an advisory committee member for expenses is on the same terms as the reimbursement of board members. An advisory committee member is not entitled to compensation.

(d) An advisory committee member holds office until a successor is appointed.

(e) The authority shall send to each advisory committee member all the communications of the authority that are extended to board members and may participate in board meetings to represent downstream water supply concerns and assist in solutions to those concerns. Advisory committee members may not vote on a board decision.

(f) The advisory committee by resolution may request the board to reconsider any board action that is considered prejudicial to downstream water interests. If the board review does not result in a resolution satisfactory to the advisory committee, the advisory committee by resolution may request the commission to review the action. The commission shall review the action and may make a recommendation to the board. If the board determines that the board's action is contrary to an action of the commission affecting downstream interests, the board shall reverse itself.

(g) The advisory committee shall meet to organize and elect a presiding officer.

(h) The presiding officer of the advisory committee shall submit a report assessing the effectiveness of the authority to the commission and the authority by March 31 of each even - numbered year. The report must assess the effect on downstream water rights of the management of the aquifer. The authority shall consider the report in managing the authority's affairs.

(i) The advisory committee's duties include:

(1) assisting the authority in developing the authority's demand management plan for the county that the representative represents;

(2) assisting the authority to implement the demand management plan; and

(3) performing other duties requested by the board that the representative may practicably perform.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.10, 1993 Tex. Gen. Laws 2350, 2357-58.*

#### **SECTION 1.11 GENERAL POWERS AND DUTIES OF THE BOARD AND AUTHORITY.**

(a) The board shall adopt rules necessary to carry out the authority's powers and duties under this article, including rules governing procedures of the board and authority.

(b) The authority shall ensure compliance with permitting, metering, and reporting requirements and shall regulate permits.

(c) The authority may issue orders to enforce this article or its rules.

(d) The authority may:

- (1) issue or administer grants, loans, or other financial assistance to water users for water conservation and water reuse;
- (2) enter into contracts;
- (3) sue and be sued in its own name;
- (4) receive gifts, grants, awards, and loans for use in carrying out its powers and duties;
- (5) hire an executive director to be the chief administrator of the authority and other employees as necessary to carry out its powers and duties;
- (6) delegate the power to hire employees to the executive director of the authority;
- (7) own real and personal property;
- (8) close abandoned, wasteful, or dangerous wells;
- (9) hold permits under state law or under federal law pertaining to the Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.) and its amendments;
- (10) enforce inside the authority's boundaries Chapter 1901, Occupations Code, and rules adopted by the Texas Commission of Licensing and Regulation under that chapter; and
- (11) require to be furnished to the authority water well drillers' logs that are required by Chapter 1901, Occupations Code, to be kept and furnished to the Texas Commission of Licensing and Regulation.

(e) The authority shall make a good faith effort to award to minority-owned and women-owned businesses contracts issued under the powers and duties granted under this section in the amount of 20 percent of the total amount of those contracts. Not later than October 31 of every even-numbered year, the authority shall file with the governor and each house of the legislature a written report containing the following information for the previous two years for all businesses, for minority-owned and women-owned businesses classified by minority group and within each minority group classification, by gender, the total number of contracts issued by the authority; the total dollar amount of those contracts; and the total number of businesses submitting bids or proposals relating to such contracts and to the purpose of such contracts. In this subsection:

- (1) "Minority-owned business" means a business entity at least 51 percent of which is owned by members of a minority group or, in the case of a corporation, at least 51 percent of the shares of which are owned by members of a minority group, and that is

managed and controlled by members of a minority group in its daily operations.

(2) “Minority group” includes:

- (A) African Americans;
- (B) American Indians;
- (C) Asian Americans; and
- (D) Mexican Americans and other Americans of Hispanic origin.

(3) “Women-owned business” means a business entity at least 51 percent of which is owned by women or, in the case of a corporation, at least 51 percent of the shares of which are owned by women, and that is managed and controlled by women in its daily operations.

(f) The authority may own, finance, design, construct, operate, or maintain recharge facilities. For the purpose of this subsection, “recharge facility” means a dam, reservoir, or other method of recharge project and associated facilities, structures, or works but does not include a facility to recirculate water at Comal or San Marcos Springs.

(f-1) The authority shall provide written notice of the intent to own, finance, design, construct, operate, or maintain recharge facilities to:

- (1) each groundwater conservation district in the area in which the recharge facility will be located;
- (2) the mayor of each municipality in the area in which the recharge facility will be located;
- (3) the county judge of each county in the area in which the recharge facility will be located; and
- (4) each member of the legislature who represents the area in which the proposed recharge facility will be located.

(f-2) Any entity within the county in which a recharge facility is to be constructed shall be provided opportunity for input and allowed to provide proposals for partnering with the authority to own, finance, design, construct, operate, or maintain the recharge facility.

(g) The authority has the power of eminent domain. The authority may not acquire rights to underground water by the power of eminent domain.

(h) *Repealed by Act of May 27, 2001, 77th Leg., R.S., ch. 966, § 6.03, 2001 Tex. Gen. Laws 1991, 2075.*



*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.11, 1993 Tex. Gen. Laws 2350, 2358-59; as amended by Act of May 27, 2001, 77th Leg., R.S., ch. 966, § 6.03, 2001 Tex. Gen. Laws 1991, 2075; Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § 2.01, 2007 Tex. Gen. Laws 4612, 4627; Act of May 28, 2007, 80th Leg., R.S., ch. 1430, § 12.01, 2007 Tex. Gen. Laws 5848, 5901; Act of May 23, 2019, 86th Leg., R.S., ch. 1135, § 5, 2019 Tex. Gen. Laws 3213, 3214.*

## **SECTION 1.115 RULEMAKING PROCEDURES.**

(a) The authority shall comply with the procedures provided by this section in adopting rules.

(b) The authority shall provide, by using the United States mail, notice of a proposed rule to all applicants and permit holders. The authority shall publish in a newspaper of general circulation within the boundaries of the authority notice of a public hearing on a proposed rule at least 14 days before the date of the public hearing on the rule. The notice must include:

- (1) the date, time, and place of the public hearing;
- (2) a statement of the general subject matter of the proposed rule;
- (3) the procedures for obtaining copies of the proposed rule and for submitting comments; and
- (4) the deadline for submitting comments.

(c) The board shall allow at least 45 days for comment on a proposed rule, other than an emergency rule, before the board adopts the rule. The board shall consider all written comments and shall, in the order adopting the rule, state the reasons and justification for the rule and the authority's responses to the written comments.

(d) The meeting at which a proposed rule is adopted as a final rule must be an open meeting, and the public must be allowed to make comments on the proposed rule and the agency responses. A proposed rule becomes final and effective on the 10th day after the date the rule is adopted by the board.

(e) Notwithstanding Subsections (b)-(d) of this section, the board may adopt emergency rules in anticipation of imminent harm to human health, safety, or welfare, or if compliance with the procedures provided in Subsections (b)-(d) of this section would prevent an effective response to emergency aquifer or springflow conditions. The board may adopt emergency rules five days after providing public notice. Emergency rules are effective immediately on adoption for a period of 120 days and may be renewed once for not more than 60 days.

(f) Subsections (b)-(d) of this section do not apply to the adoption of bylaws or internal procedures of the board and authority.

*Act of May 27, 2001, 77th Leg., R.S., ch. 966, § 6.01, 2001 Tex. Gen. Laws 1991, 2075.<sup>1</sup>*

### **SECTION 1.12 SUNSET COMMISSION REVIEW.**

(a) *Repealed by Act of June 1, 2003, 78th Leg., R.S., ch. 1112, § 6.01(4), 2003 Tex. Gen. Laws 3188, 3193.*

(b) *Repealed by Act of June 1, 2003, 78th Leg., R.S., ch. 1112, § 6.01(4), 2003 Tex. Gen. Laws 3188, 3193.*

(c) *Repealed by Act of June 1, 2003, 78th Leg., R.S., ch. 1112, § 6.01(4), 2003 Tex. Gen. Laws 3188, 3193.*

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.12, 1993 Tex. Gen. Laws 2350, 2359; as amended by Act of June 1, 2003, 78th Leg., R.S., ch. 1112, § 6.01(4), 2003 Tex. Gen. Laws 3188, 3193.*

### **SECTION 1.13 REUSE AUTHORIZED.**

Any regulation of the withdrawal of water from the aquifer must allow for credit to be given for certified reuse of the water. For regulatory credit, the authority or a local underground water conservation district must certify:

- (1) the lawful use and reuse of aquifer water;
- (2) the amount of aquifer water to be used; and
- (3) the amount of aquifer withdrawals replaced by reuse.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.13, 1993 Tex. Gen. Laws 2350, 2359-60.*

### **SECTION 1.14 WITHDRAWALS.**

(a) Authorizations to withdraw water from the aquifer and all authorizations and rights to make a withdrawal under this Act shall be limited in accordance with this section to:

---

<sup>1</sup> Although not codified as an amendment to the Act, §§ 6.04 and 6.05 of ch. 966 are relevant to the rulemaking procedures of the Authority and provide as follows:

**SECTION 6.04** A rule adopted by the Edwards Aquifer Authority before the effective date of this Act remains in effect until repealed, amended, or readopted. Nothing contained in this article shall be construed as repealing the applicability of the open meetings law, Chapter 551, Government Code, or the public information law, Chapter 552, Government Code, to the Edwards Aquifer Authority.

