

TCEQ Interoffice Memorandum

TO: Chief Clerk

THRU: Liliana Delgado, Team Leader
Water Rights Permitting Team

FROM: Tracie Donnelly, Project Manager
Water Rights Permitting Team

DATE: August 17, 2012

SUBJECT: John Pat Grumbles, Emmet Lee Grumbles and Lower Colorado River Authority
ADJ 1913
CN603921883, CN603921875, CN600253637, RN103924999
Application No. 14-1913A to Amend Certificate of Adjudication No. 14-1913
Texas Water Code §§ 11.122, 11.085, Requiring Limited Mailed Notice
Colorado River and Salt Creek, Colorado River Basin
Lampasas County

The Executive Director received an application from John Pat Grumbles, Emmet Lee Grumbles and Lower Colorado River Authority seeking to amend Certificate of Adjudication No. 14-1913 pursuant to Texas Water Code §§ 11.122, 11.085 and Texas Commission on Environmental Quality Rules 30 TAC §§295.1, *et seq.*

The application was received on May 16, 2011. The application was declared administratively complete and filed with the Office of the Chief Clerk on July 26, 2011. The notice of the application was filed with the Chief Clerk on September 1, 2011, and notice was subsequently mailed to the interjacent water right holders in the Colorado River Basin. One request for a contested case hearing was received.

Because this application was declared administratively complete after September 1, 1999, the rules in Chapter 55, Subchapter G, Section 55.250 - 55.256 apply. The Chief Clerk shall mail notice to the applicant, executive director, public interest counsel, and timely hearing requestors not later than 35 days prior to the agenda setting. Applicants, the public interest counsel, and the executive director shall file a response no later than 23 days before agenda, and the hearing requestors shall reply no later than nine days before agenda.

The application is now technically complete and the staff has recommended that the application be granted based on the analysis in the technical review memos.

Below is the caption for this application:

Docket No. 2012-1195-WR. Consideration of the application by the **Lower Colorado River Authority (LCRA)** and **John Pat and Emmett Lee Grumbles**

for an amendment to Certificate of Adjudication No. 14-1913 to authorize LCRA to divert and use the water under the certificate for municipal purposes, to add a diversion point on the Colorado River and on the perimeter of an existing reservoir on the Colorado River, and to authorize storage of the water in that existing reservoir in Lampasas County, Texas. The application further requests an exempt interbasin transfer of the water from the Colorado River Basin to portions of the Brazos River Basin within the service area of the Lometa Water System in Lampasas, Mills, San Saba, and Burnet Counties. The Commission will also consider requests for hearing or reconsideration, related responses and replies, and public comment. (James Aldredge, Tracie Donnelly)



