*AMENDMENT TO*
*CERTIFICATE OF ADJUDICATION*

*CERTIFICATE NO.* *12-5482C* *TYPE: AMENDMENT*

| | | | |
|---|---|---|---|
| *Name:* | *Lower Colorado River Authority* | *Address:* | *PO BOX 220 AUSTIN TX 78767-0220* |
| *Filed:* | *September 17, 1991* | *Granted:* | *October 9, 1991* |
| *Purposes:* | *Industrial and Irrigation* | *County:* | *Travis* |
| *Watercourse:* | *Colorado River* | *Watershed:* | *Colorado River Basin* |

*WHEREAS, Certificate No. 14-5482, as amended, was issued to Lower Colorado River Authority (LCRA) and authorized the certificate owner to maintain Mansfield Dam and Lake Travis on Colorado River in Travis County and the diversion and use of water from Lake Travis and Lake Buchanan (included in LCRA's Certificate No. 14-5478) for municipal, industrial, irrigation, mining, domestic, recreation, instream flows, bay/estuary, livestock and recharge purposes; and*

*WHEREAS, applicant seeks to amend Certificate No. 14-5482, as amended, to establish a diversion point and maximum diversion rate on Lake Austin (authorized by Certificate No. 14-5471 and owned by the City of Austin) for the purposes of diverting water released from Lake Travis for (industrial use) heat transfer or cooling purposes and for irrigation of landscaped areas surrounding LCRA's proposed office complex; and*

*WHEREAS, the Texas Water Commission finds that jurisdiction over the application is established; and*

*WHEREAS, no person protested the granting of this application; and*

*WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Water Commission in issuing this amendment.*

*NOW, THEREFORE, this amendment to Certificate No. 14-5482 is issued to the Lower Colorado River Authority, as follows:*

*1. USE*

*Certificate owner is authorized to divert and use 1470 acre-feet of water per annum for industrial and irrigation purposes at the certificate owner's proposed office complex.*

*2. DIVERSION*

*In addition to the authorized points of diversion in Certificate No. 14-5482, as amended, certificate owner is authorized to use the following point of diversion:*

*A. Location:*

*(3) At a point on the eastern end of Tom Miller Dam on the Colorado River, Travis County, the same being S 79° E, 1135 feet from the north corner of the Henry P. Hill Grant, Abstract No. 14.*

*B. Maximum rate:*

*(3) 4.0 cfs (1800 gpm).*

*3. POINT OF RETURN*

*At a point S 74° E, 1170 feet from the aforesaid survey corner.*

*4. SPECIAL CONDITION*

*Certificate owner shall maintain annual records indicating that water used under this amendment conforms to Article 5.1.2.(b) and 5.1.3.(b) of LCRA's Water Conservation Rules and the records shall be made available to representatives of the Executive Director of the Texas Water Commission upon reasonable request.*

*This amendment is issued subject to all terms, conditions and provisions contained in Certificate No. 14-5482, except as specifically amended herein.*

*This amendment is issued subject to all superior and senior water rights in the Colorado River Basin.*

*Certificate owner agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.*

*All other matters requested in the application which are not specifically granted by this amendment are denied.*

*Certificate owner shall use those practices, techniques and technologies that will reduce the loss or waste of water and improve the efficiency and use of water so that only so much water as can be beneficially used will be diverted. Furthermore, diversion and use will occur only when reasonably necessary because of prevailing climatic conditions and subject to the terms and conditions of this amendment.*

*This amendment is issued subject to the Rules of the Texas Water Commission and to the right of continuing supervision of State water resources exercised by the Commission.*

*TEXAS WATER COMMISSION*

*John Hall, Chairman*

*DATE ISSUED:* OCT 3 1 1991

*ATTEST:*

*Gloria A. Vasquez, Chief Clerk*

AMENDMENT TO
CERTIFICATE OF ADJUDICATION

| | | | |
|---|---|---|---|
| CERTIFICATE NO. 14-5482B | | | TYPE: AMENDMENT |
| Name: | Lower Colorado River Authority | Address: | P.O. Box 220<br>Austin, Texas 78767 |
| Filed: | February 6, 1990 | Granted: | February 21, 1990 |
| Purposes: | Livestock and Recharge | County: | Travis |
| Watercourse: | Colorado River | Watershed: | Colorado River Basin |