**SECTION 6.05** The rules in 31 T.A.C. Part 20 shall continue in effect until replaced by rules adopted pursuant to this article. The secretary of state shall delete 31 T.A.C. Part 20.

- (1) protect the water quality of the aquifer;
- (2) protect the water quality of the surface streams to which the aquifer provides springflow;
- (3) achieve water conservation;
- (4) maximize the beneficial use of water available for withdrawal from the aquifer;
- (5) recognize the extent of the hydro-geologic connection and interaction between surface water and groundwater;
- (6) protect aquatic and wildlife habitat;
- (7) protect species that are designated as threatened or endangered under applicable federal or state law; and
- (8) provide for instream uses, bays, and estuaries.

(b) *Repealed by Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § 2.09, 2007 Tex. Gen. Laws 4612, 4634; Act of May 28, 2007, 80th Leg., R.S., ch. 1430, § 12.09, 2007 Tex. Gen. Laws 5848, 5908.*

(c) Except as provided by Subsections (f) and (h) of this section and Section 1.26 of this article, for the period beginning January 1, 2008, the amount of permitted withdrawals from the aquifer may not exceed or be less than 572,000 acre-feet of water for each calendar year, which is the sum of all regular permits issued or for which an application was filed and issuance was pending action by the authority as of January 1, 2005.

(d) *Repealed by Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § 2.09, 2007 Tex. Gen. Laws 4612, 4634; Act of May 28, 2007, 80th Leg., R.S., ch. 1430, § 12.09, 2007 Tex. Gen. Laws 5848, 5908.*

(e) The authority may not allow withdrawals from the aquifer through wells drilled after June 1, 1993, except for replacement, test, or exempt wells or to the extent that the authority approves an amendment to an initial regular permit to authorize a change in the point of withdrawal under that permit.

(f) If the level of the aquifer is equal to or greater than 660 feet above mean sea level as measured at Well J-17, the authority may authorize withdrawal from the San Antonio pool, on an uninterrupted basis, of permitted amounts. If the level of the aquifer is equal to or greater than 845 feet at Well J-27, the authority may authorize withdrawal from the Uvalde pool, on an uninterrupted basis, of permitted amounts.

(g) The authority by rule may define other pools within the aquifer, in accordance

with hydrogeologic research, and may establish index wells for any pool to monitor the level of the aquifer to aid the regulation of withdrawals from the pools.

(h) To accomplish the purposes of this article, the authority, through a program, shall implement and enforce water management practices, procedures, and methods to ensure that, not later than December 31, 2012, the continuous minimum springflows of the Comal Springs and the San Marcos Springs are maintained to protect endangered and threatened species to the extent required by federal law and to achieve other purposes provided by Subsection (a) of this section and Section 1.26 of this article. The authority from time to time as appropriate may revise the practices, procedures, and methods. To meet this requirement, the authority shall require:

(1) phased adjustments to the amount of water that may be used or withdrawn by existing users or categories of other users, including adjustments in accordance with the authority's critical period management plan established under Section 1.26 of this article; or

(2) implementation of alternative management practices, procedures, and methods.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.14, 1993 Tex. Gen. Laws 2350, 2360; as amended by Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § 2.02, 2007 Tex. Gen. Laws 4612, 4627-28; Act of May 28, 2007, 80th Leg., R.S., ch. 1430, § 12.02, 2007 Tex. Gen. Laws 5848, 5901-02.*

#### **SECTION 1.15 PERMIT REQUIRED.**

(a) The authority shall manage withdrawals from the aquifer and shall manage all withdrawal points from the aquifer as provided by this Act.

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

(c) The authority may issue regular permits, term permits, and emergency permits.

(d) Each permit must specify the maximum rate and total volume of water that the water user may withdraw in a calendar year.

(e) The authority shall conduct a contested case hearing on a permit application if a person with a personal justiciable interest related to the application requests a hearing on the application.

(f) The authority shall adopt rules establishing procedures for contested case hearings consistent with Subchapters C, D, and F, Chapter 2001, Government Code.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.15, 1993 Tex. Gen. Laws 2350, 2360-61; as*

*amended by Act of May 27, 2001, 77th Leg., R.S., ch. 966, § 6.02, 2001 Tex. Gen. Laws 1991, 2075.*

**SECTION 1.16 DECLARATIONS OF HISTORICAL USE; INITIAL REGULAR PERMITS.**

(a) An existing user may apply for an initial regular permit by filing a declaration of historical use of underground water withdrawn from the aquifer during the historical period from June 1, 1972, through May 31, 1993.

(b) An existing user's declaration of historical use must be filed on or before March 1, 1994, on a form prescribed by the board. An applicant for a permit must timely pay all application fees required by the board. An owner of a well used for irrigation must include additional documentation of the number of acres irrigated during the historical period provided by Subsection (a) of this section.

(c) An owner of a well from which the water will be used exclusively for domestic use or watering livestock and that is exempt under Section 1.33 of this article is not required to file a declaration of historical use.

(d) The board shall grant an initial regular permit to an existing user who:

(1) files a declaration and pays fees as required by this section; and

(2) establishes by convincing evidence beneficial use of underground water from the aquifer.

(e) To the extent water is available for permitting, the board shall issue the existing user a permit for withdrawal of an amount of water equal to the user's maximum beneficial use of water without waste during any one calendar year of the historical period. If a water user does not have historical use for a full year, then the authority shall issue a permit for withdrawal based on an amount of water that would normally be beneficially used without waste for the intended purpose for a calendar year. If the total amount of water determined to have been beneficially used without waste under this subsection exceeds the amount of water available for permitting, the authority shall adjust the amount of water authorized for withdrawal under the permits proportionately to meet the amount available for permitting. An existing irrigation user shall receive a permit for not less than two acre-feet a year for each acre of land the user actually irrigated in any one calendar year during the historical period. An existing user who has operated a well for three or more years during the historical period shall receive a permit for at least the average amount of water withdrawn annually during the historical period.

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

(g) The authority shall issue an initial regular permit without a term, and an initial regular permit remains in effect until the permit is abandoned or cancelled.

(h) The board shall notify each permit holder that the permit is subject to limitations as provided by this article.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.16, 1993 Tex. Gen. Laws 2350, 2361; as amended by Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § 2.03, 2007 Tex. Gen. Laws 4612, 4628; Act of May 28, 2007, 80th Leg., R.S., ch. 1430, § 12.03, 2007 Tex. Gen. Laws 5848, 5902.*

### **SECTION 1.17 INTERIM AUTHORIZATION.**

(a) A person who, on the effective date of this article, owns a producing well that withdraws water from the aquifer may continue to withdraw and beneficially use water without waste until final action on permits by the authority, if:

(1) the well is in compliance with all statutes and rules relating to well construction, approval, location, spacing, and operation; and

(2) by March 1, 1994, the person files a declaration of historical use on a form as required by the authority.

(b) Use under interim authorization may not exceed on an annual basis the historical, maximum, beneficial use of water without waste during any one calendar year as evidenced by the person's declaration of historical use calculated in accordance with Subsection (e) of Section 1.16 of this article, unless that amount is otherwise determined by the authority.

(c) Use under this section is subject to the authority's comprehensive management plan and rules adopted by the authority.

(d) Interim authorization for a well under this section ends on:

(1) entry of a final and appealable order by the authority acting on the application for the well; or

(2) March 1, 1994, if the well owner has not filed a declaration of historical use.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.17, 1993 Tex. Gen. Laws 2350, 2361.*

### **SECTION 1.18 ADDITIONAL REGULAR PERMITS.**

(a) To the extent water is available for permitting after the issuance of permits to existing users, the authority may issue additional regular permits, subject to limits on the total amount of permitted withdrawals determined under Section 1.14 of this article.

(b) The authority may not consider or take action on an application relating to a proposed or existing well of which there is no evidence of actual beneficial use before June 1,

1993, until a final determination has been made on all initial regular permit applications submitted on or before the initial application date of March 1, 1994.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.18, 1993 Tex. Gen. Laws 2350, 2362.*

#### **SECTION 1.19 TERM PERMITS.**

(a) The authority may issue interruptible term permits for withdrawal for any period the authority considers feasible, but may not issue a term permit for a period of more than 10 years.

(b) Withdrawal of water under a term permit must be consistent with the authority's critical period management plan established under Section 1.26 of this article. A holder of a term permit may not withdraw water from the San Antonio pool of the aquifer unless:

(1) the level of the aquifer is higher than 675 feet above sea level, as measured at Well J-17;

(2) the flow at Comal Springs as determined by Section 1.26(c) of this article is greater than 350 cubic feet per second; and

(3) the flow at San Marcos Springs as determined by Section 1.26(c) of this article is greater than 200 cubic feet per second.

(c) A holder of a term permit may not withdraw water from the Uvalde pool of the aquifer unless the level of the aquifer is higher than 865 feet above sea level, as measured at Well J-27.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.19, 1993 Tex. Gen. Laws 2350, 2362; as amended by Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § 2.03, 2007 Tex. Gen. Laws 4612, 4628; Act of May 28, 2007, 80th Leg., R.S., ch. 1430, § 12.04, 2007 Tex. Gen. Laws 5848, 5902.*

#### **SECTION 1.20 EMERGENCY PERMITS.**

(a) Emergency permits may be issued only to prevent the loss of life or to prevent severe, imminent threats to the public health or safety.

(b) The term of an emergency permit may not exceed 30 days, unless renewed.

(c) The board may renew an emergency permit.