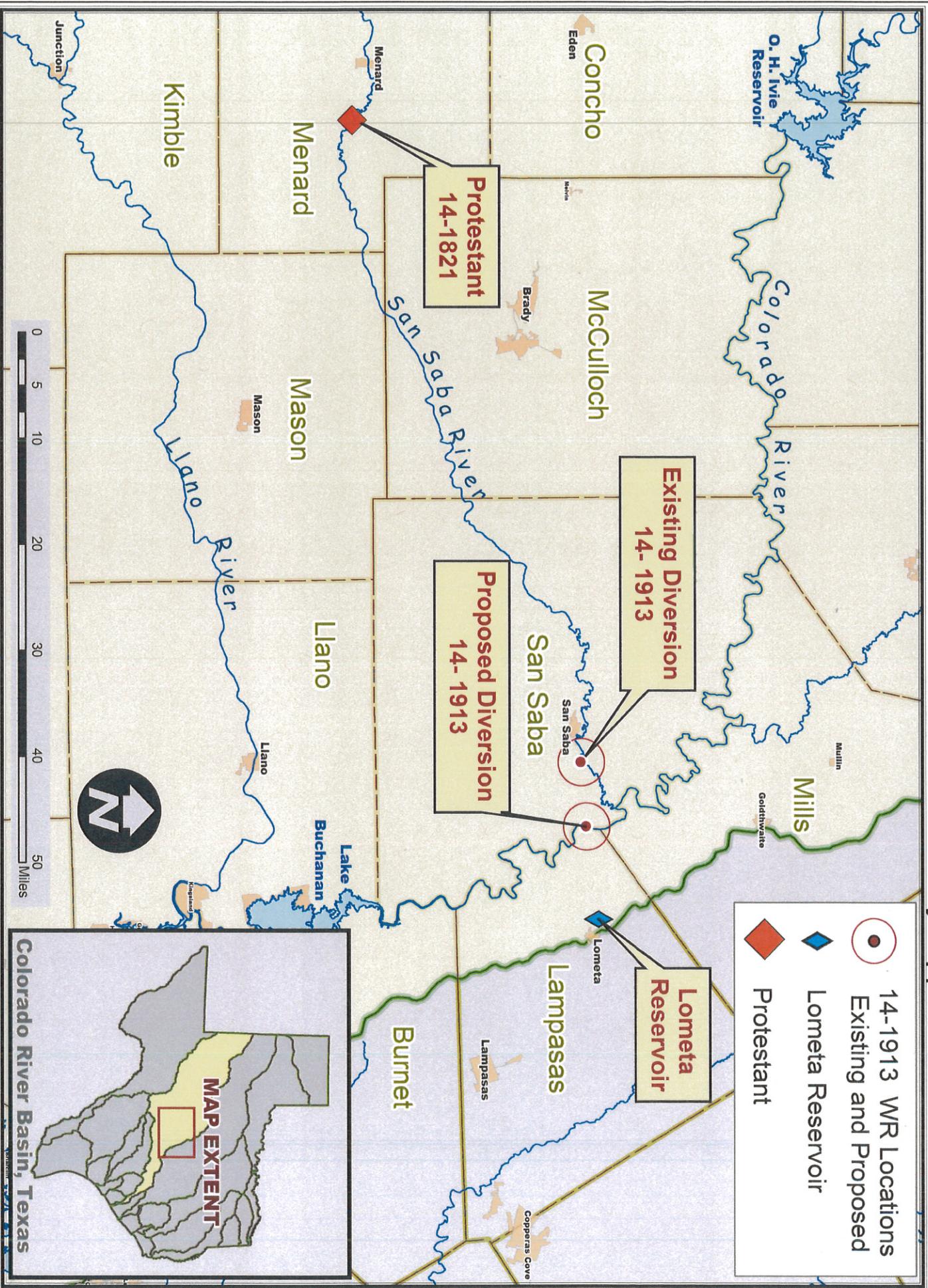
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Enclosure

cc: Ron Ellis
Steve Densmore
Iliana Delgado
Joanne Eagle
Justin Degrade
Chris Loft
Scott Swanson
James Aldredge
Kathy Alexander

Docket No. 2012-1195-WR

John Pat Grumbles, Emmett Lee Grumbles and
Lower Colorado River Authority Application No. 14-1913A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN AMENDMENT TO A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 14-1913A

John Pat Grumbles, Emmett Lee Grumbles and Lower Colorado River Authority (Applicants), seek to amend Certificate of Adjudication No. 14-1913 to 1) add a downstream diversion point on the Colorado River and the perimeter of Lometa Reservoir which are both authorized by Water Use Permit No. 5715; 2) add municipal purpose of use to the 270 acre-feet of water; 3) add authorization to impound and store that 270 acre-feet of water in Lometa Reservoir, authorized by Water Use Permit 5715; 4) for subsequent diversion and use in the Lometa Water System municipal purposes. The Applicants further seek authorization for and 5) exempt interbasin transfer to use the water in the service area of the Lometa Water System, which serves the City of Lometa and rural areas in Lampasas, Mills, San Saba, and Burnet Counties in the Colorado River Basin and the Brazos River Basin. More information on the application and how to participate in the permitting process is given below.

