

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



Vic McWherter, Public Interest Counsel

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 9, 2015

Bridget Bohac, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk (MC-105)
P.O. Box 13087
Austin, Texas 78711-3087

**RE: LOWER COLORADO RIVER AUTHORITY
TCEQ DOCKET NO. 2015-1444-WR**

Dear Ms. Bohac:

Enclosed for filing is the Office of Public Interest Counsel's Response to Requests for Hearing in the above-entitled matter.

Sincerely,

A handwritten signature in cursive script, reading "Isabel Segarra".

Isabel G. Segarra Treviño, Attorney
Assistant Public Interest Counsel

cc: Mailing List

Enclosure

TCEQ DOCKET NO. 2015-1444-WR

IN THE MATTER OF THE	§	BEFORE THE
APPLICATION OF THE LOWER	§	
COLORADO RIVER AUTHORITY TO	§	TEXAS COMMISSION ON
AMEND WATER MANAGEMENT	§	
PLAN, APPLICATION NO. 5838A	§	ENVIRONMENTAL QUALITY

**THE OFFICE OF PUBLIC INTEREST COUNSEL'S
RESPONSE TO REQUESTS FOR HEARING**

COMES NOW, the Office of Public Interest Counsel (OPIC) of the Texas Commission on Environmental Quality (Commission or TCEQ) and files this Response to Requests for Hearing in the above-referenced matter, and would respectfully recommend referring this matter to the State Office of Administrative Hearings (SOAH).

I. INTRODUCTION

The Lower Colorado River Authority (Applicant or LCRA) has applied to the TCEQ for an amendment to its Water Management Plan (WMP) pursuant to Texas Water Code (TWC) § 11.122 and 30 Texas Administrative Code (TAC) §§ 295.1, et seq. The WMP contains water management programs and policies for Lakes Buchanan and Travis (the Highland Lakes) in accordance with the LCRA's Certificates of Adjudication Nos. 14-5478 and 14-5482. Revisions to the WMP were last approved by the Commission on January 27, 2010. The Commission order approving the 2010 WMP amendments directed the LCRA to file another amendment addressing a number of issues. These issues generally fall into three categories: interruptible stored water availability (agricultural users), new determination of the combined firm yield (municipal users), and new environmental flow criteria based on the most recent scientific studies. Through a stakeholder process, the LCRA has also modified the WMP's Drought

Contingency Plan (DCP) to account for normal, less severe, and extraordinary drought conditions.

The LCRA filed Application No. 5838A to amend the WMP on March 12, 2012. The Executive Director (ED) of the TCEQ declared LCRA's application administratively complete on April 19, 2012. The ED completed the first technical review of the application on November 9, 2012. After this, the application underwent its first notice and comment period ending on May 28, 2013. The Notice of Application to Amend the LCRA Water Management Plan was published from April 22 through April 26, 2013.

On June 3, 2013, based on significant public comment and ongoing drought conditions, the ED determined that further evaluation of the LCRA's application was necessary. In May 2014, the ED's staff issued a draft report with recommendations related to the curtailment of interruptible stored water. On October 31, 2014, the LCRA submitted a revised and supplemental application that was intended to replace the WMP amendment application it made in 2012. The ED completed the second technical review of the application on June 11, 2015. After this, the ED issued a second Notice of Application to Amend the LCRA Water Management Plan and Notice of a Public Meeting. This combined notice was published on July 12, 2015 and from July 14 through July 17, 2015 in the following twenty-four newspapers circulating in the specified counties:

Austin American-Statesman, Travis, Fayette, Lampasas, Llano, San Saba, Burnet, Hays, Caldwell, Kerr, and Bastrop Counties
Bastrop Advertiser, Bastrop County
Bay City Tribune Journal, Matagorda County
Blanco County News, Blanco County
Boerne Star, Kendall County
Brenham Banner-Press, Washington, Austin, Lee, and Fayette Counties
Burnet Bulletin, Burnet and Llano Counties
Colorado County Citizen, Colorado County
Columbus Banner Press, Austin, Colorado, and Fayette Counties

Elgin Courier, Bastrop, Lee, and Travis Counties
Fayette County Record, Fayette County
Fredericksburg Standard Radio Post, Gillespie County
Giddings Times & News, Lee County
Junction Eagle, Kimble, Mason, Menard, Edwards, Kerr, Sutton, and Gillespie Counties
Lexington Leader, Lee County
Llano County Journal, Burnet and Llano Counties
Marble Falls Highlander, Burnet and Llano Counties
Mason County News, Mason County
San Angelo Standard Times, Tom Green and Sutton Counties
Smithville Times, Bastrop County
Texas Mohair Weekly, Edwards and Real Counties
The Canyon Broadcaster, Real, Edwards, and Uvalde Counties
Wharton Journal-Spectator, Wharton County
Williamson County Sun, Williamson County

A public meeting was held on July 20, 2015 and the second public comment period ended on August 17, 2015. Since 2012, the TCEQ has received 106 hearing requests on this application. After reviewing all the hearing request withdrawals, OPIC found 16 pending hearing requests. OPIC notes that the following group and individuals have withdrawn since the matter was set for the November 4, 2015 Commissioners Meeting: Mark T. Banigan, Chris Black, George Cloyd, Susan Cloyd, Sharen Comstock, Steve Comstock, Paul Hughes, Lakeside Beach Civic Association, Robert M. Lueck, Carolyn Lynch, Russell Lynch, Mary McAllister, Bruce McFarland, Frances Morgan, Michael T. Morgan, Deborah Nance, John Reynolds (joint request with Deborah Nance), LouAnne Opitz, Ernestine Palmer, Ron Palmer, Cosmo Palmieri, Scott Spurlin, Kelly Tronzo, Marc Tronzo, Eugene Uecker, Karen Walker, Barbara Williams, and George Williams. Copies of these withdrawals are included in Attachment A.

Pursuant to the analysis provided below, OPIC recommends granting the hearing requests of the City of Austin, the Central Texas Water Coalition, Inc., the Colorado Water Issues Committee of the Texas Rice Farmers Legislative Group, the Highland Lakes Firm Water Customer Cooperative, Garwood Irrigation Company and the Lehrer/Lewis Interests, the

National Wildlife Federation, South Texas Project Nuclear Operating Company, the Texas Farm Bureau, and the following individuals: Laurance Armour, III, Brian Timothy Banigan, Daniel Berglund, Wayne Bulgerin, Susan Denn, Ronald Gertson, Patricia Porter, Robert Schmidt, and Haskell L. Simon. Further, OPIC recommends that the Commission refer this matter to SOAH for a contested case hearing to determine whether LCRA's application meets the requirements of applicable law. OPIC also recommends that the Commission deny the hearing requests of Blake Davidson, Kimbra K. Henry, and Michael T. Sullivan.

II. APPLICABLE LAW

Persons who hold a water right and seek "to change the place of use, purpose of use, point of diversion, rate of diversion, acreage to be irrigated, or otherwise alter a water right" must obtain authorization from the Commission. TWC § 11.122(a). Amendments to water rights, that do not seek to increase the amount of water appropriated, shall not cause adverse impact on other water right holders or the environment of greater magnitude than under circumstances in which the water right that is sought to be amended was fully exercised according to its terms and conditions as they existed before the requested amendment. TWC § 11.122(b). The proposed WMP amendments are subject to scrutiny under TWC § 11.122 because they contemplate changes in these four categories: interruptible stored water availability, a new determination of the combined firm yield, new environmental flow criteria, and changes to the Drought Contingency Plan.

A. Requirements for Contested Case Hearing Requests

This application was declared administratively complete on April 19, 2012. As the application was declared administratively complete after September 1, 1999 and was not filed under TWC §§ 11.036, 11.041, or 12.013 it is subject to the requirements of Title 30, Chapter 55,

Subchapter G, sections 55.250–55.256 of the TAC. Under those provisions, a contested case hearing may be requested by the Commission, the Executive Director, the Applicant, and affected persons. 30 TAC § 55.251(a). A hearing requestor must make a request as specified in the notice of the application. 30 TAC § 295.151(b)(10). The hearing request must be submitted to the Commission within 30 days after the publication of the notice of the application. 30 TAC § 295.171.