(d) The holder of an emergency permit may withdraw water from the aquifer without regard to its effect on other permit holders.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.20, 1993 Tex. Gen. Laws 2350, 2362.*

## **SECTION 1.21 PERMIT RETIREMENT [REPEALED].**

(a) *Repealed by Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § 2.09, 2007 Tex. Gen. Laws 4612, 4634; Act of May 28, 2007, 80th Leg., R.S., ch. 1430, § 12.09, 2007 Tex. Gen. Laws 5848, 5908.*

(b) *Repealed by Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § 2.09, 2007 Tex. Gen. Laws 4612, 4634; Act of May 28, 2007, 80th Leg., R.S., ch. 1430, § 12.09, 2007 Tex. Gen. Laws 5848, 5908.*

(c) *Repealed by Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § 2.09, 2007 Tex. Gen. Laws 4612, 4634; Act of May 28, 2007, 80th Leg., R.S., ch. 1430, § 12.09, 2007 Tex. Gen. Laws 5848, 5908.*

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.21, 1993 Tex. Gen. Laws 2350, 2362; as amended by Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § 2.09, 2007 Tex. Gen. Laws 4612, 4634; Act of May 28, 2007, 80th Leg., R.S., ch. 1430, § 12.09, 2007 Tex. Gen. Laws 5848, 5908.*

## **SECTION 1.21 CONTESTED CASE HEARINGS; REQUEST FOR REHEARING OR FINDINGS AND CONCLUSIONS.**

(a) An applicant in a contested or uncontested hearing on an application under this Act or a party to a contested hearing may administratively appeal a decision of the board on an application by requesting written findings of fact and conclusions of law not later than the 20th day after the date of the board's decision.

(b) On receipt of a timely written request, the board shall make written findings of fact and conclusions of law regarding a decision of the board on an application under this Act. The board shall provide certified copies of the findings and conclusions to the person who requested them, and to each designated party, not later than the 20th day after the date the board receives the request. A party to a contested hearing may request a rehearing before the board not later than the 20th day after the date the board issues the findings and conclusions.

(c) A request for rehearing must be filed in the authority's office and must state the grounds for the request.

(d) If the board grants a request for rehearing, the board shall schedule the rehearing not later than the 45th day after the date the request is granted.

(e) The failure of the board to grant or deny a request for rehearing before the 91st day after the date the request is submitted is a denial of the request.

*Act of May 23, 2019, 86th Leg., R.S., ch. 1135, § 6, § 1.21, 2019 Tex. Gen. Laws 3213, 3214-15.*

## **SECTION 1.211 DECISION; WHEN FINAL.**



- (a) A decision by the board on an application under this Act is final:
  - (1) if a request for rehearing is not filed on time, on the expiration of the period for filing a request for rehearing; or
  - (2) if a request for rehearing is filed on time, on the date:
    - (A) the board denies the request for rehearing; or
    - (B) the board renders a written decision after rehearing.
- (b) A timely filed motion for rehearing is a prerequisite to a suit against the authority under Section 1.46 of this article challenging a decision in a contested hearing. A suit under Section 1.46 must be filed not later than the 60th day after the date on which the decision becomes final.

*Act of May 23, 2019, 86th Leg., R.S., ch. 1135, § 6, § 1.211, 2019 Tex. Gen. Laws 3213, 3215.*

## **SECTION 1.22 ACQUISITION OF RIGHTS.**

- (a) The authority may acquire permitted rights to use water from the aquifer for the purposes of:
  - (1) holding those rights in trust for sale or transfer of the water or the rights to persons within the authority's jurisdiction who may use water from the aquifer;
  - (2) holding those rights in trust as a means of managing overall demand on the aquifer; or
  - (3) holding those rights for resale.
- (b) The authority may acquire and hold permits or rights to appropriate surface water or groundwater from sources inside or outside of the authority's boundaries.
- (c) Notwithstanding any other provisions of law, the authority's acquisition of permitted rights to use water from the aquifer is eligible for financial assistance from:
  - (1) the water supply account of the Texas Water Development Fund under Subchapter D, Chapter 17, Water Code;
  - (2) the water loan assistance fund under Subchapter C, Chapter 15, Water Code; and
  - (3) the revenue bond program under Subchapter I, Chapter 17, Water Code.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.22, 1993 Tex. Gen. Laws 2350, 2362-63; as*

*amended by Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § 2.05, 2007 Tex. Gen. Laws 4612, 4628; Act of May 28, 2007, 80th Leg., R.S., ch. 1430, § 12.05, 2007 Tex. Gen. Laws 5848, 5902-03.*

### **SECTION 1.23 CONSERVATION AND REUSE PLANS.**

(a) The authority may require holders of regular permits and holders of term permits to submit water conservation plans and, if appropriate, reuse plans for review and approval by the authority. The board by rule shall require a plan to be implemented after a reasonable time after a plan's approval.

(b) The board shall assist users in developing conservation or reuse plans.

(c) The authority biennially shall prepare and update enforceable and effective conservation and reuse plans as required by this article. Not later than January 1 of each odd-numbered year the authority shall submit the plan to the legislature.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.23, 1993 Tex. Gen. Laws 2350, 2363.*

### **SECTION 1.24 LOANS AND GRANTS.**

(a) Notwithstanding any other provision of law, the authority is eligible as a lender district to receive loans from the Texas Water Development Board under the agricultural water conservation bond program under Subchapter J, Chapter 17, Water Code.

(b) The authority may apply for, request, solicit, contract for, receive, and accept gifts, grants, and other assistance from any source for the purposes of this article.

(c) The authority may issue grants or make loans to finance the purchase or installation of equipment or facilities. If the authority issues a grant for a water conservation, reuse, or water management project, the authority may require the beneficiary to transfer to the authority permitted rights to aquifer water equal to a portion of the water conserved or made available by the project.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.24, 1993 Tex. Gen. Laws 2350, 2363.*

### **SECTION 1.25 COMPREHENSIVE MANAGEMENT PLAN.**

(a) Consistent with Section 1.14 of this article, the authority shall develop, by September 1, 1995, and implement a comprehensive water management plan that includes conservation, future supply, and demand management plans. The authority may not delegate the development of the plan under Section 1.42 of this article.

(b) *Repealed by Act of May 23, 2019, 86th Leg., R.S., ch. 1135, § 15, § 1.25(b), 2019 Tex. Gen. Laws 3213, 3218.*

Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.25, 1993 Tex. Gen. Laws 2350, 2363; as amended by Act of May 23, 2019, 86th Leg., R.S., ch. 1135, § 15, § 1.25(b), 2019 Tex. Gen. Laws 3213, 3218.

**SECTION 1.26 CRITICAL PERIOD MANAGEMENT PLAN.**

(a) The authority by rule shall adopt a critical period management plan consistent with Sections 1.14(a), (f), and (h) of this article. The plan must allow irrigation use to continue in order to permit the user to complete the irrigation of a crop in progress.

(b) In this section, “MSL” means the elevation above mean sea level, measured in feet, of the surface of the water in a well, and “CFS” means cubic feet per second. Not later than January 1, 2008, the authority shall, by rule, adopt and enforce a critical period management plan with withdrawal reduction percentages in the amounts indicated in Tables 1 and 2 whether according to the index well levels or the Comal or San Marcos Springs flow as applicable, for a total in critical period Stage IV of 40 percent of the permitted withdrawals under Table 1 and 35 percent under Table 2:

<b>TABLE 1 – CRITICAL PERIOD WITHDRAWAL REDUCTION STAGES FOR THE SAN ANTONIO POOL</b>				
<b>COMAL SPRINGS FLOW CFS</b>	<b>SAN MARCOS SPRINGS FLOW CFS</b>	<b>INDEX WELL J-17 LEVEL MSL</b>	<b>CRITICAL PERIOD STAGE</b>	<b>WITHDRAWAL REDUCTION – SAN ANTONIO POOL</b>
<225	<96	<660	I	20%
<200	<80	<650	II	30%
<150	N/A	<640	III	35%
<100	N/A	<630	IV	40%

<b>TABLE 2 – CRITICAL PERIOD WITHDRAWAL REDUCTION STAGES FOR THE UVALDE POOL</b>		
<b>WITHDRAWAL REDUCTION- UVALDE POOL</b>	<b>INDEX WELL J-27 LEVEL MSL</b>	<b>CRITICAL PERIOD STAGE</b>
N/A	N/A	I
5%	<850	II
20%	<845	III
35%	<842	IV

(c) A change to a critical period stage with higher withdrawal reduction percentages is triggered if the 10-day average of daily springflows at the Comal Springs or the San Marcos Springs or the 10-day average of daily aquifer levels at the J-17 Index Well drops below the

lowest number of any of the trigger levels indicated in Table 1. A change to a critical period stage with lower withdrawal reduction percentages is triggered only when the 10-day average of daily springflows at the Comal Springs and the San Marcos Springs and the 10-day average of daily aquifer levels at the J-17 Index Well are all above the same stage trigger level. The authority may adjust the withdrawal percentages for Stage IV in Tables 1 and 2 if necessary in order to comply with Subsection (d) or (e) of this section.

(d) Beginning September 1, 2007, the authority may not require the volume of permitted withdrawals to be less than an annualized rate of 340,000 acre-feet, under critical period Stage IV.

(e) After January 1, 2013, the authority may not require the volume of permitted withdrawals to be less than an annualized rate of 320,000 acre-feet, under critical period Stage IV unless, after review and consideration of the recommendations provided under Section 1.26A of this article, the authority determines that a different volume of withdrawals is consistent with Sections 1.14(a), (f), and (h) of this article in maintaining protection for federally listed threatened and endangered species associated with the aquifer to the extent required by federal law.