APPLICATION. John Pat Grumbles and Emmett Lee Grumbles, 1105 CR 120, San Saba, Texas, 76877 and Lower Colorado River Authority, 3700 Lake Austin Blvd., Austin, Texas, 78703 Applicant, seeks an amendment to Certificate of Adjudication No. 14-1913 pursuant to Texas Water Code §§ 11.122 and 11.085 and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Mailed notice to the interjacent water right holders of record which include upstream water rights in the Colorado River Basin is required pursuant to Title 30 TAC §295.158(c)(2)(E).

Certificate of Adjudication No. 14-1913 authorizes John Pat and Emmett Lee Grumbles to divert and use not to exceed 270 acre-feet of water per year from the San Saba River, tributary of the Colorado River, Colorado River Basin at a maximum diversion rate of 6.00 cfs (2,700 gpm) for agricultural purposes to irrigate 270 acres of land in San Saba County. The time priority of this right is 1932.

Water Use Permit No. 5715 owned by the Lower Colorado River Authority (LCRA) authorizes LCRA to maintain Lometa Reservoir located on Salt Creek, tributary of the Colorado River, Colorado River Basin and impound therein 554.6 acre-feet of water. Among other things, LCRA is further authorized to divert from the Colorado River and the perimeter of Lometa Reservoir for municipal purposes within the service areas of the City of Lometa and the Lampasas County Regional Water and Wastewater System in the Colorado and Brazos River Basins.

Pursuant to a *Lease of Water Rights* between the LCRA and John Pat and Emmett Lee Grumbles, Applicants seek to amend Certificate of Adjudication No. 14-1913 to add a downstream diversion point on the Colorado River and diversion from the perimeter of Lometa Reservoir, which are both authorized by Water Use Permit No. 5715; add municipal purposes of use to the 270 acre-feet of water; and add authorization to impound and store that 270 acre-feet of water in Lometa Reservoir for subsequent diversion and use for municipal purposes within the Lometa Water System.

the Applicants further seek an exempt interbasin transfer pursuant to Texas Water Code (TWC) §11.085(v)(1) and (4) to use the water in the service area of the Lometa Water System, which serves the City of Lometa and rural areas in Lampasas, Mills, San Saba, and Burnet Counties in the Colorado River Basin and the Brazos River Basin.

The proposed downstream diversion point on the Colorado River is located 10 miles west of the City of Lometa, also being 31.212330°N Latitude, 98.566793°W Longitude, bearing N24°E, 216 feet from the northwest corner of the W.W. Summers Original Survey No. 47, Abstract No. 633, Lampasas County, Zip Code 76853, being the same diversion point authorized by Water Use Permit No. 5715.

Lometa Reservoir and dam are located on Salt Creek, tributary of the Colorado River, Colorado River Basin, approximately 1.25 miles northwest of the City of Lometa in Lampasas County. Station 10+00 on the centerline of the dam is located approximately 2,300 feet bearing N1.33°E, from the southeast corner of the D. Navarro Original Survey No. 611, Abstract No. 523, also being 31.227938°N Latitude, 98.420670°W Longitude in Lampasas County, Zip Code 76853. Water diverted from the Colorado River will be stored in Lometa Reservoir and subsequently diverted from the perimeter of the reservoir.

The Applicants do not seek an increase in the diversion rate or to increase the storage capacity of Lometa Reservoir.

The application and partial fees were received on May 16, 2011. Additional information and fees were received on June 23, 2011. The application was declared administratively complete and accepted for filing on July 26, 2011.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would contain special conditions including, but not limited to, maintenance of the lease. The application and Executive Director's draft amendment are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Building F., Austin, TX 78753.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by September 30, 2011. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by September 30, 2011. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by September 30, 2011.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" and (4) a brief and specific description of how you would be affected by the application in a way not common to the general public. You may also submit any proposed conditions to the requested amendment which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the TCEQ Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the requested amendment and may forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <http://www.tceq.state.tx.us/about/comments.html>. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.state.tx.us. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.state.tx.us>.

