

## **BILL ANALYSIS**

H.B. 891  
By: Hilderbran  
Natural Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In 1998, the Texas Natural Resource Conservation Commission (TNRCC), now the Texas Commission on Environmental Quality (TCEQ), granted permit 5394A to the Upper Guadalupe River Authority (UGRA) with several special conditions, one of which was a cancellation provision. This cancellation provision, Special Condition No. 5E, requires that UGRA submit to TCEQ a document requesting voluntary cancellation of any portion of the water right in the permit that is not included in a binding take-or-pay contract by December 31, 2010. At the time the permit was granted, TNRCC did not think there would be a need for the surface water in Kerr County. However, recent growth and severe groundwater declines now necessitate using the surface water permit conjunctively with groundwater to provide municipal water supply to the county. Additionally, Special Condition No. 5E is not consistent with the State's water rights cancellation statutes. H.B. 891 voids Special Condition No. 5E, Permit No. 5394A.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 891 voids Special Condition No. 5E, Permit No. 5394A which was issued to the Upper Guadalupe River Authority.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.