(f) Notwithstanding Subsections (d) and (e) of this section, the authority may require further withdrawal reductions before reviewing and considering the recommendations provided under Section 1.26A of this article if the discharge of Comal Springs or San Marcos Springs declines an additional 15 percent after Stage IV withdrawal reductions are imposed under Subsection (b) of this section. This subsection expires on the date that critical period management plan rules adopted by the authority based on the recommendations provided under Section 1.26A of this article take effect.

(g) Notwithstanding the existence of any stage of an interim or final critical period adopted by the authority under this section, a person authorized to withdraw groundwater from the aquifer for irrigation purposes shall, without regard to the withdrawal reductions prescribed for that stage, be allowed to finish a crop already planted in the calendar year during which the critical period is in effect.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.26, 1993 Tex. Gen. Laws 2350, 2363-64; as amended by Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § 2.06, 2007 Tex. Gen. Laws 4612, 4628-30; Act of May 28, 2007, 80th Leg., R.S., ch. 1430, § 12.06, 2007 Tex. Gen. Laws 5848, 5903-04; Act of May 23, 2019, 86th Leg., R.S., ch. 1135, § 7, 2019 Tex. Gen. Laws 3213, 3215.*

**SECTION 1.26A DEVELOPMENT OF WITHDRAWAL REDUCTION LEVELS AND STAGES FOR CRITICAL PERIOD MANAGEMENT THROUGH RECOVERY IMPLEMENTATION PROGRAM.**

(a) The authority, with the assistance of Texas A&M University, shall cooperatively develop a recovery implementation program through a facilitated, consensus-based process that involves input from the United States Fish and Wildlife Service, other appropriate federal agencies, and all interested stakeholders, including those listed under Subsection (e)(1) of this

section. The recovery implementation program shall be developed for the species that are:

- (1) listed as threatened or endangered species under federal law; and
- (2) associated with the aquifer.

(b) The authority shall enter into a memorandum of agreement with the United States Fish and Wildlife Service, other appropriate federal agencies, the Texas Commission on Environmental Quality, the Parks and Wildlife Department, the Department of Agriculture, the Texas Water Development Board, and other stakeholders, not later than December 31, 2007, in order to develop a program document that may be in the form of a habitat conservation plan used in issuance of an incidental take permit as outlined in Subsection (d) of this section.

(c) The authority shall enter into an implementing agreement with the United States Fish and Wildlife Service, other appropriate federal agencies, the Texas Commission on Environmental Quality, the Parks and Wildlife Department, the Department of Agriculture, the Texas Water Development Board, and other stakeholders to develop a program document that may be in the form of a habitat conservation plan used in issuance of an incidental take permit as outlined in Subsection (d) of this section not later than December 31, 2009.

(d) The authority, the Texas Commission on Environmental Quality, the Parks and Wildlife Department, the Department of Agriculture, the Texas Water Development Board, and other stakeholders shall jointly prepare a program document that may be in the form of a habitat conservation plan used in issuance of an incidental take permit with the United States secretary of the interior, through the United States Fish and Wildlife Service and other appropriate federal agencies, under Section 4 or Section 6, Endangered Species Act of 1973 (16 U.S.C. Section 1533 or 1535), as applicable, based on the program developed under Subsection (a) of this section. The program document shall:

(1) provide recommendations for withdrawal adjustments based on a combination of spring discharge rates of the San Marcos and Comal Springs and levels at the J-17 and J-27 wells during critical periods to ensure that federally listed, threatened, and endangered species associated with the Edwards Aquifer will be protected at all times, including throughout a repeat of the drought of record;

(2) include provisions to pursue cooperative and grant funding to the extent available from all state, federal, and other sources for eligible programs included in the cooperative agreement under Subsection (c) of this section, including funding for a program director; and

(3) be approved and executed by the authority, the Texas Commission on Environmental Quality, the Parks and Wildlife Department, the Department of Agriculture, the Texas Water Development Board, and the United States Fish and Wildlife Service not later than September 1, 2012, and the agreement shall take effect December 31, 2012.

(e) Texas A&M University shall assist in the creation of a steering committee to oversee and assist in the development of the cooperative agreement under Subsection (c) of this section. The steering committee must be created not later than September 30, 2007. The initial steering committee shall be composed of:

(1) a representative of each of the following entities, as appointed by the governing body of that entity:

- (A) the Edwards Aquifer Authority;
- (B) the Texas Commission on Environmental Quality;
- (C) the Parks and Wildlife Department;
- (D) the Department of Agriculture;
- (E) the Texas Water Development Board;
- (F) the San Antonio Water System;
- (G) the Guadalupe-Blanco River Authority;
- (H) the San Antonio River Authority;
- (I) the South Central Texas Water Advisory Committee;
- (J) Bexar County;
- (K) CPS Energy; and
- (L) Bexar Metropolitan Water District or its successor; and

(2) nine other persons who respectively must be:

(A) a representative of a holder of an initial regular permit issued to a retail public utility located west of Bexar County, to be appointed by the authority;

(B) a representative of a holder of an initial regular permit issued by the authority for industrial purposes, to be appointed by the authority;

(C) a representative of a holder of an industrial surface water right in the Guadalupe River Basin, to be appointed by the Texas Commission on Environmental Quality;

(D) a representative of a holder of a municipal surface water right in

the Guadalupe River Basin, to be appointed by the Texas Commission on Environmental Quality;

(E) a representative of a retail public utility in whose service area the Comal Springs or San Marcos Springs is located;

(F) a representative of a holder of an initial regular permit issued by the authority for irrigation, to be appointed by the commissioner of agriculture;

(G) a representative of an agricultural producer from the Edwards Aquifer region, to be appointed by the commissioner of agriculture;

(H) a representative of environmental interests from the Texas Living Waters Project, to be appointed by the governing body of that project; and

(I) a representative of recreational interests in the Guadalupe River Basin, to be appointed by the Parks and Wildlife Commission.

(f) The steering committee shall work with Texas A&M University to:

(1) establish a regular meeting schedule and publish that schedule to encourage public participation; and

(2) not later than October 31, 2007, hire a program director to be housed at Texas A&M University.

(g) Texas A&M University may accept outside funding to pay the salary and expenses of the program director hired under this section and any expenses associated with the university's participation in the creation of the steering committee or subcommittees established by the steering committee.

(h) Where reasonably practicable or as required by law, any meeting of the steering committee, the Edwards Aquifer area expert science subcommittee, or another subcommittee established by the steering committee must be open to the public.

(i) The steering committee appointed under this section shall appoint an Edwards Aquifer area expert science subcommittee not later than December 31, 2007. The expert science subcommittee must be composed of an odd number of not fewer than seven or more than 15 members who have technical expertise regarding the Edwards Aquifer system, the threatened and endangered species that inhabit that system, springflows, or the development of withdrawal limitations. The Bureau of Economic Geology of The University of Texas at Austin and the River Systems Institute at Texas State University shall assist the expert science subcommittee. Chapter 2110, Government Code, does not apply to the size, composition, or duration of the expert science subcommittee.

(j) The Edwards Aquifer area expert science subcommittee shall, among other things,

analyze species requirements in relation to spring discharge rates and aquifer levels as a function of recharge and withdrawal levels. Based on that analysis and the elements required to be considered by the authority under Section 1.14 of this article, the expert science subcommittee shall, through a collaborative process designed to achieve consensus, develop recommendations for withdrawal reduction levels and stages for critical period management including, if appropriate, establishing separate and possibly different withdrawal reduction levels and stages for critical period management for different pools of the aquifer needed to maintain target spring discharge and aquifer levels. The expert science subcommittee shall submit its recommendations to the steering committee and all other stakeholders involved in the recovery implementation program under this section.

(k) The initial recommendations of the Edwards Aquifer area expert science subcommittee must be completed and submitted to the steering committee and other stakeholders not later than December 31, 2008, and should include an evaluation:

(1) of the option of designating a separate San Marcos pool, of how such a designation would affect existing pools, and of the need for an additional well to measure the San Marcos pool, if designated;

(2) of the necessity to maintain minimum springflows, including a specific review of the necessity to maintain a flow to protect the federally threatened and endangered species; and

(3) as to whether adjustments in the trigger levels for the San Marcos Springs flow for the San Antonio pool should be made.

(l) In developing its recommendations, the Edwards Aquifer area expert science subcommittee shall:

(1) consider all reasonably available science, including any Edwards Aquifer-specific studies, and base its recommendations solely on the best science available; and

(2) operate on a consensus basis to the maximum extent possible.

(m) After development of the cooperative agreement, the steering committee, with the assistance of the Edwards Aquifer area expert science subcommittee and with input from the other recovery implementation program stakeholders, shall prepare and submit recommendations to the authority. The recommendations must:

(1) include a review of the critical period management plan, to occur at least once every five years;

(2) include specific monitoring, studies, and activities that take into account changed conditions and information that more accurately reflects the importance of critical period management; and



(3) establish a schedule for continuing the validation or refinement of the critical period management plan adopted by the authority and the strategies to achieve the program and cooperative agreement described by this section.