A hearing request must substantially comply with the requirements of 30 TAC § 55.251(c). The request should have a name, address and daytime phone number, and where possible, a fax number. 30 TAC § 55.251(c)(1). The request should “identify the person’s personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requestor’s location and distance relative to the activity that is the subject of the application and how and why the requestor believes he or she will be affected by the activity in a manner not common to members of the general public.” 30 TAC § 55.251(c)(2). Further, the request should request a contested case hearing and provide any other information specified in the public notice. 30 TAC § 55.251(c)(3)–(4).

An affected person is “one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application.” 30 TAC § 55.256(a). Relevant factors to be considered in determining whether a person is affected are listed in 30 TAC § 55.256(c). These factors include, but are not limited to:

- (1) Whether the interest claimed is one protected by the law under which the application will be considered;
- (2) Distance restrictions or other limitations imposed by law on the affected interest;
- (3) Whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) Likely impact of the regulated activity on the health, safety, and use of property of the person;

- (5) Likely impact of the regulated activity on use of the impacted natural resource by the person; and
- (6) For governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.256(c). Governmental entities with authority under state law over issues contemplated by the application may be considered affected persons. 30 TAC § 55.256(b).

Furthermore, pursuant to 30 TAC § 55.252(a), a request for hearing from a group or association must demonstrate the following:

- (1) one or more members of the group would otherwise have standing to request a hearing in their own right;
- (2) the interests the group seeks to protect are germane to the organization's purpose; and
- (3) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

The Commission shall grant a request for a contested case hearing if (1) the request is made by the applicant, or (2) the request is made by an affected person, timely filed with the chief clerk, and made pursuant to a right to hearing authorized by law. 30 TAC § 55.255(b).

III. HEARING REQUESTS

A. Governmental Entities

The City of Austin (City) filed a timely hearing request that substantially complies with 30 TAC § 55.251(c)(1), (3). The City maintains two municipal water intakes approximately 20 river miles downstream of Lake Travis. The City is also constructing a third intake in Lake Travis, which was expected to be in operation in 2014, and which is directly connected to Lake Travis. The City has purchased a firm water supply from the LCRA and it is concerned about LCRA's ability to provide the City with water from the Highland Lakes to meet its municipal needs. The City has stated its location relative to the proposed activity and has a personal justiciable interest pursuant to 30 TAC § 55.251(c)(2).

The Commission may grant an amendment to a water right only when the proposed amendment will not impair existing water rights. TWC § 11.122(b). Therefore, the City's interest in the potential adverse effects to its existing firm water purchase is protected by the law under which the application will be considered. 30 TAC § 55.256(c)(1). A reasonable relationship exists between the interest claimed and the activity regulated as the City has purchased firm water that may be impacted by the requested water rights amendment. 30 TAC § 55.256(c)(3). Similarly, the City is concerned that an unreliable water supply will threaten the public's health and safety. 30 TAC § 55.256(c)(4)–(5). As a governmental entity, the City's firm water purchase makes the City an interested party to this matter. 30 TAC § 55.256(b), (c)(6). Based on this showing, OPIC recommends that the Commission find that the City of Austin is an affected person.

B. Groups and Associations

Central Texas Water Coalition, Inc.

The Central Texas Water Coalition, Inc. (CTWC) filed a timely hearing request that identifies several group members that would have standing on their own right, including the Barton Creek Lakeside Irrigation Company which purchases water from the LCRA. The request substantially complies with 30 TAC § 55.251(c)(1), (3), and § 55.252(a)(1). The CTWC states that it was “formed to address water issues of the Lower Colorado River Basin and to advocate for the preservation and conservation of the Highland Lakes’ water supply and water levels for health, safety and recreation, and for recognition of the Highland Lakes as an irreplaceable economic engine for the State of Texas.” It appears that the interests the CTWC seeks to protect, discussed below, are germane to its purpose. 30 TAC § 55.252(a)(2). Further, none of the

claims asserted by the CTWC require the individual participation of a member. 30 TAC § 55.252(a)(3).

The CTWC has at least one member that purchases water from the LCRA and businesses that depend on lake levels. The CTWC is concerned about LCRA's ability to fulfill its purchased water obligations to CTWC members. Further, the CTWC is concerned about the way the LCRA manages water in the Highland Lakes and the effect this could have on member businesses that rely on lake levels. The CTWC has a personal justiciable interest pursuant to 30 TAC § 55.251(c)(2).

The Commission may grant an amendment to a water right only when the proposed amendment will not impair existing water rights. TWC § 11.122(b). Therefore, the CTWC's interest in the potential adverse effects to existing water purchases is protected by the law under which the application will be considered. 30 TAC § 55.256(c)(1). A reasonable relationship exists between the interest claimed and the activity regulated as the CTWC has members that have purchased water that may be impacted by the requested water rights amendment. Further, the WMP directly affects levels at the Highland Lakes. 30 TAC § 55.256(c)(3)–(4). OPIC finds that the CTWC is an affected person.

Highland Lakes Firm Water Customer Cooperative

The Highland Lakes Firm Water Customer Cooperative (HLFWCC) filed a timely hearing request that identifies several group members that would have standing on their own right, including seven cities. The request substantially complies with 30 TAC § 55.251(c)(1), (3), and § 55.252(a)(1). All of the HLFWCC members hold firm water contracts with the LCRA and the HLFWCC seeks to “protect firm water customers.” It appears that the interest the HLFWCC seeks to protect is germane to its purpose. 30 TAC § 55.252(a)(2). Further, none of

the claims asserted by the HLFWCC require the individual participation of a member. 30 TAC § 55.252(a)(3).

The HLFWCC represents members that have purchased firm water from the LCRA. The HLFWCC is concerned about LCRA's ability to fulfill its firm water obligations to HLFWCC members. The HLFWCC has a personal justiciable interest pursuant to 30 TAC § 55.251(c)(2).

The Commission may grant an amendment to a water right only when the proposed amendment will not impair existing water rights. TWC § 11.122(b). Therefore, the HLFWCC's interest in the potential adverse effects to existing firm water purchases is protected by the law under which the application will be considered. 30 TAC § 55.256(c)(1). A reasonable relationship exists between the interest claimed and the activity regulated as the requested water rights amendment may impact the HLFWCC's members purchased firm water. 30 TAC § 55.256(c)(3). OPIC finds that the HLFWCC is an affected person.

National Wildlife Federation

The National Wildlife Federation (NWF) filed a timely hearing request that identifies one member who would have standing in her own right, Jami Smith-Hanchey. Ms. Smith-Hanchey leases river-front property for her business which offers kayak and canoe tours on the Colorado River in Bastrop. The request substantially complies with 30 TAC § 55.251(c)(1), (3), and § 55.252(a)(1). The NWF states that it is "dedicated to protecting fish and wildlife resources and the right of people to use and enjoy those resources." Specifically, NWF seeks "to ensure adequate protection of stream and river flows to support fish and wildlife resources in Texas." It appears that the interest the NWF seeks to protect, discussed below, is germane to its purpose. 30 TAC § 55.252(a)(2). Further, none of the claims asserted by the NWF require the individual participation of a member. 30 TAC § 55.252(a)(3).

The NWF is concerned about compliance with instream flow requirements proposed by the amendment. Further, the NWF is also concerned that if some of the stakeholder committee recommendations are adopted, instream flows and freshwater flows would be substantially reduced. The NWF has a personal justiciable interest pursuant to 30 TAC § 55.251(c)(2).

An amendment to a water right that “that increases the amount of water authorized to be stored, taken, or diverted must include a provision allowing the commission to adjust the conditions included in the permit or amended water right to provide protection of instream flows or freshwater inflows.” TWC § 11.147(e-1). Therefore, the NWF’s interest in the potential adverse effects to instream flows and freshwater flows is protected by the law under which the application will be considered. 30 TAC § 55.256(c)(1). A reasonable relationship exists between the interest claimed and the activity regulated as the WMP sets the amount of water to be released from the Highland Lakes. 30 TAC § 55.256(c)(3). OPIC finds that the NWF is an affected person.