WHEREAS, Certificate of Adjudication No. 14-5482 was issued to Lower Colorado River Authority on June 28, 1989 and authorized certificate owner to maintain Mansfield Dam and Lake Travis on the Colorado River in Travis County and the diversion and use of water from Lake Travis and Lake Buchanan (included in the Authority's Certificate No. 14-5478) for municipal, industrial, irrigation and mining purposes; and

WHEREAS, Certificate No. 14-5482A as issued on October 12, 1989 which authorized certificate owner to divert, use and release waters from Lake Travis for domestic, recreation, instream flows and bay/estuary purposes in addition to uses listed above; and

WHEREAS, certificate owner has requested an amendment to Certificate No. 14-5482, as amended, to add authority to divert, use and release the waters in Lake Travis for livestock and recharge purposes; and

WHEREAS, the Texas Water Commission finds that jurisdiction over the application is established; and

WHEREAS, no person protested the granting of this application; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Water Commission in issuing this amendment; and

NOW, THEREFORE, this amendment to Certificate No. 14-5482, as amended, is issued to the Lower Colorado River Authority, subject to the following provisions:

USE

In addition to the authorizations included in Certificate No. 14-5482, as amended, to divert and use water from Lake Travis for municipal, industrial, irrigation, mining, domestic, recreation, instream flows and bay/estuary purposes, certificate owner is authorized to divert, use and release the waters in Lake Travis for livestock and recharge purposes.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate No. 14-5482, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Colorado River Basin.

Certificate owner agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Water Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS WATER COMMISSION

B. J. Wynne, III, Chairman

DATE ISSUED: MAR 08 1990

ATTEST:

Brenda W. Foster, Chief Clerk

AMENDMENT TO
CERTIFICATE OF ADJUDICATION

| | | | |
|---|---|---|---|
| CERTIFICATE NO. 14-5482A | | TYPE: | AMENDMENT |
| Name: | Lower Colorado River Authority | Address: | P.O. Box 220<br>Austin, Texas 78767 |
| Filed: | September 6, 1989 | Granted: | September 7, 1989 |
| Purposes: | Domestic, Recreation, Instream Flows and Bay/Estuary Use | County: | Travis |
| Watercourse: | Colorado River | Watershed: | Colorado River Basin |

WHEREAS, Certificate of Adjudication No. 14-5482 was issued to Lower Colorado River Authority on June 28, 1989, and authorized the certificate owner to maintain Mansfield Dam and Lake Travis on the Colorado River in Travis County and the diversion and use of water from Lake Travis and Lake Buchanan (included in the authority's Certificate No. 14-5478) for municipal, industrial, irrigation and mining purposes; and

WHEREAS, in conjunction with submittal of the Water Management Plan required by the Final Judgement and Decree in Cause No. 155, 414-A-1 of the 264th Judicial District Court of Bell County, certificate owner has also requested an amendment to Certificate No. 14-5482 to add authority to divert, use and release the waters of Lake Travis for domestic, recreation, instream flow and bay/estuary inflow purposes; and

WHEREAS, the Texas Water Commission finds that jurisdiction over the application is established; and

WHEREAS, no person protested the granting of this application; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Water Commission in issuing this amendment.

NOW, THEREFORE, this amendment to Certificate No. 14-5482 is issued to the Lower Colorado River Authority, subject to the following provisions:

1. USE

   a. In addition to the authorizations included in Paragraph 2.B., USE of Certificate No. 14-5482 to divert and use water from Lake Travis for municipal, industrial, irrigation and mining purposes, certificate owner is authorized to divert, use and release waters from Lake Travis for domestic, recreation, instream flows and bay/estuary purposes.

   b. The combined firm yield for Lakes Travis and Buchanan is as found by the Commission by Order approved on September 7, 1989, approving the Water Management Plan as may be modified by the Commission from time to time.