(n) In this subsection, “recharge facility” means a dam, reservoir, or other method of recharge project and associated facilities, structures, or works but does not include facilities designed to recirculate water at Comal or San Marcos Springs. The steering committee shall establish a recharge facility feasibility subcommittee to:

(1) assess the need for the authority or any other entity to own, finance, design, construct, operate, or maintain recharge facilities;

(2) formulate plans to allow the authority or any other entity to own, finance, design, construct, operate, or maintain recharge facilities;

(3) make recommendations to the steering committee as to how to calculate the amount of additional water that is made available for use from a recharge project including during times of critical period reductions;

(4) maximize available federal funding for the authority or any other entity to own, finance, design, construct, operate, or maintain recharge facilities; and

(5) evaluate the financing of recharge facilities, including the use of management fees or special fees to be used for purchasing or operating the facilities.

(o) The steering committee may establish other subcommittees as necessary, including a hydrology subcommittee, a community outreach and education subcommittee, and a water supply subcommittee.

(p) On execution of the memorandum of agreement described by Subsection (b) of this section, the steering committee described by Subsection (e) of this section may, by majority vote of its members, vote to add members to the steering committee, change the makeup of the committee, or dissolve the committee. If the steering committee is dissolved, the program director hired under Subsection (f) of this section shall assume the duties of the steering committee.

(q) The authority shall provide an annual report to the governor, lieutenant governor, and speaker of the house of representatives not later than January 1 of each year that details:

(1) the status of the recovery implementation program development process;

(2) the likelihood of completion of the recovery implementation program and the cooperative agreement described by Subsection (c) of this section;

(3) the extent to which the recommendations of the Edwards Aquifer area expert science subcommittee are being considered and implemented by the authority;

(4) any other actions that need to be taken in response to each recommendation;

(5) reasons explaining why any recommendation received has not been implemented; and

(6) any other issues the authority considers of value for the efficient and effective completion of the program and the cooperative agreement under this section.

*Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § 2.06, 2007 Tex. Gen. Laws 4612, 4630-33; Act of May 28, 2007, 80th Leg., R.S., ch. 1430, § 12.06, 2007 Tex. Gen. Laws 5848, 5904-08.*

### **SECTION 1.27 RESEARCH.**

(a) The authority shall complete research on the technological feasibility of springflow enhancement and yield enhancement that, immediately before September 1, 1993, is being conducted by the Edwards Underground Water District.

(b) The authority may conduct research to:

(1) augment the springflow, enhance the recharge, and enhance the yield of the aquifer;

(2) monitor and protect water quality;

(3) manage water resources, including water conservation, water use and reuse, and drought management measures; and

(4) develop alternative supplies of water for users.

(c) The authority may schedule demonstration projects for purposes of Subsection (b)(1) of this section.

(d) The authority may contract with other persons to conduct research.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.27, 1993 Tex. Gen. Laws 2350, 2364.*

### **SECTION 1.28 TAX; BONDS.**

(a) The authority may not levy a property tax.

(b) The authority may issue revenue bonds to finance the purchase of land or the purchase, construction, or installation of facilities or equipment. The authority may not allow for any person to construct, acquire, or own facilities for transporting groundwater out of Uvalde County or Medina County.

(c) Bonds issued by the authority are subject to review and approval of the attorney general and the commission. If the attorney general finds that the bonds have been authorized in accordance with the law, the attorney general shall approve them, and the comptroller of public accounts shall register the bonds. Following approval and registration, the bonds are incontestable and are binding obligations according to their terms.

(d) The authority board may organize proceeds of the bonds into funds and accounts and may invest the proceeds as the authority board determines is appropriate.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.28, 1993 Tex. Gen. Laws 2350, 2364.*

### **SECTION 1.29 FEES.**

(a) *Repealed by Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § 2.09, 2007 Tex. Gen. Laws 4612, 4634; Act of May 28, 2007, 80th Leg., R.S., ch. 1430, § 12.09, 2007 Tex. Gen. Laws 5848, 5908.*

(b) The authority shall assess equitable aquifer management fees based on aquifer use under the water management plan to finance its administrative expenses and programs authorized under this article. Each water district governed by Chapter 36, Water Code, that is within the authority's boundaries may contract with the authority to pay expenses of the authority through taxes in lieu of user fees to be paid by water users in the district. The contract must provide that the district will pay an amount equal to the amount that the water users in the district would have paid through user fees. The authority may not collect a total amount of fees and taxes that is more than is reasonably necessary for the administration of the authority. The authority may not increase aquifer management fees by more than eight percent per year.

(c) *Repealed by Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § 2.09, 2007 Tex. Gen. Laws 4612, 4634; Act of May 28, 2007, 80th Leg., R.S., ch. 1430, § 12.09, 2007 Tex. Gen. Laws 5848, 5908.*

(d) *Repealed by Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § 2.09, 2007 Tex. Gen. Laws 4612, 4634; Act of May 28, 2007, 80th Leg., R.S., ch. 1430, § 12.09, 2007 Tex. Gen. Laws 5848, 5908.*

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

(f) The authority may impose a permit application fee not to exceed \$25. The authority may impose fees to recover administrative costs associated with actions other than the filing and processing of applications and registrations. The fees may not unreasonably exceed the administrative costs.

(g) The authority may impose a registration application fee not to exceed \$10.

(h) Fees assessed by the authority may not be used to fund the cost of reducing withdrawals or retiring permits or of judgments or claims related to withdrawals or permit retirements.

(i) The authority and other stakeholders, including state agencies, listed under Section 1.26A of this article shall provide money as necessary to finance the activities of the steering committee and any subcommittees appointed by the steering committee and the program director of the recovery implementation program under Section 1.26A of this article. The authority shall provide, as necessary, up to \$75,000 annually, adjusted for changes in the consumer price index, to finance the South Central Texas Water Advisory Committee's administrative expenses and programs authorized under this article.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.29, 1993 Tex. Gen. Laws 2350, 2364-65; as amended by Act of May 27, 2001, 77th Leg., R.S., ch. 966, § 2.61, 2001 Tex. Gen. Laws 1991, 2022; Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § 2.07, 2007 Tex. Gen. Laws 4612, 4633-34; Act of May 28, 2007, 80th Leg., R.S., ch. 1430, § 12.07, 2007 Tex. Gen. Laws 5848, 5908; Act of May 23, 2019, 86th Leg., R.S., ch. 1135, § 8, 2019 Tex. Gen. Laws 3213, 3216.*

### **SECTION 1.30 RIVER DIVERSIONS.**

(a) The commission may issue to an applicant a special permit to divert water from the Guadalupe River from a diversion point on the river downstream of the point where the river emerges as a spring.

(b) A permit issued to a person under this section must condition the diversion of water from the Guadalupe River on a limitation of withdrawals under the person's permit to withdraw water from the aquifer.

(c) A permit issued under this section must provide that the permit holder may divert water from the Guadalupe River only if:

(1) the diversion is made instead of a withdrawal from the aquifer to enhance the yield of the aquifer; and

(2) the diversion does not impair senior water rights or vested riparian rights.

(d) A permit issued in accordance with this section is subordinate to permitted water rights for which applications were submitted before May 31, 1993, and vested riparian rights.

(e) Sections 11.028 and 11.033, Water Code, do not apply to a permit issued under this section.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.30, 1993 Tex. Gen. Laws 2350, 2365.*

### **SECTION 1.31 MEASURING DEVICES.**

(a) The owner of a nonexempt well that withdraws water from the aquifer shall install and maintain a measuring device approved by the authority designed to indicate the flow rate and cumulative amount of water withdrawn by that well. This requirement may be waived by the authority on written request by a well owner to use an alternative method of determining the amount of water withdrawn.

(b) The authority is responsible for the costs of purchasing, installing, and maintaining measuring devices, if required, for an irrigation well in existence on September 1, 1993.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.31, 1993 Tex. Gen. Laws 2350, 2365.*

### **SECTION 1.32 REPORTS.**

Not later than March 1 of each year, and on a form prescribed by the authority, each holder of a permit shall file with the authority a written report of water use for the preceding calendar year.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.32, 1993 Tex. Gen. Laws 2350, 2366.*

### **SECTION 1.33 WELL METERING EXEMPTION.**

(a) A well that produces 25,000 gallons of water a day or less for domestic or livestock use is exempt from metering requirements.

(b) Exempt wells must register with the authority or with an underground water conservation district in which the well is located.

(c) A well serving a subdivision requiring platting does not qualify for an exempt use.

(d) A well drilled on or before June 1, 2013, for any purpose authorized under this article is exempt from the requirement to obtain a withdrawal permit provided that the well:

(1) is not capable of producing more than 1,250 gallons of water a day; or

(2) is metered and does not produce more than 1.4 acre-feet of water in a calendar year.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.33, 1993 Tex. Gen. Laws 2350, 2366; as amended by Act of May 20, 2013, 83rd Leg., R.S., ch. 783, 2013 Tex. Gen. Laws 1998-99.*

### **SECTION 1.34 TRANSFER OF RIGHTS.**

(a) In this section:

(1) “Developed land” means historically irrigated land that has been physically altered by the installation of utilities or construction of roads, parking lots, driveways, foundations, structures, buildings, stormwater collection systems, public parks, or athletic fields or by similar improvements.

(2) “Historically irrigated land” means land irrigated during the historical period, as described by Section 1.16 of this Act, that provided the basis for the issuance of an initial regular permit for irrigation use and is identified as the place of use in the initial regular permit.