Texas Rice Producers Legislative Group, Colorado Water Issues Committee

The Texas Rice Producers Legislative Group, Colorado Water Issues Committee (CWIC) filed a timely hearing request that identifies several group members that would have standing in their own right, and, who seek affected person status in their own right: Laurance Armour, III, Daniel Berglund, and Ronald Gertson. The request substantially complies with 30 TAC § 55.251(c)(1), (3), and § 55.252(a)(1). The CWIC states that one of its purposes is to support, maintain, and advance the Texas rice industry. Specifically, the CWIC seeks to facilitate the practical, scientific, and legal response to administrative and other actions that threaten the availability of rice irrigation water from the Colorado River. It appears that the interests the CWIC seeks to protect, discussed below, are germane to its purpose. 30 TAC § 55.252(a)(2).

Further, none of the claims asserted by the CWIC require the individual participation of a member. 30 TAC § 55.252(a)(3).

The CWIC states that it represents members that have purchased interruptible stored water from the LCRA. Mr. Armour, Mr. Berglund, and Mr. Gertson each hold, through their agriculture operations, rights to purchase interruptible stored water from the LCRA. The CWIC is concerned about LCRA's ability to fulfill these interruptible water needs. The CWIC, Mr. Armour, Mr. Berglund, and Mr. Gertson have a personal justiciable interest pursuant to 30 TAC § 55.251(c)(2).

The Commission may grant an amendment to a water right only when the proposed amendment will not impair existing water rights. TWC § 11.122(b). Therefore, the CWIC's interest in protecting rights to purchase interruptible stored water is protected by the law under which the application will be considered. 30 TAC § 55.256(c)(1). A reasonable relationship exists between the interest claimed and the activity regulated as the CWIC states that its members have the right to purchase water that may be impacted by the requested water rights amendment. 30 TAC § 55.256(c)(3)–(4). OPIC finds that the CWIC, Mr. Armour, Mr. Berglund, and Mr. Gertson are affected persons.

Texas Farm Bureau

The Texas Farm Bureau (Farm Bureau) filed a timely hearing request that identifies two group members that would have standing on their own right: Robert E. Reed and Bryan Wiese. Mr. Reed irrigates his farmland with surface water from the Colorado River, and Mr. Wiese's rice farm has been directly affected by water shortages in Wharton County. The request substantially complies with 30 TAC § 55.251(c)(1), (3), and § 55.252(a)(1). The Farm Bureau states its mission is "to benefit all Texans through the promotion of a prosperous agriculture for a

viable, long-term domestic source of food, fiber and fuel.” Specifically, the Farm Bureau seeks to preserve the continued supply and access to surface water from the Colorado River for agricultural production. The interests the Farm Bureau seeks to protect, discussed below, are germane to its purpose. 30 TAC § 55.252(a)(2). Further, none of the claims asserted by the Farm Bureau require the individual participation of a member. 30 TAC § 55.252(a)(3).

The Farm Bureau is concerned about the continued availability of interruptible water from the Colorado River for agricultural purposes. Farm Bureau members engaged in agricultural activities in the Colorado River Basin may be directly impacted by the WMP. The Farm Bureau has a personal justiciable interest pursuant to 30 TAC § 55.251(c)(2).

The Commission may grant an amendment to a water right only when the proposed amendment will not impair existing water rights. TWC § 11.122(b). Therefore, the Farm Bureau’s interest in protecting its member’s use of Colorado River water is protected by the law under which the application will be considered. 30 TAC § 55.256(c)(1). A reasonable relationship exists between the interest claimed and the activity regulated as the Farm Bureau states that at least one of its members uses Colorado River surface water and this activity may be impacted by the requested water rights amendment. 30 TAC § 55.256(c)(3)–(4). OPIC finds that the Farm Bureau is an affected person.

C. Individuals and Businesses

The TCEQ received numerous hearing requests from individuals and businesses. OPIC found three individuals to be affected persons who submitted a joint hearing request with CWIC, as discussed above in § III.B. These individuals are Laurance Armour, III, Daniel Berglund, and Ronald Gertson. Additionally, the persons and businesses discussed below filed individual hearing requests.

Brian Timothy Banigan

Mr. Banigan filed a timely hearing request that substantially complies with 30 TAC § 55.251(c)(1), (3). Mr. Banigan states that he owns property on Lake Buchanan. Mr. Banigan is concerned about the WMP's ability to protect firm water users in times of drought and also about the hydrology data used to support of the WMP. Mr. Banigan has stated his location relative to the proposed activity and has a personal justiciable interest pursuant to 30 TAC § 55.251(c)(2).

The Commission may grant an amendment to a water right only when the proposed amendment will not impair existing water rights. TWC § 11.122(b). Therefore, Mr. Banigan's interest in the potential adverse effects on firm water availability is protected by the law under which the application will be considered. 30 TAC § 55.256(c)(1). A reasonable relationship exists between the interest claimed and the activity regulated as firm water availability is directly impacted by the requested water rights amendment. 30 TAC § 55.256(c)(3). Based on this showing, OPIC recommends that the Commission find that Mr. Banigan is an affected person.

Wayne Bulgerin

Mr. Bulgerin filed a timely hearing request that substantially complies with 30 TAC § 55.251(c)(1), (3). Mr. Bulgerin states that he has a 700' pipe running into Lake Buchanan and that he purchases water from the LCRA. Mr. Banigan has a personal justiciable interest pursuant to 30 TAC § 55.251(c)(2).

The Commission may grant an amendment to a water right only when the proposed amendment will not impair existing water rights. TWC § 11.122(b). Therefore, Mr. Bulgerin's interest in the potential adverse effects on his water supply is protected by the law under which the application will be considered. 30 TAC § 55.256(c)(1). A reasonable relationship exists between the interest claimed and the activity regulated as water available from Lake Buchanan is

directly impacted by the requested water rights amendment. 30 TAC § 55.256(c)(3). Based on this showing, OPIC recommends that the Commission find that Mr. Bulgerin is an affected person.

Blake Davidson

Mr. Davidson filed a timely hearing request that substantially complies with 30 TAC § 55.251(c)(1), (3). Mr. Davidson provides general comments regarding the WMP. Mr. Davidson does not state his location relative to the LCRA's operations or list how he is affected in a way not common to the general public. Mr. Davidson has not provided a personal justiciable interest pursuant to 30 TAC § 55.251(c)(2). Because Mr. Davidson has not demonstrated a personal justiciable interest, OPIC recommends that the Commission find that Mr. Davidson is not an affected person.

Susan Denn and Robert Schmidt

Ms. Denn and Mr. Schmidt filed a joint, timely hearing request that substantially complies with 30 TAC § 55.251(c)(1), (3). Ms. Denn and Mr. Schmidt state that they live in Austin and own waterfront property along Lake Travis. Ms. Denn and Mr. Schmidt are concerned about the WMP's ability to protect firm water users in times of drought and also about the hydrology data used to support of the WMP. Ms. Denn and Mr. Schmidt have stated their location relative to the proposed activity and have a personal justiciable interest pursuant to 30 TAC § 55.251(c)(2).

The Commission may grant an amendment to a water right only when the proposed amendment will not impair existing water rights. TWC § 11.122(b). Therefore, Ms. Denn and Mr. Schmidt interest in the potential adverse effects on firm water availability is protected by the law under which the application will be considered. 30 TAC § 55.256(c)(1). A reasonable

relationship exists between the interest claimed and the activity regulated as firm water availability is directly impacted by the requested water rights amendment. 30 TAC § 55.256(c)(3). Based on this showing, OPIC recommends that the Commission find that Ms. Denn and Mr. Schmidt have demonstrated that they are affected persons.