Issued: September 12, 2011

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-1913A

Type: §§11.122 and 11.085

Owner: John Pat Grumbles and
Emmett Lee Grumbles

Address: 1105 CR 120
San Saba, Texas 76877

Lower Colorado River Authority

3700 Lake Austin Blvd.
Austin, Texas 78703

Filed: July 26, 2011

Granted:

Purposes: Agricultural and Municipal

Counties Lampasas, Mills, San Saba,
and Burnet

Watercourses: Colorado River and Salt Creek,
tributary of the Colorado

Watersheds: Colorado River Basin and
Brazos River Basin

WHEREAS, Certificate of Adjudication No. 14-1913 authorizes the diversion and use of not to exceed 270 acre-feet of water per year from the San Saba River, tributary of the Colorado River, Colorado River Basin at a maximum diversion rate of 6.00 cfs (2,700 gpm) for agricultural purposes to irrigate 270 acres of land in San Saba County, Texas; and

WHEREAS, the time priority of this right is 1932; and

WHEREAS, Water Use Permit No. 5715 owned by the Lower Colorado River Authority (LCRA) authorizes LCRA to maintain Lometa Reservoir located on Salt Creek, tributary of the Colorado River, Colorado River Basin and impound therein 554.6 acre-feet of water. Among other things, LCRA is further authorized to divert from the Colorado River and the perimeter of Lometa Reservoir for municipal purposes within the service areas of the City of Lometa and the Lampasas County Regional Water and Wastewater System in the Colorado and Brazos River Basins; and

WHEREAS, Pursuant to a *Lease of Water Rights* between the LCRA and John Pat and Emmett Lee Grumbles (Applicants), Applicants seek to amend Certificate of Adjudication No. 14-1913 to add a downstream diversion point on the Colorado River and diversion from the perimeter of Lometa Reservoir, which are both authorized by Water Use Permit No. 5715; add municipal purposes of use to the 270 acre-feet of water; and add authorization to impound and store that 270 acre-feet of water in Lometa Reservoir for subsequent diversion and use for municipal purposes within the Lometa Water System; and

WHEREAS, the Applicants further seek an exempt interbasin transfer pursuant to Texas Water Code (TWC) §11.085(v)(1) and (4) to use the water in the service area of the Lometa Water System, which serves the City of Lometa and rural areas in Lampasas, Mills, San Saba, and Burnet Counties in the Colorado River Basin and the Brazos River Basin; and

WHEREAS, the proposed downstream diversion point on the Colorado River is located 10 miles west of the City of Lometa and 0.5 miles downstream of the US Hwy 190 bridge in the W.W. Summers Original Survey No. 47, Abstract No. 633, Lampasas County, also being 31.212330° N Latitude, 98.566793° W Longitude, bearing N24°E, approximately 216 feet from the northwest corner of the Summers Survey, being the same diversion point authorized by Water Use Permit No. 5715; and

WHEREAS, Lometa Reservoir and dam are located on Salt Creek, tributary of the Colorado River, Colorado River Basin, approximately 1.25 miles northwest of the City of Lometa in Lampasas County. Station 10+00 on the centerline of the dam is located approximately 2,300 feet bearing N1.33°E, from the southeast corner of the D. Navarro Original Survey No. 611, Abstract No. 523, also being 31.227938°N Latitude, 98.420670°W Longitude in Lampasas County; and

WHEREAS, the Texas Commission on Environmental Quality (Commission) finds that jurisdiction over the application is established; and

WHEREAS, the Applicant submitted the *Lometa Diversion and Reservoir Daily Accounting Plan Procedures* on August 15, 2011; and

WHEREAS, review of the *Lometa Diversion and Reservoir Daily Accounting Plan Procedures* dated August 15, 2011 has been conducted and said plan was approved by the Executive Director; and

WHEREAS, the Executive Director recommends that a special condition should be included in the amendment; and

WHEREAS, no requests for a contested case hearing were received for this application; and

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 14-1913 designated Certificate of Adjudication No. 14-1913A, is issued to John Pat and Emmett Lee Grumbles and the Lower Colorado River Authority, subject to the following terms and conditions:

1. USE

Pursuant to the *Lease of Water Rights*, LCRA is authorized to divert and use not to exceed 270 acre-feet of water per year from the Colorado River, Colorado River Basin, for storage in Lometa Reservoir, authorized by Water Use Permit No. 5715, for a subsequent, exempt interbasin transfer from Lometa Reservoir for municipal purposes in the service area of the Lometa Water System, in Lampasas, Mills, San Saba, and Burnet Counties in the Colorado River Basin and Brazos River Basin.