(3) “Land no longer practicable to farm” means historically irrigated land:

(A) that has not been irrigated for more than five years; and

(B) for which the owner of the land has submitted to the authority documentation demonstrating that because of development on land in close proximity to the historically irrigated land, agricultural activities performed on the land, including crop dusting or other applications of pesticides, have the potential to compromise the health and safety of a farm operator or of persons occupying or residing on property in close proximity to the land.

(b) Water withdrawn from the aquifer must be used within the boundaries of the authority.

(c) The authority by rule may establish a procedure by which a person who installs water conservation equipment may sell the water conserved.

(d) Except as otherwise provided by this section, a permit holder may lease permitted water rights, but a holder of a permit for irrigation use may not lease more than 50 percent of the irrigation rights initially permitted. The user’s remaining irrigation water rights must be used in accordance with the original permit and must pass with transfer of the irrigated land.

(e) Subject to approval by the authority, the owner of historically irrigated land may sever all or a portion of the remaining water rights for the historically irrigated land which has become developed land in the same proportion as the proportion of developed land and undeveloped land or for which the owner of the historically irrigated land has demonstrated that all or a portion of the land is land no longer practicable to farm. Water rights used for irrigation tied to a portion of land that cannot be developed because of its topography or its location in a floodplain may be included in the proportion of land considered developed land. Water rights for use in irrigation severed under this subsection may change in purpose or place of use. Rules adopted to implement this subsection may not expand the type of land considered developed land or land considered land no longer practicable to farm. The approval of a severance under this section is subject to a contested case hearing in accordance with authority rules.

(f) The authority may adopt rules to provide for a holder of an initial regular permit for use in irrigation to lease all or part of the water rights for use in irrigation granted in the initial permit to another person for irrigating land, including land not described in the initial regular permit, located in the authority. Rules adopted under this subsection may allow the holder of an initial regular permit to use the water rights temporarily for irrigation at a location other than the land described in the initial regular permit.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.34, 1993 Tex. Gen. Laws 2350, 2366; as amended by Act of May 24, 2019, 86th Leg., R.S., ch. 904, § 1, 2019 Tex. Gen. Laws 2415-16.*

### **SECTION 1.35 PROHIBITIONS.**

(a) A person may not withdraw water from the aquifer except as authorized by a permit issued by the authority or by this article.

(b) A person holding a permit issued by the authority may not violate the terms or conditions of the permit.

(c) A person may not waste water withdrawn from the aquifer.

(d) A person may not pollute or contribute to the pollution of the aquifer.

(e) A person may not violate this article or a rule of the authority adopted under this article.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.35, 1993 Tex. Gen. Laws 2350, 2366.*

### **SECTION 1.36 ENFORCEMENT.**

(a) The authority may enter orders to enforce the terms and conditions of permits, orders, or rules issued or adopted under this article.

(b) The authority by rule shall provide for the suspension of a permit of any class for a failure to pay a required fee or a violation of a permit condition or order of the authority or a rule adopted by the authority.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.36, 1993 Tex. Gen. Laws 2350, 2366.*

### **SECTION 1.361 OPEN OR UNCOVERED WELLS.**

(a) If the owner or lessee of land on which an open or uncovered well is located fails or refuses to close or cap the well in compliance with Chapter 1901, Occupations Code, and the authority's rules:

(1) the authority may take enforcement action as authorized by this article to require the owner or lessee to close or cap the well; or

(2) a person, firm, or corporation employed by the authority may go on the land and close or cap the well safely and securely.

(b) Reasonable expenses incurred by the authority in closing or capping a well constitute a lien on the land on which the well is located.

(c) The lien described by Subsection (b) arises and attaches on recordation of, in the deed records of the county where the well is located, an affidavit executed by any person conversant with the facts stating the following:

(1) the existence of the well;

(2) the legal description of the property on which the well is located;

(3) the approximate location of the well on the property;

(4) the failure or refusal of the owner or lessee, after notification, to close or cap the well before the expiration of 10 days after the notification;

(5) the closing or capping of the well by the authority, or by an authorized agent, representative, or employee of the authority; and

(6) the expense incurred by the authority in closing or capping the well.

(d) This section does not affect the enforcement of Subchapter A, Chapter 756, Health and Safety Code.

*Act of May 23, 2019, 86th Leg., R.S., ch. 1135, § 9, § 1.361, 2019 Tex. Gen. Laws 3213, 3216.*

### **SECTION 1.37 ADMINISTRATIVE PENALTY.**

(a) The authority may assess an administrative penalty against a person who violates this article or a rule adopted or order issued under this article in an amount of not less than \$100 or more than \$1,000 for each violation and for each day of a continuing violation.

(b) In determining the amount of the penalty, the authority shall consider:

(1) the history of previous violations;

(2) the amount necessary to deter future violations;

(3) efforts to correct the violation;

(4) enforcement costs relating to the violation; and



(5) any other matters that justice may require.

(c) If after an examination of the facts the authority concludes that the person did commit a violation, the authority may issue a preliminary report stating the facts on which it based its conclusion, recommending that an administrative penalty under this section be imposed, and recommending the amount of the proposed penalty.

(d) The authority shall give written notice of the report to the person charged with committing the violation. The notice must include a brief summary of the facts, a statement of the amount of the recommended penalty, and a statement of the person's right to an informal review of the occurrence of the violation, the amount of the penalty, or both.

(e) Not later than the 10th day after the date on which the person charged with committing the violation receives the notice, the person may either give the authority written consent to the report, including the recommended penalty, or make a written request for an informal review by the authority.

(f) If the person charged with committing the violation consents to the penalty recommended by the authority or fails timely to request an informal review, the authority shall assess the penalty. The authority shall give the person written notice of its action. The person shall pay the penalty not later than the 30th day after the date on which the person receives the notice.

(g) If the person charged with committing a violation requests an informal review as provided by Subsection (e) of this section, the authority shall conduct the review. The authority shall give the person written notice of the results of the review.

(h) Not later than the 10th day after the date on which the person charged with committing the violation receives the notice prescribed by Subsection (g) of this section, the person may make to the authority a written request for a hearing.

(i) If, after informal review, a person who has been ordered to pay a penalty fails to request a formal hearing in a timely manner, the authority shall assess the penalty. The authority shall give the person written notice of its action. The person shall pay the penalty not later than the 30th day after the date on which the person receives the notice.

(j) Before the expiration of 30 days after the date the authority's order is final as provided by Section 2001.144(a), Government Code, the person shall:

(1) pay the amount of the penalty;

(2) pay the amount of the penalty and file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty; or

(3) without paying the amount of the penalty, file a petition for judicial review

contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(k) Within the 30-day period, a person who acts under Subdivision (3) of Subsection (j) of this section may:

(1) stay enforcement of the penalty by:

(A) paying the amount of the penalty to the court for placement in an escrow account; or

(B) giving to the court a supersedeas bond approved by the court for the amount of the penalty and that is effective until all judicial review of the authority's order is final; or

(2) request the court to stay enforcement of the penalty by:

(A) filing with the court a sworn affidavit of the person stating that the person is financially unable to pay the amount of the penalty and is financially unable to give the supersedeas bond; and

(B) giving a copy of the affidavit to the authority by certified mail.

(l) If the authority receives a copy of an affidavit under Subdivision (2) of Subsection (k) of this section, it may file with the court within five days after the date the copy is received a contest to the affidavit. The court shall hold a hearing on the facts alleged in the affidavit as soon as practicable and shall stay the enforcement of the penalty on finding that the alleged facts are true. The person who files an affidavit has the burden of proving that the person is financially unable to pay the amount of the penalty and to give a supersedeas bond.

(m) If the person does not pay the amount of the penalty and the enforcement of the penalty is not stayed, the authority may refer the matter to the attorney general for collection of the amount of the penalty.

(n) Judicial review of the order of the authority:

(1) is instituted by filing a petition as provided by Subchapter G, Chapter 2001, Government Code; and

(2) is under the substantial evidence rule.

(o) If the court sustains the occurrence of the violation, the court may uphold or reduce the amount of the penalty and order the person to pay the full or reduced amount of the penalty. If the court does not sustain the occurrence of the violation, the court shall order that no penalty is owed.

(p) When the judgment of the court becomes final, the court shall proceed under this subsection. If the person paid the amount of the penalty and if that amount is reduced or is not upheld by the court, the court shall order that the appropriate amount plus accrued interest be remitted to the person. The rate of the interest is the rate charged on loans to depository institutions by the New York Federal Reserve Bank, and the interest shall be paid for the period beginning on the date the penalty was paid and ending on the date the penalty is remitted. If the person gave a supersedeas bond and if the amount of the penalty is not upheld by the court, the court shall order the release of the bond. If the person gave a supersedeas bond and if the amount of the penalty is reduced, the court shall order the release of the bond after the person pays the amount.

(q) A penalty collected under this section shall be remitted to the authority.

(r) All proceedings under this section are subject to Chapter 2001, Government Code.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.37, 1993 Tex. Gen. Laws 2350, 2366-68; as amended by Act of May 23, 2019, 86th Leg., R.S., ch. 1135, § 10, 2019 Tex. Gen. Laws 3213, 3216-17.*

#### **SECTION 1.38 INJUNCTION BY AUTHORITY.**

(a) The authority may file a civil suit in a state district court for an injunction or mandatory injunction to enforce this article and the authority's rules. The authority may recover reasonable attorney fees in a suit under this section.