Garwood Irrigation Company and the Lehrer/Lewis Interests

Garwood Irrigation Company and the Lehrer/Lewis Interests (Garwood and Lehrer/Lewis) filed a timely hearing request that substantially complies with 30 TAC § 55.251(c)(1), (3). Garwood states that it holds contractual rights to receive water from the LCRA for landowners and irrigators in the Garwood service area. Lehrer/Lewis states that it represents landowners in the Garwood service area that are third-party beneficiaries of the contracts Garwood holds to receive water from the LCRA. Further, Lehrer/Lewis states that the contracts Garwood holds preserve the rights of third-party beneficiaries to enforce the Garwood contracts. Garwood and Lehrer/Lewis have a personal justiciable interests pursuant to 30 TAC § 55.251(c)(2).

The Commission may grant an amendment to a water right only when the proposed amendment will not impair existing water rights. TWC § 11.122(b). Therefore, Garwood and Lehrer/Lewis' interest in the potential adverse effects on their water rights is protected by the law under which the application will be considered. 30 TAC § 55.256(c)(1), (5). A reasonable relationship exists between the interest claimed and the activity regulated as water availability along the Colorado River is directly affected by the requested water rights amendment. 30 TAC § 55.256(c)(3). Based on this showing, OPIC recommends that the Commission find that Garwood and Lehrer/Lewis are affected persons.

Kimbra K. Henry

Ms. Henry filed a timely hearing request that substantially complies with 30 TAC § 55.251(c)(1), (3). Ms. Henry provides general comments regarding the WMP. Ms. Henry does not state her location relative to the LCRA's operations or list how she is affected in a way not common to the general public. Ms. Henry has not demonstrated a personal justiciable interest pursuant to 30 TAC § 55.251(c)(2). Because Ms. Henry has not provided a personal justiciable interest, OPIC recommends that the Commission find that Ms. Henry is not an affected person.

Patricia Porter

Ms. Porter filed a timely hearing request that substantially complies with 30 TAC § 55.251(c)(1), (3). Ms. Porter states that she owns lakeside property and lists her address as 13303 Mansfield Drive, Austin, Texas 78732. OPIC found this address to be located along the banks of Lake Travis. Ms. Porter is concerned that amendments to the WMP will affect property values and her ability to enjoy panoramic lake views. Valuation of property is beyond the Commission's jurisdiction on this application. However, aesthetic and recreational uses of a natural resource are factors that can be considered by the Commission. *Save our Springs Alliance, Inc. v. City of Dripping Springs*, 304 S.W. 3d 871, 871-80 (Tex. App. – Austin 2010), 30 TAC § 55.256(c)(5). Ms. Porter has stated her location relative to the proposed activity and has a personal justiciable interest pursuant to 30 TAC § 55.251(c)(2).

The legislature has codified water use priorities to include recreation and pleasure. TWC § 11.024(6). Therefore, Ms. Porter's interest in the potential adverse effects on her aesthetic enjoyment of the Highland Lakes is protected by the law under which the application will be considered. 30 TAC § 55.256(c)(1). A reasonable relationship exists between the interest claimed and the activity regulated as lake levels are directly impacted by the requested water

rights amendment. 30 TAC § 55.256(c)(3). Based on this showing, OPIC recommends that the Commission find that Ms. Porter is an affected person.

Haskell L. Simon

Mr. Simon filed a timely hearing request that substantially complies with 30 TAC § 55.251(c)(1), (3). Mr. Simon purchases water from the LCRA for the production of rice on his land. Further, the LCRA has canals located on Mr. Simon's land. Mr. Simon has a personal justiciable interest pursuant to 30 TAC § 55.251(c)(2).

The Commission may grant an amendment to a water right only when the proposed amendment will not impair existing water rights. TWC § 11.122(b). Mr. Simon has purchased water from the LCRA for the past 20 years. Therefore, Mr. Simon's interest in the potential adverse effects on his water supply is protected by the law under which the application will be considered. 30 TAC § 55.256(c)(1). A reasonable relationship exists between the interest claimed and the activity regulated as water available from the LCRA for irrigation is directly impacted by the requested water rights amendment. 30 TAC § 55.256(c)(3). Based on this showing, OPIC recommends that the Commission find that Mr. Simon is an affected person.

South Texas Project Nuclear Operating Company

South Texas Project Nuclear Operating Company (STP Nuclear) filed a timely hearing request that substantially complies with 30 TAC § 55.251(c)(1), (3). STP Nuclear bases its request on its existing right to divert and store water from the Colorado River under Certificate of Adjudication No. 14-5437, and, a firm water contract it holds with the LCRA. STP Nuclear diverts water at the furthest downstream point authorized on the Colorado River and diversion depends on flow levels. While STP Nuclear appears to be concerned that LCRA's proposed amendment may interrupt an otherwise dependable water supply, it states that it only seeks to

protect existing provisions necessary to accommodate its water needs. STP Nuclear has a personal justiciable interest pursuant to 30 TAC § 55.251(c)(2).

The Commission may grant an amendment to a water right only when the proposed amendment will not impair existing water rights. TWC § 11.122(b). Therefore, STP Nuclear's interest in the potential adverse effects to its existing water rights is protected by the law under which the application will be considered. 30 TAC § 55.256(c)(1), (5). A reasonable relationship exists between the interest claimed and the activity regulated as STP Nuclear states that it has downstream water rights that may be impacted by the requested water rights amendment. 30 TAC § 55.256(c)(3). Further, Colorado River water is integral to STP Nuclear's water supply and, in turn, to its production of electric power. Without reliable electricity, public health and safety will be impacted. 30 TAC § 55.256(c)(4). Based on this showing, OPIC recommends that the Commission find that STP Nuclear is an affected person.

Michael T. Sullivan

Mr. Sullivan filed a timely hearing request that substantially complies with 30 TAC § 55.251(c)(1), (3). Mr. Sullivan provides general comments regarding the WMP. Mr. Sullivan does not state his location relative to the LCRA's operations or list how he is affected in a way not common to the general public. Mr. Sullivan has not provided a personal justiciable interest pursuant to 30 TAC § 55.251(c)(2). Because Mr. Sullivan has not provided a personal justiciable interest, OPIC recommends that the Commission find that Mr. Sullivan is not an affected person.

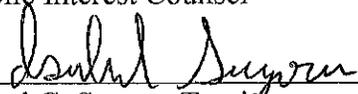
IV. CONCLUSION

For the reasons set forth above, the Office of Public Interest Counsel respectfully recommends that the Commission grant the hearing requests of the City of Austin, the Central Texas Water Coalition, Inc., the Colorado Water Issues Committee of the Texas Rice Farmers

Legislative Group, the Highland Lakes Firm Water Customer Cooperative, Garwood Irrigation Company and the Lehrer/Lewis Interests, the National Wildlife Federation, South Texas Project Nuclear Operating Company, the Texas Farm Bureau, and the following individuals: Laurance Armour, III, Brian Timothy Banigan, Daniel Berglund, Wayne Bulgerin, Susan Denn, Ronald Gertson, Patricia Porter, Robert Schmidt, and Haskell L. Simon. Further, OPIC recommends that the Commission refer this matter to SOAH for a contested case hearing to determine whether LCRA's application meets the requirements of applicable law. OPIC also recommends that the Commission deny the hearing requests of Blake Davidson, Kimbra K. Henry, and Michael T. Sullivan.

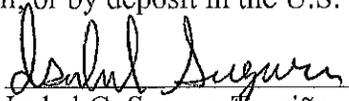
Respectfully submitted,

Vic McWherter
Public Interest Counsel

By 
Isabel G. Segarra Treviño
Assistant Public Interest Counsel
State Bar No. 24075857
P.O. Box 13087 MC 103
Austin, Texas 78711
Phone: (512) 239-6363
Fax: (512) 239-6377

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2015, the original and seven true and correct copies of the Office of Public Interest Counsel's Response to Requests for Hearing were filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, Inter-Agency Mail, or by deposit in the U.S. Mail.