2. DIVERSIONS

Pursuant to the *Lease of Water Rights*, LCRA is authorized to divert:

- A. from a diversion point on the Colorado River is located 10 miles west of the City of Lometa and 0.5 miles downstream of the US Hwy 190 bridge in the W.W. Summers Original Survey No. 47, Abstract No. 633, Lampasas County, also being 31.212330° N Latitude, 98.566793° W Longitude, bearing N24°E, approximately 216 feet from the northwest corner of the Summers Survey, being the same diversion point authorized by Water Use Permit No. 5715.
- B. from the perimeter of Lometa Reservoir, located on Salt Creek, tributary of the Colorado River (authorized by Water Use Permit No. 5715).
- C. at a maximum combined diversion rate of 6.00 cfs (2,700 gpm) from the above described diversion points.

3. TIME PRIORITY

The time priority for this amendment remains 1932, with the exception that the priority date shall be July 26, 2011, with respect to water rights with authorized diversion points located in the intervening watershed between the original diversion point and the additional diversion point herein evidenced by Paragraph 2.A. DIVERSIONS.

4. CONSERVATION

Owners shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

5. SPECIAL CONDITIONS

- A. LCRA shall only divert and use water pursuant to Paragraph 1. USE and Paragraph 2. DIVERSIONS in accordance with the most recently approved accounting plan; *Lometa Diversion and Reservoir Daily Accounting Plan Procedures*. LCRA shall maintain the approved accounting plan in electronic format and, except as may be restricted by other local, state, or federal law, make it available to the general public during normal business hours and the Executive Director upon request. If LCRA seeks to modify its accounting plan, LCRA shall submit a request to the Executive Director for determination of whether such modification requires an amendment to the Certificate, along with copies of the appropriate documents reflecting such modifications. Any modification to the accounting plan that the Executive Director determines would change the Certificate terms must be submitted in the form of an amendment to the Certificate. If an amendment to the Certificate is required, LCRA shall not make any diversions pursuant to the modified accounting plan until an amended Certificate is issued. Should LCRA fail to maintain the accounting plan, notify the Executive Director

of any modifications to the plan, or file an application to amend the Certificate, LCRA shall immediately cease all diversions pursuant to this Certificate until LCRA corrects the records, files the amended plan with the Executive Director, or, if necessary, an application to amend the Certificate. If LCRA fails to correct the records, file the amended plan or an amendment to the Certificate, or forfeit the amendment, the Commission may begin proceedings to cancel the amendment.

- B. The authorizations described in Paragraphs 1. USE and 2. DIVERSIONS are subject to the continued maintenance of the *Lease of Water Rights* between Owner and LCRA. Diversions are subject to the continued maintenance of the lease, as such lease may be extended or amended from time to time. Should the lease be amended in a manner that changes the amount of water, or the diversion rate, type or location of use of water allowed by LCRA under the lease, Owner shall submit an application to amend this Certificate to conform to the terms of the amended lease. Upon expiration of the lease, diversion of that leased water pursuant to Paragraphs 1. USE and 2. DIVERSIONS shall cease and Owner shall either apply to amend the Certificate with a new lease, or voluntarily forfeit the amendment. Owner shall notify the Commission immediately upon amendment or expiration of the lease and provide the Commission with copies of appropriate documents effectuating such changes.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 14-1913, except as specifically amended herein.

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

Owners agree 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 water use permit is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.