2. SPECIAL CONDITIONS

   a. For purposes of perfection, use of water for recreation purposes is limited to that quantity of water actually sold for that purpose whether used in, or released or diverted from, Lakes Buchanan or Travis.

   b. Certificate owner shall follow the provisions of the Water Management Plan as approved by Order of the Commission on September 7, 1989, and the terms and conditions of that Order.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate No. 14-5482, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Colorado River Basin.

Certificate owner agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Water Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS WATER COMMISSION

B. J. Wynne, III, Chairman

DATE ISSUED: October 12, 1989

ATTEST:

Brenda W. Foster, Chief Clerk

Adj 5482

# CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 14-5482

OWNER: Lower Colorado River Authority
P. O. Box 220
Austin, Texas 78767

COUNTY: Travis

PRIORITY DATES: March 29, 1926 and March 7, 1938

WATERCOURSE: Colorado River

BASIN: Colorado River

WHEREAS, by final judgment and decree of the 264th Judicial District Court of Bell County, Texas, in Cause No. 115,414-A-1, In Re: The Exceptions of the Lower Colorado River Authority and the City of Austin to the adjudication of water rights in the Lower Colorado River Segment of the Colorado River Basin dated April 20, 1988, a right was recognized under Permit 951, Permit 952, Permit 1259 and Permit 1260 authorizing the Lower Colorado River Authority to appropriate waters of the State of Texas as set forth below:

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Colorado River Basin is issued to the Lower Colorado River Authority (hereinafter called LCRA), subject to the following terms and conditions:

1. IMPOUNDMENT

LCRA is authorized to maintain an existing dam and reservoir on the Colorado River (Mansfield Dam and Lake Travis) and impound therein not to exceed 1,170,752 acre-feet of water. The dam is located in the John S. Choate Survey 461, Abstract 186 and the C. B. Townsend Survey 192, Abstract 2640, Travis County, Texas.

2. USE

A. LCRA is authorized to use the water impounded in the aforesaid Lake Travis for recreation purposes with no right of diversion or release for this purpose.

B. LCRA is authorized to divert and use not to exceed 1,500,000 acre-feet of water per annum from the aforesaid reservoir and Lake Buchanan (Certificate of Adjudication 14-5478) for municipal, industrial, irrigation and mining purposes, subject to the following conditions:

(1) LCRA shall prepare and submit to the Commission, on or before December 31, 1988, a proposed reservoir operation plan, which shall include such studies and other information as may be required by the Commission to determine the Combined Firm Yield of Lakes Travis and Buchanan (as

defined By Fact Finding No. 29 for Lake Travis in the "Modified Findings and Conclusions Defining LCRA's Water Rights with Respect to the Highland Lakes", Attachment No. 2 to Judgment in Cause No. 115,414-A-1) and demonstrate LCRA's compliance with, and its ability to comply with, these conditions (the "Management Plan"). In making its decision on the adoption of a Management Plan, the Commission shall consider all relevant public policies including, without limitation, the following:

(a) Recognition of the necessity of beneficial inflows from the Colorado River into the Lavaca-Tres Palacios Estuary consistent with §11.147 of the Texas Water Code;

(b) Protection of fish and wildlife habitats consistent with §11.147 of the Texas Water Code;

(c) Consideration of the effects, if any, on existing instream uses and water quality consistent with §11.147 of the Texas Water Code;

(d) Mitigation of adverse impacts, if any, on wildlife habitats inundated by new reservoir construction;

(e) Mitigation of adverse environmental impacts, if any, caused by new projects taking, storing or diverting in excess of 5,000 acre-feet per year consistent with §11.152 of the Texas Water Code; and

(f) Recognition of the Commission's statutory authority to require water conservation under §11.134(b)(4).

The Commission shall consider LCRA's proposal prior to adopting the initial Management Plan. The Management Plan may be amended from time to time upon the request of LCRA or on the Commission's own motion. The initial proceeding to consider the adoption of the Management Plan, and any major amendment thereof, shall be pursuant to contested case procedures. Any proceeding to consider the adoption or major amendment of the Management Plan shall be preceded by notice and opportunity to request a hearing in accordance with the Commission's regulations applicable to water rights permitting proceedings. The Texas Parks and Wildlife Department, at its option, may be a party in any such proceeding, in the same manner as it would be a party to a proceeding before the Commission incident to an application for a permit governed by §11.147 of the Texas Water Code. The Commission shall name as other parties persons who establish a justiciable interest in the

proceeding. In making a final decision on the adoption of a Management Plan and any amendment thereof, the Commission, in addition to other information, evidence, and testimony presented, shall consider all information, evidence, and testimony presented by the Texas Parks and Wildlife Department, including, without limitation, any memorandum of understanding between LCRA and Texas Parks and Wildlife Department relating to the management of the Highland Lakes.