Isabel G. Segarra Treviño

Attachment A

Isabel Segarra Trevino

From: Vic Mcwherter
Sent: Monday, October 05, 2015 1:53 PM
To: Isabel Segarra Trevino
Subject: FW: Public comment on Permit Number WRPERM 5838

From: PUBCOMMENT-OCC
Sent: Monday, October 05, 2015 10:01 AM
To: PUBCOMMENT-WWW-WRAS; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WRPERM 5838

WH

From: mbanigan@sbcglobal.net [<mailto:mbanigan@sbcglobal.net>]
Sent: Monday, October 05, 2015 8:54 AM
To: DoNot Reply
Subject: Public comment on Permit Number WRPERM 5838

REGULATED ENTY NAME 11405838000 WRPERM 5838 WATER MANAGEMENT PLAN

RN NUMBER: RN104252267

PERMIT NUMBER: WRPERM 5838

DOCKET NUMBER: 2015-1444-WR

COUNTY: BASTROP, BURNET, COLORADO, FAYETTE, GILLESPIE, LAMPASAS, LLANO, MASON, MATAGORDA, SAN SABA, TRAVIS, WHARTON, WILLIAMSON

PRINCIPAL NAME: LOWER COLORADO RIVER AUTHORITY

CN NUMBER: CN600253637

FROM

NAME: MR Mark T Banigan

E-MAIL: mbanigan@sbcglobal.net

COMPANY:

ADDRESS: 1940 COUNTY ROAD 140
BURNET TX 78611-3432

PHONE: 5124215032

FAX:

COMMENTS: I withdraw the comments and hearing request that I filed in 2013

Isabel Segarra Trevino

From: Vic Mcwherter
Sent: Tuesday, October 06, 2015 1:16 PM
To: Isabel Segarra Trevino
Subject: FW: Public comment on Permit Number WRPERM 5838

From: PUBCOMMENT-OCC
Sent: Tuesday, October 06, 2015 8:35 AM
To: PUBCOMMENT-WWW-WRAS; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WRPERM 5838

WH

From: durrill@aol.com [<mailto:durrill@aol.com>]
Sent: Tuesday, October 06, 2015 8:33 AM
To: DoNot Reply
Subject: Public comment on Permit Number WRPERM 5838

REGULATED ENTY NAME 11405838000 WRPERM 5838 WATER MANAGEMENT PLAN

RN NUMBER: RN104252267

PERMIT NUMBER: WRPERM 5838

DOCKET NUMBER: 2015-1444-WR

COUNTY: BASTROP, BURNET, COLORADO, FAYETTE, GILLESPIE, LAMPASAS, LLANO, MASON, MATAGORDA, SAN SABA, TRAVIS, WHARTON, WILLIAMSON

PRINCIPAL NAME: LOWER COLORADO RIVER AUTHORITY

CN NUMBER: CN600253637

FROM

NAME: Chris Black

E-MAIL: durrill@aol.com

COMPANY:

ADDRESS: 11107 MEADOWICK DR
HOUSTON TX 77024-7503

PHONE: 7139842330

FAX:

COMMENTS: I withdraw the comments and hearing request that I filed in 2013.

Isabel Segarra Trevino

From: Vic Mcwherter
Sent: Monday, September 28, 2015 2:46 PM
To: Isabel Segarra Trevino
Subject: FW: Public comment on Permit Number WRPERM 5838

From: PUBCOMMENT-OCC
Sent: Monday, September 28, 2015 12:45 PM
To: PUBCOMMENT-WWW-WRAS; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WRPERM 5838

WH

From: cloydss@aol.com [<mailto:cloydss@aol.com>]
Sent: Monday, September 28, 2015 11:43 AM
To: DoNot Reply
Subject: Public comment on Permit Number WRPERM 5838

REGULATED ENTY NAME 11405838000 WRPERM 5838 WATER MANAGEMENT PLAN

RN NUMBER: RN104252267

PERMIT NUMBER: WRPERM 5838

DOCKET NUMBER: 2015-1444-WR

COUNTY: BASTROP, BURNET, COLORADO, FAYETTE, GILLESPIE, LAMPASAS, LLANO, MASON, MATAGORDA, SAN SABA, TRAVIS, WHARTON, WILLIAMSON

PRINCIPAL NAME: LOWER COLORADO RIVER AUTHORITY

CN NUMBER: CN600253637

FROM

NAME: Susan & george Cloyd

E-MAIL: cloydss@aol.com

COMPANY:

ADDRESS: 14107 PANORAMA DR
AUSTIN TX 78732-1054

PHONE: 5122665871

FAX:

COMMENTS: We withdraw the comments and hearing request that we filed in 2013.

Isabel Segarra Trevino

From: Vic Mcwherter
Sent: Thursday, October 08, 2015 9:51 AM
To: Isabel Segarra Trevino
Subject: FW: Public comment on Permit Number WRPERM 5838

From: PUBCOMMENT-OCC
Sent: Wednesday, October 07, 2015 4:41 PM
To: PUBCOMMENT-WWW-WRAS; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WRPERM 5838

WH

From: fort7woody@aol.com [<mailto:fort7woody@aol.com>]
Sent: Wednesday, October 07, 2015 4:39 PM
To: DoNot Reply
Subject: Public comment on Permit Number WRPERM 5838

REGULATED ENTY NAME 11405838000 WRPERM 5838 WATER MANAGEMENT PLAN

RN NUMBER: RN104252267

PERMIT NUMBER: WRPERM 5838

DOCKET NUMBER: 2015-1444-WR

COUNTY: BASTROP, BURNET, COLORADO, FAYETTE, GILLESPIE, LAMPASAS, LLANO, MASON, MATAGORDA, SAN SABA, TRAVIS, WHARTON, WILLIAMSON

PRINCIPAL NAME: LOWER COLORADO RIVER AUTHORITY

CN NUMBER: CN600253637

FROM

NAME: Steven COMSTOCK

E-MAIL: fort7woody@aol.com

COMPANY:

ADDRESS: 6108 LANTERN VIEW DR
JONESTOWN TX 78645-4654

PHONE: 7132540938

FAX:

COMMENTS: "I withdraw the comments and hearing request that I filed in 2013."

9 30, 2015

VIA FIRST-CLASS MAIL
Ms. Bridget C. Bohac, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

WR
8/23/15

REVIEWED

OCT 01 2015

SJ [Signature]

VH

CHIEF CLERKS OFFICE

2015 OCT - 1 AM 9:57

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: Withdrawal of Comments and Request for Contested Case Hearing
Regarding Application of Lower Colorado River Authority to Amend its
Water Management Plan; Application No. 5838A; TCEQ Water Rights
Permit No. 5838

Dear Ms. Bohac:

By PAUL HUGHES this letter, I/we, PAUL HUGHES, hereby withdraw my/our
comments and request for a contested case hearing (filed in 2013) regarding Water Rights
Application No. 5838A, the application of the Lower Colorado River Authority to amend
its Water Management Plan.

Please contact me at the following phone number, address, and/or e-mail address if
you have any questions or need additional information in order to process this withdrawal
request.

Address:

7307 BLUE HERON COVE
VOLENTE, TX, 78641

Phone number: 713-380-0544 (cell).

E-mail address: welshpaulhughes@gmail.com

Thank you,

Signed: [Signature]

Printed Name(s): PAUL HUGHES

Isabel Segarra Trevino

From: Vic Mcwherter
Sent: Friday, October 02, 2015 9:22 AM
To: Isabel Segarra Trevino
Subject: FW: Public comment on Permit Number WRPERM 5838

From: PUBCOMMENT-OCC
Sent: Friday, October 02, 2015 8:23 AM
To: PUBCOMMENT-WWW-WRAS; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WRPERM 5838

WH

From: Mike.duck2@gmail.com [<mailto:Mike.duck2@gmail.com>]
Sent: Thursday, October 01, 2015 3:22 PM
To: DoNot Reply
Subject: Public comment on Permit Number WRPERM 5838

REGULATED ENTY NAME 11405838000 WRPERM 5838 WATER MANAGEMENT PLAN

RN NUMBER: RN104252267

PERMIT NUMBER: WRPERM 5838

DOCKET NUMBER: 2015-1444-WR

COUNTY: BASTROP, BURNET, COLORADO, FAYETTE, GILLESPIE, LAMPASAS, LLANO, MASON, MATAGORDA, SAN SABA, TRAVIS, WHARTON, WILLIAMSON