For the Commission

Date Issued:

TCEQ Interoffice Memorandum

TO: Chief Clerk

THRU: Liliana Delgado, Team Leader
Water Rights Permitting Team

FROM: Tracie Donnelly, Project Manager
Water Rights Permitting Team

DATE: August 17, 2012

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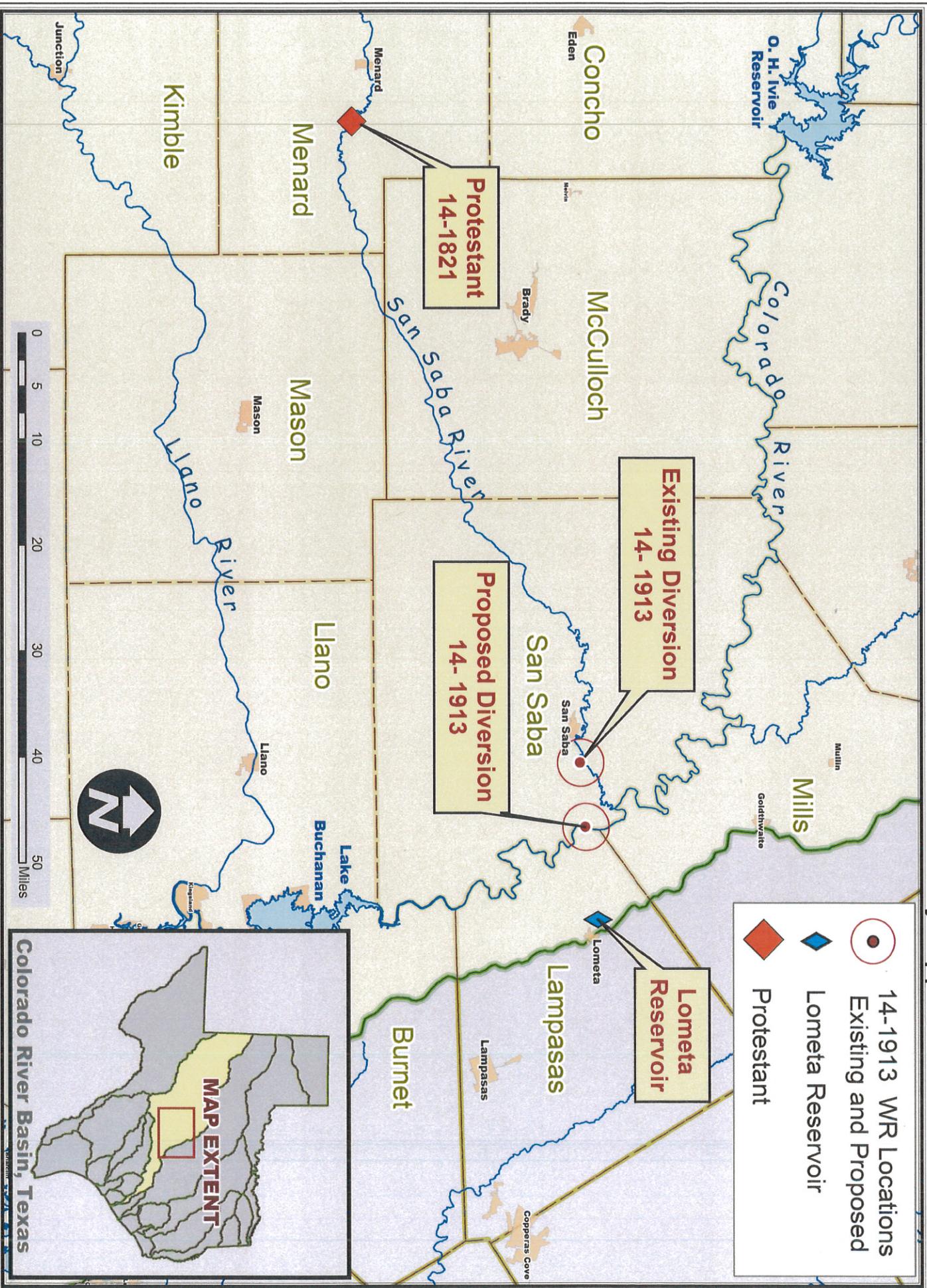
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN AMENDMENT TO A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 14-1913A