(b) In an enforcement action by the authority against a governmental entity for a violation of authority rules, the limits on the amount of fees, costs, and penalties that the authority may impose under this section constitute a limit of liability of the governmental entity for the violation. This subsection does not prohibit the recovery by the authority of fees and costs under this article in an action against a governmental entity.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.38, 1993 Tex. Gen. Laws 2350, 2368; as amended by Act of May 23, 2019, 86th Leg., R.S., ch. 1135, § 11, 2019 Tex. Gen. Laws 3213, 3217.*

#### **SECTION 1.39 SUIT FOR MANDAMUS.**

The commission may file a civil suit for an order of mandamus against the authority to compel the authority to perform its duties under this article or to compel the authority to enforce this article against a violator. The commission may recover attorney fees from the authority in a suit under this section.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.39, 1993 Tex. Gen. Laws 2350, 2368.*

#### **SECTION 1.40 CIVIL PENALTY.**

(a) The commission or authority may file a civil action in state district court for a civil penalty for a violation of this article or a rule adopted or permit or order issued under this article.

(b) The commission or authority may recover a civil penalty of not less than \$100 or more than \$10,000 for each violation and for each day of violation and attorney fees.

(c) A civil penalty or attorney fees collected by the authority under this section shall be paid to the authority.

(d) A civil penalty or attorney fees collected by the commission under this section shall be deposited to the credit of the general revenue fund.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.40, 1993 Tex. Gen. Laws 2350, 2368.*

#### **SECTION 1.41 REPEALER; TRANSFERS; RULES.**

(a) Chapter 99, Acts of the 56th Legislature, Regular Session, 1959 (Article 8280-219, Vernon's Texas Civil Statutes), is repealed, and the Edwards Underground Water District is abolished.

(b) All files and records of the Edwards Underground Water District pertaining to control, management, and operation of the district are transferred from the Edwards Underground Water District to the authority on the effective date of this article.

(c) All real and personal property, leases, rights, contracts, staff, and obligations of the Edwards Underground Water District are transferred to the authority on the effective date of this article.

(d) On September 1, 1993, all unobligated and unexpended funds of the Edwards Underground Water District shall be transferred to the authority.

(e) *Repealed by Act of May 27, 2001, 77th Leg., R.S., ch. 966, § 6.03, 2001 Tex. Gen. Laws 1991, 2075.*

(f) The authority shall be automatically substituted for the Edwards Underground Water District in any judicial or administrative proceeding to which, on the effective date of this article, the Edwards Underground Water District is a party.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.41, 1993 Tex. Gen. Laws 2350, 2368; as amended by Act of May 27, 2001, 77th Leg., R.S., ch. 966, § 6.03, 2001 Tex. Gen. Laws 1991, 2075.*

#### **SECTION 1.42 EFFECT ON OTHER DISTRICTS.**

(a) An underground water conservation district other than the authority may manage and control water that is a part of the aquifer after the effective date of this article only as provided in this section. This article does not affect a water reclamation or conservation district that manages and controls only water from a resource other than the aquifer.

(b) An underground water conservation district other than the authority may manage and control water that is a part of the aquifer to the extent that those management activities do not conflict with and are not duplicative of this article or the rules and orders of the authority.

(c) Except as otherwise provided by this article, the board may delegate the powers and duties granted to it under this article. The board shall delegate all or part of its powers or duties to an underground water conservation district on the district's request if the district demonstrates to the satisfaction of the board that:

(1) the district has statutory powers necessary for full enforcement of the rules and orders to be delegated;

(2) the district has implemented all rules and policies necessary to fully implement the programs to be delegated; and

(3) the district has implemented a system designed to provide the authority with adequate information with which to monitor the adequacy of the district's performance in enforcing board rules and orders.

(d) In making the determination under Subsection (c) of this section, the board may consider the district's past performance and experience in enforcing powers and duties delegated to it by the board. The board may deny a request for delegation of powers or duties by a district if the district has previously had a delegation terminated under Subsection (e) of this section.

(e) If the authority determines that a district has failed adequately to enforce or implement any rules or orders delegated under this section, the authority immediately shall provide to the district notice that sets forth the reasons for its determination and the actions that the district must take to retain the delegated authority. Not later than the 10th day after the date the notice is given, the district must demonstrate its commitment and ability to take the actions set forth in the notice. If, at the end of the 10-day period, the authority does not find that the district will adequately enforce its rules and orders, the authority immediately shall resume full responsibility for implementation and enforcement of those rules and orders. The authority shall provide to the district notice that the delegation of authority to it has been terminated. After the termination notice is given, the authority of the district to manage or control water in the aquifer is limited to the authority granted by Subsection (b) of this section.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.42, 1993 Tex. Gen. Laws 2350, 2368-69.*

**SECTION 1.43 CREATION OF UNDERGROUND WATER CONSERVATION DISTRICT.**

An underground water conservation district may be created in any county affected by this article as provided by Subchapter B, Chapter 52, Water Code.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.43, 1993 Tex. Gen. Laws 2350, 2369.*

#### **SECTION 1.44 COOPERATIVE CONTRACTS FOR ARTIFICIAL RECHARGE.**

(a) The authority may contract with any political subdivision of the state under Chapter 791, Government Code, to provide for artificial recharge of the aquifer, through injection wells or with surface water subject to the control of the political subdivision, for the subsequent retrieval of the water by the political subdivision or its authorized assignees for beneficial use within the authority.

(b) The authority may not unreasonably deny a request to enter into a cooperative contract under this section if the political subdivision agrees to:

(1) file with the authority records of the injection or artificial recharge of the aquifer; and

(2) provide for protection of the quality of the aquifer water and of the rights of aquifer users in designating the location of injection wells or recharge dams, the methods of injection or recharge, and the location and type of retrieval wells.

(c) Except as provided by Subsection (c-1), the political subdivision causing artificial recharge of the aquifer is entitled to withdraw during any 12-month period the measured amount of water actually injected or artificially recharged during the preceding 12-month period, as demonstrated and established by expert testimony, less an amount determined by the authority to:

(1) account for that part of the artificially recharged water discharged through springs; and

(2) compensate the authority in lieu of users' fees.

(c-1) A political subdivision or municipally owned utility causing artificial recharge of a portion of the aquifer that contains groundwater with a total dissolved solids concentration of more than 5,000 milligrams per liter is entitled to withdraw the measured amount of water actually injected or artificially recharged.

(d) The amounts of water withdrawn under this section are not subject to the maximum total permitted withdrawals provided by Section 1.14 of this article.

(e) The authority may contract for injection or artificial recharge under this section only if provision is made for protecting and maintaining the quality of groundwater in the receiving part of the aquifer, and:

- (1) the water used for artificial recharge is groundwater withdrawn from the aquifer;
- (2) the water is recharged through a natural recharge feature; or
- (3) the water is injected by a municipally owned utility owned by the City of New Braunfels, and:

(A) the water has a total dissolved solids concentration of less than 1,500 milligrams per liter and is not domestic wastewater, municipal wastewater, or reclaimed water as those terms are defined by 30 T.A.C. Chapter 210, effective October 31, 2018;

(B) the injection well terminates in a portion of the aquifer that contains groundwater with a total dissolved solids concentration of more than 5,000 milligrams per liter; and

(C) if the water injected is state water, the utility has a water right or contract for use of the water that does not prohibit use of the water in an aquifer storage and recovery project.

(e-1) The injection or withdrawal of water under Subsection (c-1) or (e)(3) must comply with requirements imposed under Subchapter G, Chapter 27, Water Code.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.44, 1993 Tex. Gen. Laws 2350, 2369-70; as amended by Act of May 27, 2001, 77th Leg., R.S., ch. 966, § 2.62, 2001 Tex. Gen. Laws 1991, 2022; Act of May 25, 2019, 86th Leg., R.S., ch. 585, § 1, 2019 Tex. Gen. Laws 1633, 1633-34.*

#### **SECTION 1.45 RECHARGE DAMS.**

(a) The authority may own, finance, design, construct, operate, and maintain recharge dams and associated facilities, structures, or works in the contributing or recharge area of the aquifer if the recharge is made to increase the yield of the aquifer, the recharge project does not impair senior water rights or vested riparian rights, and the recharge project is not designed to recirculate water at Comal or San Marcos Springs.

(b) The commission shall determine the historic yield of the floodwater to the Nueces River basin. The historic yield is equal to the lesser of:

- (1) the average annual yield for the period from 1950 to 1987; or
- (2) the annual yield for 1987.

(c) Only the amount of floodwater in excess of the historic yield as determined by the commission may be impounded by a recharge dam built or operated under this section.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 1.44, 1993 Tex. Gen. Laws 2350, 2370; as amended by Act of May 28, 2007, 80th Leg., R.S., ch. 1351, § 2.08, 2007 Tex. Gen. Laws 4612, 4634; Act of May 28, 2007, 80th Leg., R.S., ch. 1430, § 12.08, 2007 Tex. Gen. Laws 5848, 5908.*

#### **SECTION 1.46 SUITS.**

(a) A person, firm, corporation, or association of persons affected by and dissatisfied with any provision or with any rule or order made by the authority is entitled to file a suit against the authority or its directors to challenge the validity of the law, rule, or order.

(b) Only the authority, the applicant, and parties to a contested case hearing may participate in an appeal of a decision on the application that was the subject of that contested case hearing. An appeal of a decision on a permit application must include the applicant as a necessary party.

(c) A suit under this section must be filed in a court of competent jurisdiction in any county in which the authority is located. The suit may be filed only after all administrative appeals to the authority are final.