PRINCIPAL NAME: LOWER COLORADO RIVER AUTHORITY

CN NUMBER: CN600253637

FROM

NAME: Michael Roberts

E-MAIL: Mike.duck2@gmail.com

COMPANY: Lakeside Beach Civic Assoc

ADDRESS: PO BOX 267
SPICEWOOD TX 78669-0267

PHONE: 5122992629

FAX:

COMMENTS: I withdraw the comments and hearing request that I filed in 2013

Isabel Segarra Trevino

From: Vic Mcwherter
Sent: Wednesday, September 30, 2015 10:56 AM
To: Isabel Segarra Trevino
Subject: FW: Public comment on Permit Number WRPERM 5838

From: PUBCOMMENT-OCC
Sent: Wednesday, September 30, 2015 10:49 AM
To: PUBCOMMENT-WWW-WRAS; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WRPERM 5838

WH

From: blueck@austin.rr.com [mailto:blueck@austin.rr.com]
Sent: Wednesday, September 30, 2015 10:11 AM
To: DoNot Reply
Subject: Public comment on Permit Number WRPERM 5838

REGULATED ENTY NAME 11405838000 WRPERM 5838 WATER MANAGEMENT PLAN

RN NUMBER: RN104252267

PERMIT NUMBER: WRPERM 5838

DOCKET NUMBER: 2015-1444-WR

COUNTY: BASTROP, BURNET, COLORADO, FAYETTE, GILLESPIE, LAMPASAS, LLANO, MASON, MATAGORDA, SAN SABA, TRAVIS, WHARTON, WILLIAMSON

PRINCIPAL NAME: LOWER COLORADO RIVER AUTHORITY

CN NUMBER: CN600253637

FROM

NAME: Robert M Lueck

E-MAIL: blueck@austin.rr.com

COMPANY:

ADDRESS: 14813 ARROW HEAD DR
VOLENTE TX 78641-6136

PHONE: 5122583157

FAX:

COMMENTS: I withdraw the comments and hearing request that I filed in May, 2013.

Sept 26, 2015

VIA FIRST-CLASS MAIL

Ms. Bridget C. Bohac, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

WR
82315

CHIEF CLERK'S OFFICE

2015 SEP 30 AM 9:50

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: Withdrawal of Comments and Request for Contested Case Hearing
Regarding Application of Lower Colorado River Authority to Amend its
Water Management Plan; Application No. 5838A; TCEQ Water Rights
Permit No. 5838

Dear Ms. Bohac:

By _____ this _____ letter, I/we, _____, hereby withdraw my/our
comments and request for a contested case hearing (filed in 2013) regarding Water Rights
Application No. 5838A, the application of the Lower Colorado River Authority to amend
its Water Management Plan.

Please contact me at the following phone number, address, and/or e-mail address if
you have any questions or need additional information in order to process this withdrawal
request.

Address:

14721 Arrowhead Dr.
Leander, TX 78641

REVIEWED

SEP 30 2015

WH

By KL

Phone number: 512-918-8147

E-mail address: Lynch1225@gmail

Thank you,

Signed: Carol Lynch

Printed Name(s): Carol Lynch

Isabel Segarra Trevino

From: Vic Mcwherter
Sent: Tuesday, September 29, 2015 9:23 AM
To: Isabel Segarra Trevino
Subject: FW: Public comment on Permit Number WRPERM 5838

From: PUBCOMMENT-OCC
Sent: Tuesday, September 29, 2015 9:22 AM
To: PUBCOMMENT-WWW-WRAS; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WRPERM 5838

WH

From: mary_mcallister@hotmail.com [mailto:mary_mcallister@hotmail.com]
Sent: Monday, September 28, 2015 7:48 PM
To: DoNot Reply
Subject: Public comment on Permit Number WRPERM 5838

REGULATED ENTY NAME 11405838000 WRPERM 5838 WATER MANAGEMENT PLAN

RN NUMBER: RN104252267

PERMIT NUMBER: WRPERM 5838

DOCKET NUMBER: 2015-1444-WR

COUNTY: BASTROP, BURNET, COLORADO, FAYETTE, GILLESPIE, LAMPASAS, LLANO, MASON, MATAGORDA, SAN SABA, TRAVIS, WHARTON, WILLIAMSON

PRINCIPAL NAME: LOWER COLORADO RIVER AUTHORITY

CN NUMBER: CN600253637

FROM

NAME: Mary McAllister

E-MAIL: mary_mcallister@hotmail.com

COMPANY: Water Power Nexus Consulting

ADDRESS: 3322 FAR VIEW DR
AUSTIN TX 78730-3303

PHONE: 5123693849

FAX:

COMMENTS: I withdraw the comments and hearing request that I filed in 2013.

Isabel Segarra Trevino

From: Vic Mcwherter
Sent: Monday, September 28, 2015 9:51 AM
To: Isabel Segarra Trevino
Subject: FW: Public comment on Permit Number WRPERM 5838

From: PUBCOMMENT-OCC
Sent: Monday, September 28, 2015 8:30 AM
To: PUBCOMMENT-WWW-WRAS; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WRPERM 5838

WH

From: rbm@semantic-ad.com [<mailto:rbm@semantic-ad.com>]
Sent: Saturday, September 26, 2015 1:40 PM
To: DoNot Reply
Subject: Public comment on Permit Number WRPERM 5838

REGULATED ENTY NAME 11405838000 WRPERM 5838 WATER MANAGEMENT PLAN

RN NUMBER: RN104252267

PERMIT NUMBER: WRPERM 5838

DOCKET NUMBER: 2015-1444-WR

COUNTY: BASTROP, BURNET, COLORADO, FAYETTE, GILLESPIE, LAMPASAS, LLANO, MASON, MATAGORDA, SAN SABA, TRAVIS, WHARTON, WILLIAMSON

PRINCIPAL NAME: LOWER COLORADO RIVER AUTHORITY

CN NUMBER: CN600253637

FROM

NAME: Bruce McFarland

E-MAIL: rbm@semantic-ad.com

COMPANY: Semantic Advantage, Inc.

ADDRESS: 7063 COMANCHE TRL
AUSTIN TX 78732-1006

PHONE: 5127997350

FAX:

COMMENTS: I withdraw the comments and hearing request that I filed in 2013.

MICHAEL T. and FRANCES MORGAN
400 W. Illinois, Suite 120
Midland, Texas 79701
(432) 498-2085

September 29, 2015

WR
8/23/15

REVIEWED

OCT 02 2015

WH

By *[Signature]*

RECEIVED
TCEQ
WATER SUPPLY DIV.
2015 OCT 1 AM 10:38

Texas Commission on
Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Docket No. 2015-14444-WR Hearing Request Filed on Water Rights Permit
No. 5838

Dear Sirs:

Please accept this as our request to withdraw from the Hearing Request in the referenced matter.

Thank you very much.

Very truly yours,

[Signature]
Michael T. Morgan
Frances Morgan

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2015 OCT -2 AM 10:19
CHIEF CLERKS OFFICE

October 4, 2015

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2015 OCT -7 AM 9:56

CHIEF CLERKS OFFICE

WR
8/23/15

VIA FIRST-CLASS MAIL
Ms. Bridget C. Bohac, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

**Re: Withdrawal of Comments and Request for Contested Case Hearing
Regarding Application of Lower Colorado River Authority to Amend its
Water Management Plan; Application No. 5838A; TCEQ Water Rights
Permit No. 5838**

Dear Ms. Bohac:

By Deborah D. Nance this letter, I we, hereby withdraw my/our comments and request for a contested case hearing (filed in 2013) regarding Water Rights Application No. 5838A, the application of the Lower Colorado River Authority to amend its Water Management Plan.

Please contact me at the following phone number, address, and/or e-mail address if you have any questions or need additional information in order to process this withdrawal request.