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Issued: September 12, 2011

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-1913A

Type: §§11.122 and 11.085

Owner: John Pat Grumbles and
Emmett Lee Grumbles

Address: 1105 CR 120
San Saba, Texas 76877

Lower Colorado River Authority

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Filed: July 26, 2011

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WHEREAS, Certificate of Adjudication No. 14-1913 authorizes the diversion and use of not to exceed 270 acre-feet of water per year from the San Saba River, tributary of the Colorado River, Colorado River Basin at a maximum diversion rate of 6.00 cfs (2,700 gpm) for agricultural purposes to irrigate 270 acres of land in San Saba County, Texas; and

WHEREAS, the time priority of this right is 1932; and

WHEREAS, Water Use Permit No. 5715 owned by the Lower Colorado River Authority (LCRA) authorizes LCRA to maintain Lometa Reservoir located on Salt Creek, tributary of the Colorado River, Colorado River Basin and impound therein 554.6 acre-feet of water. Among other things, LCRA is further authorized to divert from the Colorado River and the perimeter of Lometa Reservoir for municipal purposes within the service areas of the City of Lometa and the Lampasas County Regional Water and Wastewater System in the Colorado and Brazos River Basins; and

WHEREAS, Pursuant to a *Lease of Water Rights* between the LCRA and John Pat and Emmett Lee Grumbles (Applicants), Applicants seek to amend Certificate of Adjudication No. 14-1913 to add a downstream diversion point on the Colorado River and diversion from the perimeter of Lometa Reservoir, which are both authorized by Water Use Permit No. 5715; add municipal purposes of use to the 270 acre-feet of water; and add authorization to impound and store that 270 acre-feet of water in Lometa Reservoir for subsequent diversion and use for municipal purposes within the Lometa Water System; and

WHEREAS, the Applicants further seek an exempt interbasin transfer pursuant to Texas Water Code (TWC) §11.085(v)(1) and (4) to use the water in the service area of the Lometa Water System, which serves the City of Lometa and rural areas in Lampasas, Mills, San Saba, and Burnet Counties in the Colorado River Basin and the Brazos River Basin; and

WHEREAS, the proposed downstream diversion point on the Colorado River is located 10 miles west of the City of Lometa and 0.5 miles downstream of the US Hwy 190 bridge in the W.W. Summers Original Survey No. 47, Abstract No. 633, Lampasas County, also being 31.212330° N Latitude, 98.566793° W Longitude, bearing N24°E, approximately 216 feet from the northwest corner of the Summers Survey, being the same diversion point authorized by Water Use Permit No. 5715; and

WHEREAS, Lometa Reservoir and dam are located on Salt Creek, tributary of the Colorado River, Colorado River Basin, approximately 1.25 miles northwest of the City of Lometa in Lampasas County. Station 10+00 on the centerline of the dam is located approximately 2,300 feet bearing N1.33°E, from the southeast corner of the D. Navarro Original Survey No. 611, Abstract No. 523, also being 31.227938°N Latitude, 98.420670°W Longitude in Lampasas County; and

WHEREAS, the Texas Commission on Environmental Quality (Commission) finds that jurisdiction over the application is established; and

WHEREAS, the Applicant submitted the *Lometa Diversion and Reservoir Daily Accounting Plan Procedures* on August 15, 2011; and

WHEREAS, review of the *Lometa Diversion and Reservoir Daily Accounting Plan Procedures* dated August 15, 2011 has been conducted and said plan was approved by the Executive Director; and

WHEREAS, the Executive Director recommends that a special condition should be included in the amendment; and

WHEREAS, no requests for a contested case hearing were received for this application; and

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 14-1913 designated Certificate of Adjudication No. 14-1913A, is issued to John Pat and Emmett Lee Grumbles and the Lower Colorado River Authority, subject to the following terms and conditions:

1. USE

Pursuant to the *Lease of Water Rights*, LCRA is authorized to divert and use not to exceed 270 acre-feet of water per year from the Colorado River, Colorado River Basin, for storage in Lometa Reservoir, authorized by Water Use Permit No. 5715, for a subsequent, exempt interbasin transfer from Lometa Reservoir for municipal purposes in the service area of the Lometa Water System, in Lampasas, Mills, San Saba, and Burnet Counties in the Colorado River Basin and Brazos River Basin.