(d) The burden of proof is on the petitioner, and the challenged law, rule, order, or act is to be considered prima facie valid. The review on appeal is governed by either Section 2001.038 or Section 2001.174, Government Code, as appropriate.

(e) The authority may recover attorney's fees, costs for expert witnesses, and other costs incurred by the authority before the court on the same basis as Chapter 36, Water Code, provides for a groundwater conservation district to recover those fees and costs.

*Act of May 23, 2019, 86th Leg., R.S., ch. 1135, § 12, § 1.46, 2019 Tex. Gen. Laws 3213, 3217.*



## ENDNOTES

1. Although not codified as an amendment to the Act, §§ 2.10 and 2.11 of Act of May 28, 2007, 80th Leg., R.S., ch. 1351, 2007 Tex. Gen. Laws 4612, 4634 (H.B. 3) and §§ 12.10 and 12.11 of Act of May 28, 2007, 80th Leg., R.S., ch. 1430, 2007 Tex. Gen. Laws 5848, 5908-5909 (S.B. 3), are relevant to the Authority and provide as follows:

**SECTION 2.10** [H.B. 3]. (a) Before January 1, 2012, a suit may not be instituted in a state court contesting:

(1) the validity or implementation of this article;

or

(2) the groundwater withdrawal amounts recognized in Section 2.02 of this Act.

(b) If applicable, a party that files a suit in any court shall be automatically removed from the steering committee established under Section 1.26A, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, as added by this article.

(c) A suit against the Edwards Aquifer Authority may not be instituted or maintained by a person who owns, holds, or uses a surface water right and claims injury or potential injury to that right for any reason, including any actions taken by the Edwards Aquifer Authority to implement or enforce Article 1, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, as amended. This section does not apply to suits brought pursuant to Section 1.45, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993.

\*\*\*\*\*

**SECTION 12.10** [S.B. 3]. (a) Before January 1, 2012, a suit may not be instituted in a state court contesting:

(1) the validity or implementation of this article;

or

(2) the groundwater withdrawal amounts recognized in Section 1.14, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, as amended by this Act.

(b) If applicable, a party that files a suit in any court shall be automatically removed from the steering committee

established under Section 1.26A, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, as added by this Act.

(c) A suit against the Edwards Aquifer Authority may not be instituted or maintained by a person who owns, holds, or uses a surface water right and claims injury or potential injury to that right for any reason, including any actions taken by the Edwards Aquifer Authority to implement or enforce Article 1, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, as amended. This section does not apply to suits brought pursuant to Section 1.45, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993.

\*\*\*\*\*

**SECTION 2.11** [H.B. 3]. The change in law made by this article applies only to a cause of action filed on or after the effective date of this article. A cause of action that is filed before the effective date of this article is governed by the law in effect immediately before the effective date of this article, and that law is continued in effect for that purpose.

\*\*\*\*\*

**SECTION 12.11** [S.B. 3]. The change in law made by this article applies only to a cause of action filed on or after the effective date of this article. A cause of action that is filed before the effective date of this article is governed by the law in effect immediately before the effective date of this article, and that law is continued in effect for that purpose.

2. Although not codified as an amendment to the Act, §§ 2, 3 of Act of May 24, 2019, 86th Leg., R.S., ch. 904, 2019 Tex. Gen. Laws 2415, 2416 (H.B. 3656) is relevant to the Authority and provides as follows:

**SECTION 2** [H.B. 3656]. Rules adopted by the Edwards Aquifer Authority before the effective date of this Act relating to the severance of water rights from historically irrigated land and actions taken by the authority under those rules are validated and confirmed in all respects.

\*\*\*\*\*

**SECTION 3** [H.B. 3656]. The change in law made by this Act to Section 1.34, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, applies only to a transfer, and the contracts

or other transaction documents of any kind related thereto, including documents related to the extension of credit, hereinafter collectively referred to as “transfer,” effective on or after the effective date of this Act. The change in law made by this Act to Section 1.34, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, does not affect the validity of a transfer effective before the effective date of this Act. A transfer effective before the effective date of this Act is governed by the provisions of Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, and the rules of the Edwards Aquifer Authority in effect at the time the transfer became effective. Transfers effective before the effective date of this Act, that have not been rescinded, and are not subject to pending litigation are hereby conclusively validated in all respects.

## ARTICLE 2

### SECTION 2.01 DEFINITION.

In this article, “district” means the Uvalde County Underground Water Conservation District.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 2.01, 1993 Tex. Gen. Laws 2350, 2370.*

### SECTION 2.02 VALIDATION.

The creation of the district and all resolutions, orders, and other acts or attempted acts of the board of directors of the district are validated in all respects. The creation of the district and all resolutions, orders, and other acts or attempted acts of the board of directors of the district are valid as though they originally had been legally authorized or accomplished.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 2.02, 1993 Tex. Gen. Laws 2350, 2370.*

### SECTION 2.03 BOUNDARIES.

Pursuant to the petition to the Commissioners Court of Uvalde County, Texas, requesting the creation of the district, the district includes the territory contained within the boundaries of Uvalde County.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 2.03, 1993 Tex. Gen. Laws 2350, 2370.*

### SECTION 2.04 FINDING OF BENEFIT.

All the land and other property included within the boundaries of the district will be benefited by the validation of the district.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 2.04, 1993 Tex. Gen. Laws 2350, 2370.*

### SECTION 2.05 POWERS.

(a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. This article prevails over any provision of general law that is in conflict or inconsistent with this article.

(b) The district may develop and implement a drought response plan, with reasonable rules, using water levels as observed in the Uvalde Index Well YP-69-50-302.

(c) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the

Texas Water Commission.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 2.05, 1993 Tex. Gen. Laws 2350, 2370.*

**SECTION 2.06 LEVY OF TAXES.**

The levy and collection of taxes by the district are governed by Subchapter H, Chapter 52, Water Code, except that the district may not levy a maintenance and operating tax at a rate that exceeds two cents per \$100 assessed valuation unless an election held in the district authorizes a higher rate.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 2.06, 1993 Tex. Gen. Laws 2350, 2370.*

**SECTION 2.07 PENDING LITIGATION.**

This article does not apply to or affect litigation pending on the effective date of this article in any court of competent jurisdiction in this state to which the district is a party.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 2.07, 1993 Tex. Gen. Laws 2350, 2370.*

## **ARTICLE 3**

### **SECTION 3.01 LEGISLATIVE OVERSIGHT.**

- (a) The Edwards Aquifer Legislative Oversight Committee is composed of:
  - (1) three members of the senate appointed by the lieutenant governor; and
  - (2) three members of the house of representatives appointed by the speaker of the house of representatives.
  
- (b) The committee shall examine and report to the legislature on the effectiveness of the state and local governmental entities in meeting the purposes of the Edwards Aquifer Authority.
  
- (c) The board shall continually oversee and review:
  - (1) the activities of the Edwards Aquifer Authority and the implementation of that authority's enabling legislation;
  - (2) the activities of the South Central Texas Water Advisory Committee;
  - (3) compliance with federal law relating to threatened or endangered species related to management of underground or surface water in the Edwards Aquifer region;
  - (4) water pollution control activities in the Edwards Aquifer region; and
  - (5) the activities of soil and water conservation districts and river authorities in the Edwards Aquifer district that affect the management of the aquifer.
  
- (d) Not later than the last business day of each even-numbered year, the Edwards Aquifer Authority shall prepare and deliver a report to the committee on the authority's operations. The report must contain a summary of issues related to the authority's operations that affect the continuing implementation of this Act or require an amendment to this Act.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 3.01, 1993 Tex. Gen. Laws 2350, 2370-71; as amended by Act of May 23, 2019, 86th Leg., R.S., ch. 1135, § 13, 2019 Tex. Gen. Laws 3213, 3217.*

### **SECTION 3.02 NOTICE OF AVAILABLE WATER.**

The Texas Natural Resource Conservation Commission shall notify the Edwards Aquifer Authority of any water available for appropriation in the Guadalupe-Blanco River Basin as the commission discovers the available water.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 3.02, 1993 Tex. Gen. Laws 2350, 2371.*

**SECTION 3.03 SUNSET COMMISSION REVIEW OF GUADALUPE-BLANCO RIVER AUTHORITY [REPEALED].**

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 3.03, 1993 Tex. Gen. Laws 2350, 2371; repealed by Act of May 16, 1995, 74th Leg., R.S., ch. 524, § 1, 1995 Tex. Gen. Laws 3280.*

**SECTION 3.04 COOPERATION.**

All state and local governmental entities are hereby directed to cooperate with the authority to the maximum extent practicable so that the authority can best be able to accomplish the purposes set forth under Article 1. The authority shall, on or before January 1, 1995, submit a report to the governor, lieutenant governor, and speaker of the house of representatives evaluating the extent to which other entities have cooperated with and assisted the authority.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 3.04, 1993 Tex. Gen. Laws 2350, 2371.*

## ARTICLE 4

### SECTION 4.01 FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

(a) The proper and 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 by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Water Commission.

(b) The Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

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

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 4.01, 1993 Tex. Gen. Laws 2350, 2371.*

### SECTION 4.02 EFFECTIVE DATES.

This Act takes effect September 1, 1993, except Section 1.35 of Article 1 takes effect March 1, 1994.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 4.02, 1993 Tex. Gen. Laws 2350, 2371.*

### SECTION 4.03 EMERGENCY.

The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

*Act of May 30, 1993, 73d Leg., R.S., ch. 626, § 4.03, 1993 Tex. Gen. Laws 2350, 2371.*