



August 21, 2006

OPA

AUG 22 2006

BY KY

Via Messenger

Kellye Rila, Team Leader  
Water Rights Permitting Team  
Water Uses & Availability Section  
Texas Commission on Environmental Quality  
12100 Park 35 Circle, 3<sup>rd</sup> Floor, Building F  
Austin, Texas 78753

ADS  
53359

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
2006 AUG 22 AM 9:32  
CHIEF OF ENVIRONMENTAL OFFICE

RE: *City of San Angelo's Application to Amend Certificate of Adjudication No. 14-1298 as amended; Application No. 14-1298B*

Dear Ms. Rila:

The Lower Colorado River Authority (LCRA) recently received notice of the above-referenced application, and would like to take this opportunity to offer the following comments on the request.

The results of an evaluation by LCRA staff based on Texas Commission on Environmental Quality (TCEQ) Water Availability Model (WAM) Run 3 (dated May 31, 2005) indicates the reliability at the proposed diversion point, on Applicant's Lone Wolf Reservoir, may be significantly higher. It is the opinion of LCRA staff that San Angelo should only be authorized to divert that amount of water that would have been available at the original locations for municipal purposes on a firm basis.

LCRA believes the better approach, consistent with LCRA's filings in other proceedings within the Colorado River basin, is to require water right holders to develop and implement a detailed diversion accounting plan that requires the applicant to monitor the amount of water available at the original authorized diversion locations at any time the applicant desires to divert under such amended right. It would be helpful to have language in the amended right to require this to occur. Such an approach would establish a meaningful precedent for water rights amendments within this basin.

LCRA requests that TCEQ consider this concern in its review of the City of San Angelo's pending application and, if ultimately approved, similarly condition the availability of this type of amendment to others within the basin.

Should you have any questions, please feel free to call me at (512) 473-3378. Thank you.

Sincerely,

Lyn Dean  
Associate General Counsel

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6535  
TCEQ

CHIEF CLERKS OFFICE

2006 AUG 21 PM 2:23

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**Lower Colorado River Authority**  
**Legal Services**  
**P.O. Box 220, Austin, Texas 78767-0220**  
**3700 Lake Austin Blvd., Hancock Bldg. 4th Fl.**  
**Fax Number: (512) 473-4010**

**FACSIMILE TRANSMITTAL SHEET**

Date: 8/21/06

No. of pages (including cover): 2

**TRANSMITTED TO:**

Name: Docket Clerk

Location: TCEQ

Fax Number: 239-3311

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2006 AUG 21 PM 2:23  
CHIEF CLERKS OFFICE

**TRANSMITTED FROM:**

Name: Tabetha Jarke

Location: LCRA

Fax Number: 473-4010

**INSTRUCTIONS OR COMMENTS:**

This comment letter was submitted to the WR dept. The deadline for comment was today, so I wanted to be sure you all rec'd a copy.

**THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND CONTAINS INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER LAW.**

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Call 1-800-776-5272 ext. 2359 or 512-473-3333 ext. 2359 if you have any questions or comments.

Tabetha