(2) LCRA shall prepare and submit to the Commission, on or before March 1 of each year beginning with March 1, 1990, a report which documents compliance with the Management Plan and these conditions during the previous year. Such report shall be in a form approved by the Executive Director of the Commission.

(3) Except as provided in Paragraph (9) below, LCRA shall not supply or commit to supply any water under this certificate or under Certificate of Adjudication 14-5478 to any other party except pursuant to a written contract between LCRA and such party that defines such commitment.

(4) LCRA shall not supply or commit to supply any water under this certificate or under Certificate of Adjudication 14-5478 to itself for use by itself or other parties except pursuant to resolution adopted by LCRA's Board of Directors that defines such commitment.

(5) Each commitment by LCRA to supply water under this certificate or under Certificate of Adjudication 14-5478 shall be considered to be on a firm, uninterruptible basis unless the contract, resolution or special condition defining such commitment specifically provides that such commitment "is subject to interruption or curtailment".

(6) LCRA shall not commit to supply water under this certificate or under Certificate of Adjudication 14-5478 on a firm, uninterruptible basis in excess of the Combined Firm Yield of Lakes Travis and Buchanan. During the period beginning as of January 1, 1988 until such time as the Management Plan is submitted and approved by the Commission, LCRA shall not enter into any contract or adopt any resolution by which it commits to supply any water under this certificate or under Certificate of Adjudication 14-5478 on a firm, uninterruptible basis, unless:

(a) The aggregate of all firm, uninterruptible commitments of water under this certificate or under Certificate of Adjudication 14-5478, including the

commitment made pursuant to such contract or resolution, does not exceed 2,500,000 acre-feet of water over any five consecutive calendar-year period; or

(b) The commitment made pursuant to such contract or resolution is for municipal use, and such commitment does not exceed 10,000 acre-feet of water per annum; or

(c) Such contract or resolution is specifically approved by either the Executive Director of the Commission or the Commission pursuant to the condition contained in this Paragraph (6).

(7) LCRA shall interrupt or curtail the supply of water under this certificate or under Certificate of Adjudication 14-5478 pursuant to commitments that are specifically subject to interruption or curtailment, to the extent necessary to allow LCRA to satisfy all demands for water under such certificates pursuant to all firm, uninterruptible commitments. Commitments to supply water on a non-firm, interruptible basis may be interrupted or curtailed as necessary either on a pro rata basis or in accordance with a system of priorities, as may be set forth in various contracts and resolutions that define such commitments.

(8) LCRA shall not impose its priority under this certificate or under Certificate of Adjudication 14-5478 against any junior permanent water right with a priority date senior to November 1, 1987, except to the extent that:

(a) LCRA would have the right to impose such priority against such water right if LCRA's right under this certificate or under Certificate of Adjudication 14-5478 to divert and use water from Lakes Travis and Buchanan were limited to the Combined Firm Yield of such lakes; or

(b) The holder of such water right has agreed, or in the future agrees, otherwise.

(9) LCRA shall supply water under this certificate or under Certificate of Adjudication 14-5478 to or for the benefit of any downstream water right with a priority date junior to December 1, 1900 and senior to November 1, 1987 that authorizes the diversion of not more than 3000 acre-feet of water per annum, to the extent that:

(a) The holder of such water right applies to the Commission for release of such water; and

(b) The Commission finds that, but for the exercise of priority claims under Certificates of Adjudication 14-5471, 14-5472 (as pertains to rights recognized pursuant to CF-330), 14-5475, 14-5476 and 14-5477.