Address:

808 CR 140
Burnet, TX 78611

REVIEWED WH
OCT 07 2015
By WR

Phone number: 512 917 3235

E-mail address: deborah.nance@gmail.com

Thank you,

Signed: Deborah D. Nance

Printed Name(s): Deborah D. Nance

Isabel Segarra Trevino

From: Vic Mcwherter
Sent: Tuesday, October 06, 2015 1:15 PM
To: Isabel Segarra Trevino
Subject: FW: Public comment on Permit Number WRPERM 5838

From: PUBCOMMENT-OCC
Sent: Tuesday, October 06, 2015 8:37 AM
To: PUBCOMMENT-WWW-WRAS; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WRPERM 5838

WH

From: louanneo1@att.net [<mailto:louanneo1@att.net>]
Sent: Monday, October 05, 2015 8:04 PM
To: DoNot Reply
Subject: Public comment on Permit Number WRPERM 5838

REGULATED ENTY NAME 11405838000 WRPERM 5838 WATER MANAGEMENT PLAN

RN NUMBER: RN104252267

PERMIT NUMBER: WRPERM 5838

DOCKET NUMBER: 2015-1444-WR

COUNTY: BASTROP, BURNET, COLORADO, FAYETTE, GILLESPIE, LAMPASAS, LLANO, MASON, MATAGORDA, SAN SABA, TRAVIS, WHARTON, WILLIAMSON

PRINCIPAL NAME: LOWER COLORADO RIVER AUTHORITY

CN NUMBER: CN600253637

FROM

NAME: LouAnne Opitz

E-MAIL: louanneo1@att.net

COMPANY:

ADDRESS: 4088 TIMBERVALE DR
EVERGREEN CO 80439-8447

PHONE: 5126589097

FAX:

COMMENTS: I withdraw the comments and hearing request that I filed in 2013.

9/27, 2015

VIA FIRST-CLASS MAIL

Ms. Bridget C. Bohac, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

*MR
8/23/15*

TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY
2015 SEP 30 AM 9:50
CHIEF CLERKS OFFICE

Re: Withdrawal of Comments and Request for Contested Case Hearing
Regarding Application of Lower Colorado River Authority to Amend its
Water Management Plan; Application No. 5838A; TCEQ Water Rights
Permit No. 5838

Dear Ms. Bohac:

By Ronald and Ernestine Palmer this letter, I/we, hereby withdraw my/our comments and request for a contested case hearing (filed in 2013) regarding Water Rights Application No. 5838A, the application of the Lower Colorado River Authority to amend its Water Management Plan.

Please contact me at the following phone number, address, and/or e-mail address if you have any questions or need additional information in order to process this withdrawal request.

Address:

19552 Sandcastle Dr
Spicewood Tx 78669

REVIEWED
SEP 29 2015 W H
By RP

Phone number: 713 253 7112

E-mail address: newernie@aol.com

Thank you,
Signed: Ernestine Palmer RP

Printed Name(s): Ernestine Palmer
Ron Palmer

Isabel Segarra Trevino

From: Vic Mcwherter
Sent: Thursday, October 08, 2015 9:51 AM
To: Isabel Segarra Trevino
Subject: FW: Public comment on Permit Number WRPERM 5838

From: PUBCOMMENT-OCC
Sent: Wednesday, October 07, 2015 4:14 PM
To: PUBCOMMENT-WWW-WRAS; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WRPERM 5838

WH

From: cosmo@sgifs.com [<mailto:cosmo@sgifs.com>]
Sent: Wednesday, October 07, 2015 3:36 PM
To: DoNot Reply
Subject: Public comment on Permit Number WRPERM 5838

REGULATED ENTY NAME 11405838000 WRPERM 5838 WATER MANAGEMENT PLAN

RN NUMBER: RN104252267

PERMIT NUMBER: WRPERM 5838

DOCKET NUMBER: 2015-1444-WR

COUNTY: BASTROP, BURNET, COLORADO, FAYETTE, GILLESPIE, LAMPASAS, LLANO, MASON, MATAGORDA, SAN SABA, TRAVIS, WHARTON, WILLIAMSON

PRINCIPAL NAME: LOWER COLORADO RIVER AUTHORITY

CN NUMBER: CN600253637

FROM

NAME: Cosmo Palmieri

E-MAIL: cosmo@sgifs.com

COMPANY:

ADDRESS: PO BOX 28398
AUSTIN TX 78755-8398

PHONE: 5126373682

FAX:

COMMENTS: I withdraw my 2013 hearing request.

Isabel Segarra Trevino

From: Vic Mcwherter
Sent: Monday, September 28, 2015 2:46 PM
To: Isabel Segarra Trevino
Subject: FW: Public comment on Permit Number WRPERM 5838

From: PUBCOMMENT-OCC
Sent: Monday, September 28, 2015 1:43 PM
To: PUBCOMMENT-WWW-WRAS; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WRPERM 5838

WH

From: sspurlin@austin.rr.com [<mailto:sspurlin@austin.rr.com>]
Sent: Monday, September 28, 2015 1:31 PM
To: DoNot Reply
Subject: Public comment on Permit Number WRPERM 5838

REGULATED ENTY NAME 11405838000 WRPERM 5838 WATER MANAGEMENT PLAN

RN NUMBER: RN104252267

PERMIT NUMBER: WRPERM 5838

DOCKET NUMBER: 2015-1444-WR

COUNTY: BASTROP, BURNET, COLORADO, FAYETTE, GILLESPIE, LAMPASAS, LLANO, MASON, MATAGORDA, SAN SABA, TRAVIS, WHARTON, WILLIAMSON

PRINCIPAL NAME: LOWER COLORADO RIVER AUTHORITY

CN NUMBER: CN600253637

FROM

NAME: Scott Spurlin

E-MAIL: sspurlin@austin.rr.com

COMPANY:

ADDRESS: 14275 FM 2769
LEANDER TX 78641-9697

PHONE: 5124232179

FAX:

COMMENTS: I Scott Spurlin withdraw the comments and hearing request that I filed in 2013

Isabel Segarra Trevino

From: Vic Mcwherter
Sent: Tuesday, October 06, 2015 1:14 PM
To: Isabel Segarra Trevino
Subject: FW: Public comment on Permit Number WRPERM 5838

From: PUBCOMMENT-OCC
Sent: Tuesday, October 06, 2015 11:30 AM
To: PUBCOMMENT-WWW-WRAS; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WRPERM 5838

WH

From: kellytronzo@me.com [<mailto:kellytronzo@me.com>]
Sent: Tuesday, October 06, 2015 9:56 AM
To: DoNot Reply
Subject: Public comment on Permit Number WRPERM 5838

REGULATED ENTY NAME 11405838000 WRPERM 5838 WATER MANAGEMENT PLAN

RN NUMBER: RN104252267

PERMIT NUMBER: WRPERM 5838

DOCKET NUMBER: 2015-1444-WR

COUNTY: BASTROP, BURNET, COLORADO, FAYETTE, GILLESPIE, LAMPASAS, LLANO, MASON, MATAGORDA, SAN SABA, TRAVIS, WHARTON, WILLIAMSON

PRINCIPAL NAME: LOWER COLORADO RIVER AUTHORITY

CN NUMBER: CN600253637

FROM

NAME: Kelly Tronzo

E-MAIL: kellytronzo@me.com

COMPANY:

ADDRESS: 827 HEATHCLIFF CT
HOUSTON TX 77024-4501

PHONE: 8324236714

FAX:

COMMENTS: Marc and Kelly Tronzo withdraw the comments and hearing request that we filed in 2013.

Isabel Segarra Trevino

From: Vic Mcwherter
Sent: Friday, October 02, 2015 9:22 AM
To: Isabel Segarra Trevino
Subject: FW: Public comment on Permit Number WRPERM 5838

From: PUBCOMMENT-OCC
Sent: Friday, October 02, 2015 8:23 AM
To: PUBCOMMENT-WWW-WRAS; PUBCOMMENT-ELD; PUBCOMMENT-OCC2; PUBCOMMENT-OPIC
Subject: FW: Public comment on Permit Number WRPERM 5838

WH

From: euecker@texasdata.net [<mailto:euecker@texasdata.net>]
Sent: Thursday, October 01, 2015 7:52 PM
To: DoNot Reply
Subject: Public comment on Permit Number WRPERM 5838

REGULATED ENTY NAME 11405838000 WRPERM 5838 WATER MANAGEMENT PLAN

RN NUMBER: RN104252267

PERMIT NUMBER: WRPERM 5838

DOCKET NUMBER: 2015-1444-WR

COUNTY: BASTROP, BURNET, COLORADO, FAYETTE, GILLESPIE, LAMPASAS, LLANO, MASON, MATAGORDA, SAN SABA, TRAVIS, WHARTON, WILLIAMSON

PRINCIPAL NAME: LOWER COLORADO RIVER AUTHORITY

CN NUMBER: CN600253637

FROM

NAME: Eugene Uecker

E-MAIL: euecker@texasdata.net

COMPANY:

ADDRESS: 18101 LAKESHORE BLVD
LAGO VISTA TX 78645-5022

PHONE: 5129177526

FAX:

COMMENTS: I withdraw the comments and hearing request that I filed in 2013.

