



Guadalupe-Blanco River Authority
933 E. Court Street, Seguin TX 78155
www.gbra.org

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GBRA Files Petition for Expedited Declaratory Action in Travis County District Court

For more information

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AUSTIN, TX — Attorneys for the Guadalupe-Blanco River Authority (GBRA) filed a petition for an expedited declaratory judgment Thursday in Travis County District Court. In GBRA's petition, it asks the court to clear the way for its proposed Lower Basin Project and the revenue bonds needed to finance the project.

The suit also seeks, among other things, a declaration that GBRA has the authority to issue the bonds and that the bond issue is legal and valid in all respects, and to resolve any legal issues that have an impact on the bond issue, including water rights. GBRA also seeks to protect other revenue bonds that it previously has issued or may issue that are affected by critical matters to be decided in the case.

The much-needed Lower Basin Project would allow GBRA to store water in one or more reservoirs to preserve a water supply in times of shortage in that area for industrial, agricultural, and municipal customers. This project is expected to relieve some of the burden on Canyon Lake, in the Texas Hill Country, to supplement water downstream in times of shortage.

"The water supply situation in Texas is reaching a critical stage," Bill West, Jr., GBRA's general manager said. "Rules governing both groundwater and surface water are complicated and difficult to navigate and there are challenges presented by other entities in the region, but that does not relieve GBRA from its responsibilities of managing the water resources in the Guadalupe River Basin for the benefit of all of its constituents."

Recently, the San Antonio Water System (SAWS) submitted to the Texas Commission on Environmental Quality (TCEQ) a "Bed and Banks" (B&B) Authorization Application.

"SAWS' filing of the B&B application cast a cloud on GBRA's ability to use its senior water rights downstream, and by extension, affects our ability to issue bonds related to the Lower Basin Project," West explained.

When aquifer pumping and drought dried up some of the springs in the 1950s and early '60s in San Antonio, and practically depleted the San Antonio River, SAWS' predecessor, the City Water Board, assured downstream water users that the springflow would be replaced with its treated wastewater – a deal that was considered fair and accepted for decades.

SAWS' B&B application seeks a declaration that its discharges are private, defaulting on the existing deal and depriving downstream landowners, industries, recreationalists, municipalities and others of use of that water.



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“GBRA’s ability to use senior water rights has been threatened, so we have to exercise all available options to successfully access and manage that water for our constituents,” West said, adding that “Certainly, we expect some challengers to our petition as well as some supporters.”

A declaratory judgment action is a lawsuit in which a plaintiff sues a defendant asking a court to make specific findings on factual and/or legal issues that affect the status of the parties’ respective rights under a law or legal document going forward .

However, this specialized declaratory judgment proceeding on bonds is an *in rem* proceeding whereby a party is not actually suing someone else, but is asking the judge to make a decision on a particular issue based primarily on that party’s request . While this type of lawsuit does not have a particular defendant(s), per se, the court will order that a trial date be set, that persons with legally recognized interests who seek to challenge the requested action appear at trial to do so, and that notice of the trial be published.

The GBRA was established by the Texas Legislature in 1933 as a water conservation and reclamation district. GBRA provides stewardship for the water resources in its 10-county statutory district, which begins near the headwaters of the Guadalupe and Blanco rivers, ends at San Antonio Bay, and includes Kendall, Comal, Hays, Caldwell, Guadalupe, Gonzales, DeWitt, Victoria, Calhoun, and Refugio counties.