[1] Water would be available for diversion from the natural flow of the Colorado River or tributary thereof at an authorized point of diversion under such water right; and

[2] Applicant's water right would entitle him to divert such water;

provided, however, that LCRA shall not be obligated to supply more than 20,000 acre-feet of water in any year pursuant to this condition (9); that this commitment is subject to interruption or curtailment pro rata with other long-tern interruptible commitments of LCRA; and that LCRA shall not be obligated to supply water under this condition to or for the benefit of a temporary or term permit beyond the initial term thereof.

(10) LCRA may from time to time apply to the Commission for amendment of the conditions outlined in paragraph 2B(1) through 2B(9) above pursuant to Commission rules.

(11) The rights recognized in Paragraph 2B, are duplicative of, and not in addition to, those rights recognized under Certificate of Adjudication 14-5478 relating to LCRA's rights in Lake Buchanan.

C. LCRA is authorized to use the bed and banks of the Colorado River below the aforesaid dam to convey water released from Lake Travis for use by LCRA or others entitled to use such water in the amounts and for the purposes authorized herein.

D. LCRA is authorized to divert and use water through Mansfield Dam for the purpose of hydroelectric power generation, subject to the following conditions:

(1) Such right is subordinated to the extent set forth in TEX. REV. CIV. STAT. ANN. art. 8280-107, as amended, Tex. Laws 1975, ch. 74 at 179, as such act may be amended from time to time (the "LCRA Act").

(2) Such right is further subordinated, to the extent that it may not be subordinated pursuant to the LCRA Act, as follows:

(a) LCRA shall not release water through Mansfield Dam solely for the purpose of hydroelectric generation, except during emergency shortages of electricity, and during other times to the extent that such releases will not impair LCRA's ability to satisfy all existing and projected demands for water from Lakes Travis and Buchanan under this certificate and under Certificate of Adjudication 14-5478 pursuant to all firm, uninterruptible commitments and all non-firm, interruptible commitments; and

(b) To the extent that water is released through Mansfield Dam solely for the purpose of hydroelectric generation, such right is specifically subordinated, as to priority, to all present and future upstream rights to use the waters of the Colorado River and its tributaries for municipal, domestic, industrial, irrigation and/or mining purposes, except during emergency shortages of electricity, and during other times to the extent that the holder of any such upstream right has agreed, or in the future agrees, otherwise.

3. DIVERSION

A. Location:
(1) On the perimeter of the aforesaid reservoir.

(2) Releases through the dam.

B. Maximum rate:
(1) Unspecified from the perimeter of said reservoir.

(2) 5530.00 cfs (2,488,500 gpm) for hydroelectric generation.

4. PRIORITY

A. The time priority of LCRA's right is March 29, 1926 for the impoundment of water in the aforesaid reservoir, the use of the impounded water for recreation and the use of released water for hydroelectric generation.

B. The time priority of LCRA's right is March 7, 1938 for the diversion and use of water for all other purposes authorized.

5. SPECIAL CONDITION

Owner shall maintain a suitable outlet in the aforesaid dam authorized herein to allow the free passage of water that Owner is not entitled to divert or impound.

The location of pertinent features related to this certificate are shown on Page 31 of the Middle Colorado River Segment Certificates of Adjudication Maps and Page 1 of the Lower Colorado River Segment Certificates of Adjudication Maps, copies of which are located in the office of the Texas Water Commission, Austin, Texas.

This certificate of adjudication is issued subject to all terms conditions and provisions in the final judgment and decree of the 264th Judicial District Court of Bell County, Texas, in Cause No. 115,414-A-1, In Re: The Exceptions of the Lower Colorado River Authority and the City of Austin to the adjudication of water rights in the Lower Colorado River Segment of the Colorado River Basin dated April 20, 1988 and supersedes all rights of the Owner asserted in that cause.

This certificate of adjudication is issued subject to senior and superior water rights in the Colorado River Basin.

This certificate of adjudication is issued subject to the Rules of the Texas Water Commission and its continuing right of supervision of State water resources consistent with the public policy of the State as set forth in the Texas Water Code.

TEXAS WATER COMMISSION

B. J. Wynne, III, Chairman

DATE ISSUED:

JUN 28 1989

ATTEST:

Brenda W. Foster, Chief Clerk