September 25, 2015

VIA FIRST-CLASS MAIL
Ms. Bridget C. Bohac, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

REVIEWED

SEP 29 2015

By [Signature] WH

WR
82315

Re: Withdrawal of Comments and Request for Contested Case Hearing
Regarding Application of Lower Colorado River Authority to Amend its
Water Management Plan; Application No. 5838A; TCEQ Water Rights
Permit No. 5838

Dear Ms. Bohac:

By Karen Walker this letter, I/we, Karen Walker, hereby withdraw my/our
comments and request for a contested case hearing (filed in 2013) regarding Water Rights
Application No. 5838A, the application of the Lower Colorado River Authority to amend
its Water Management Plan.

Please contact me at the following phone number, address, and/or e-mail address if
you have any questions or need additional information in order to process this withdrawal
request.

Address:

P.O. Box 324

Cedar Park 78630

Phone number: 512/257-2628

E-mail address: _____

Thank you,

Signed: Karen Walker

Printed Name(s): Karen Walker

TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY
2015 SEP 29 AM 9:35
CHIEF CLERKS OFFICE

9 29, 2015

VIA FIRST-CLASS MAIL

Ms. Bridget C. Bohac, Chief Clerk
Office of the Chief Clerk (MC 105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

WP
8/23/15

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2015 OCT -5 AM 10:18
CHIEF CLERKS OFFICE

Re: Withdrawal of Comments and Request for Contested Case Hearing
Regarding Application of Lower Colorado River Authority to Amend its
Water Management Plan; Application No. 5838A; TCEQ Water Rights
Permit No. 5838

Dear Ms. Bohac:

By George Williams & Barbara Williams this letter, I/we, George Williams & Barbara Williams, hereby withdraw my/our comments and request for a contested case hearing (filed in 2013) regarding Water Rights Application No. 5838A, the application of the Lower Colorado River Authority to amend its Water Management Plan.

Please contact me at the following phone number, address, and/or e-mail address if you have any questions or need additional information in order to process this withdrawal request.

Address:

111 BRITTANY DR
SAN ANTONIO, TX 78212-1721

REVIEWED
OCT 05 2015
By [Signature] WT

Phone number: 210-824-6991

E-mail address: _____

Thank you,

Signed: George Williams

Barbara Williams

Printed Name(s): George Williams

Barbara Williams

MAILING LIST
LOWER COLORADO RIVER AUTHORITY
TCEQ DOCKET NO. 2015-1444-WR

FOR THE APPLICANT:

Karen Bondy
Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767-0220
Tel: 512/473-3200

David Wheelock
Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767-0220
Tel: 512/473-3200

FOR THE EXECUTIVE DIRECTOR

Todd Galiga, Staff Attorney
TCEQ Environmental Law Division
MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-0600 Fax: 512/239-0606

Sarah Henderson, Technical Staff
TCEQ Water Availability Division,
MC-160
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-0864 Fax: 512/239-7815

Brian Christian, Director
TCEQ Environmental Assistance
Division, MC-108
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-4000 Fax: 512/239-5678

FOR ALTERNATIVE DISPUTE
RESOLUTION

Kyle Lucas
TCEQ Alternative Dispute Resolution,
MC-222
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-4010 Fax: 512/239-4015

FOR THE CHIEF CLERK:

Bridget Bohac
TCEQ Office Of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512/239-3300 Fax: 512/239-3311

REQUESTERS:

Carolyn Ahrens
Booth Ahrens & Werkenthin PC
206 E. 9th St., Ste. 1501
Austin, Texas 78701-4423

Brian Timothy Banigan
300 Chesapeake Bay Ln. S.
Austin, Texas 78717-2975

Mark T. Banigan
1940 County Road 140
Burnet, Texas 78611-3432

Chris Black
11107 Meadowick Dr.
Houston, Texas 77024-7503

Chris Black
349 Coventry Road
Spicewood, Texas 78669-3120

James D. Bradbury
James D. Bradbury PLLC
9442 N. Capital of Texas Hwy., Ste. 500
Arboretum Plaza
Austin, Texas 78759-7228

Wayne Bulgerin
407 Bumpy Ridge Dr.
Burnet, Texas 78611-4007

Molly Cagle
Baker Botts LLP
98 San Jacinto Blvd., Ste. 1500
Austin, Texas 78701-4297

Patricia Erlinger Carls
Carls McDonald & Dalrymple LLP
901 S. Mopac Expy., Bldg. 1, Ste. 280
Austin, Texas 78746

George & Susan Cloyd
14107 Panorama Dr.
Austin, Texas 78732-1054

Sharen & Steven Comstock
6108 Lantern View Dr.
Jonestown, Texas 78645-4654

Ross Crow
City of Austin
301 W. 2nd St.
Austin, Texas 78701-3906

Ross Crow
City of Austin
PO Box 1088
Austin, Texas 78767-1088

Blake Davidson
806 Monarch Ave.
Cedar Park, Texas 78613-2116

Kimbra K. Henry
Keller Williams
2201 Lakeway Blvd., Apt. 11
Lakeway, Texas 78734-5148

Myron J. Hess
Counsel, National Wildlife Federation
44 East Ave., Ste. 200
Austin, Texas 78701-4385

Paul Hughes
7307 Blue Heron Cv.
Volente, Texas 78641-6140

Robert M. Lueck
14813 Arrow Head Dr.
Volente, Texas 78641-6136

Carol Lynch
14721 Arrow Head Dr.
Leander, Texas 78641-9122

Mary McAllister
Water Power Nexus Consulting
3322 Far View Dr.
Austin, Texas 78730-3303

Bruce McFarland
7063 Comanche Trl.
Austin, Texas 78732-1006

Michael T. Morgan
400 W. Illinois Ave., Ste 120
Midland, Texas 79701-4399

Deborah D. Nance
808 County Road 140
Burnet, Texas 78611-3425

Peter G. Nemeth
STP Nuclear Operating Company
PO Box 289
Wadsworth, Texas 77483-0289

Louanne Opitz
13214 Mansfield Dr.
Austin, Texas 78732-1725

Ernestine & Ron Palmer
19552 Sandcastle Dr.
Spicewood, Texas 78669-6702

Cosmo Palmieri
PO Box 26800
Austin, Texas 78755-0800

Patricia P. Porter
13303 Mansfield Dr.
Austin, Texas 78732-1728

Michael T. Roberts
Lakeside Beach Civic Association
PO Box 267
Spicewood, Texas 78669-0267

Robert & Susan Denn Schmidt
3422 S. Lamar Blvd.
Austin, Texas 78704-7931

Haskell Simon
PO Box 106
Bay City, Texas 77404-0106

Cynthia C. Smiley
Smiley Law Firm PC
6000 Shepherd Mountain Cv., Unit 2107
Austin, Texas 78730-4910

Scott Spurlin
14275 FM 2769
Leander, Texas 78641-9697

Michael T. Sullivan
123 Rocket St.
Lakeway, Texas 78734-3817

Kelly & Marc Tronzo
3216 Crosswind Drive
Spicewood, Texas 78669-5130

Eugene Uecker
18101 Lakeshore Blvd.
Lago Vista, Texas 78645-5022

Karen Walker
PO Box 324
Cedar Park, Texas 78630-0324

George Williams
111 Brittany
San Antonio, Texas 78212-1721