2. DIVERSIONS

Pursuant to the *Lease of Water Rights*, LCRA is authorized to divert:

- A. from a diversion point on the Colorado River is located 10 miles west of the City of Lometa and 0.5 miles downstream of the US Hwy 190 bridge in the W.W. Summers Original Survey No. 47, Abstract No. 633, Lampasas County, also being 31.212330° N Latitude, 98.566793° W Longitude, bearing N24°E, approximately 216 feet from the northwest corner of the Summers Survey, being the same diversion point authorized by Water Use Permit No. 5715.
- B. from the perimeter of Lometa Reservoir, located on Salt Creek, tributary of the Colorado River (authorized by Water Use Permit No. 5715).
- C. at a maximum combined diversion rate of 6.00 cfs (2,700 gpm) from the above described diversion points.

3. TIME PRIORITY

The time priority for this amendment remains 1932, with the exception that the priority date shall be July 26, 2011, with respect to water rights with authorized diversion points located in the intervening watershed between the original diversion point and the additional diversion point herein evidenced by Paragraph 2.A. DIVERSIONS.

4. CONSERVATION

Owners shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

5. SPECIAL CONDITIONS

- A. LCRA shall only divert and use water pursuant to Paragraph 1. USE and Paragraph 2. DIVERSIONS in accordance with the most recently approved accounting plan; *Lometa Diversion and Reservoir Daily Accounting Plan Procedures*. LCRA shall maintain the approved accounting plan in electronic format and, except as may be restricted by other local, state, or federal law, make it available to the general public during normal business hours and the Executive Director upon request. If LCRA seeks to modify its accounting plan, LCRA shall submit a request to the Executive Director for determination of whether such modification requires an amendment to the Certificate, along with copies of the appropriate documents reflecting such modifications. Any modification to the accounting plan that the Executive Director determines would change the Certificate terms must be submitted in the form of an amendment to the Certificate. If an amendment to the Certificate is required, LCRA shall not make any diversions pursuant to the modified accounting plan until an amended Certificate is issued. Should LCRA fail to maintain the accounting plan, notify the Executive Director

of any modifications to the plan, or file an application to amend the Certificate, LCRA shall immediately cease all diversions pursuant to this Certificate until LCRA corrects the records, files the amended plan with the Executive Director, or, if necessary, an application to amend the Certificate. If LCRA fails to correct the records, file the amended plan or an amendment to the Certificate, or forfeit the amendment, the Commission may begin proceedings to cancel the amendment.

- B. The authorizations described in Paragraphs 1. USE and 2. DIVERSIONS are subject to the continued maintenance of the *Lease of Water Rights* between Owner and LCRA. Diversions are subject to the continued maintenance of the lease, as such lease may be extended or amended from time to time. Should the lease be amended in a manner that changes the amount of water, or the diversion rate, type or location of use of water allowed by LCRA under the lease, Owner shall submit an application to amend this Certificate to conform to the terms of the amended lease. Upon expiration of the lease, diversion of that leased water pursuant to Paragraphs 1. USE and 2. DIVERSIONS shall cease and Owner shall either apply to amend the Certificate with a new lease, or voluntarily forfeit the amendment. Owner shall notify the Commission immediately upon amendment or expiration of the lease and provide the Commission with copies of appropriate documents effectuating such changes.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 14-1913, except as specifically amended herein.

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

Owners agree 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 water use permit is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.

For the Commission

Date Issued: