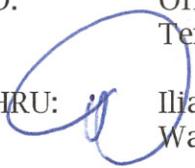


TCEQ Interoffice Memorandum

TO: Office of the Chief Clerk
Texas Commission on Environmental Quality

THRU:  Ilijana Delgado, Team Leader
Water Rights Permitting Team

FROM: Chris Kozlowski, Project Manager
Water Rights Permitting Team

DATE: August 5, 2016

SUBJECT: City of Dallas
ADJ 2462
CN600331730, RN104072293
Application No. 08-2462I to Amend Certificate of Adjudication No.
08-2462
Texas Water Code § 11.122, Requiring Mailed and Published Notice
East Fork Trinity River, Trinity River Basin
Dallas, Kaufman, Rockwall, and Collin Counties

The Executive Director received an application from the City of Dallas seeking a Water Use Permit pursuant to Texas Water Code §11.121 and Texas Commission on Environmental Quality Rules Title 30 Texas Administrative Code §§ 295.1, *et seq.*

The application was received on July 11, 2007. The application was declared administratively complete and filed with the Office of the Chief Clerk on June 6, 2008. The notice of the application was filed with the Chief Clerk, and on October 3, 2008 notice was mailed to the water right holders in the Trinity River Basin and subsequently published. Eight requests for a contested case hearing was received and three were subsequently withdrawn.

Because this application was declared administratively complete after September 1, 1999, the rules in Chapter 55, Subchapter G, Sections 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. The Applicant, 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:

Consideration of the application by City of Dallas (City) for an amendment to Certificate of Adjudication No. 08-2462, seeking the following: 1) to increase the diversion and use of water from Lake Ray Hubbard by 119,600 acre-feet (ac-ft) per year for multiple purposes (municipal, industrial, agricultural, mining, domestic, recreation, instream, livestock, and hydroelectric power-generating); and 2) to increase the

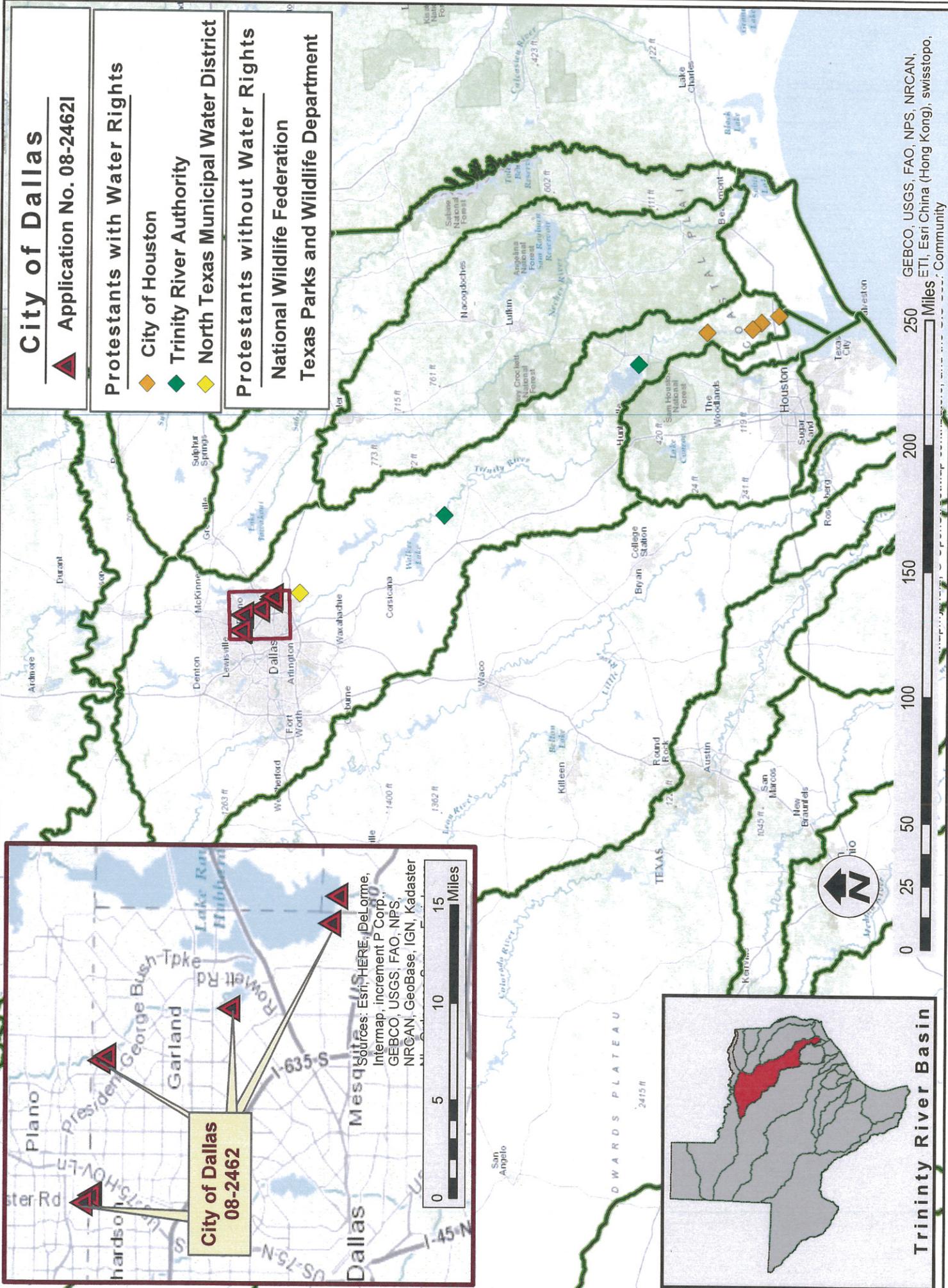
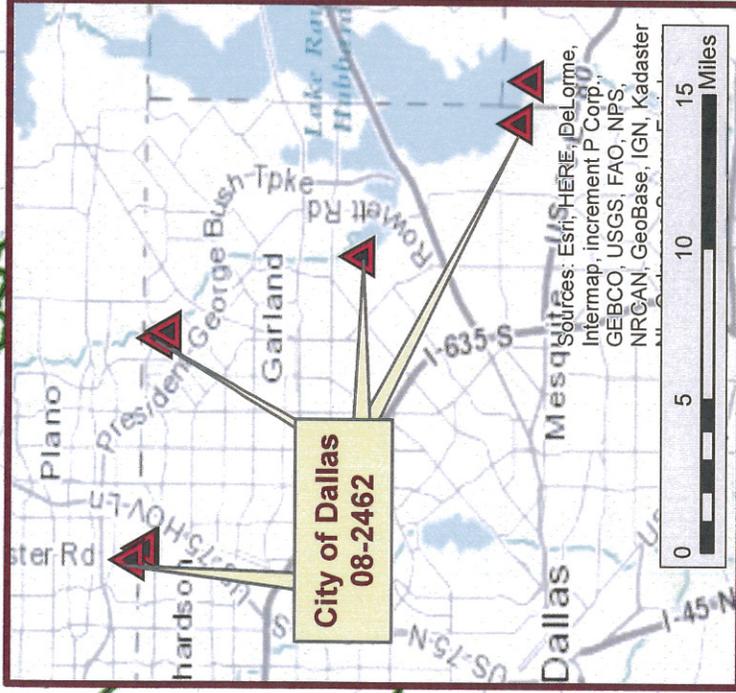
authorized maximum combined diversion rate from Lake Ray Hubbard, from 619 cubic feet per second (cfs) to 1,455 cfs. The City seeks to use the additional water within the City's service area in Collin, Dallas, Denton, Ellis, Kaufman, Rockwall, and Tarrant Counties. The Commission will consider all timely filed hearing requests and related responses and replies. (Chris Kozlowski, Robin Smith)



Chris Kozlowski, Project Manager
Water Rights Permitting Team

Enclosures

cc: Kim Wilson, TCEQ
Kelly Mills, TCEQ
Ross Henderson, TCEQ
Kathy Alexander, TCEQ
Lori Hamilton, TCEQ
Leslie Patterson, TCEQ
Charlie Moehlenbrock, TCEQ
Christine Peters, TCEQ
Robin Smith, TCEQ
Iliana Delgado, TCEQ
Robert Hansen, TCEQ
Jennifer Allis, TCEQ



City of Dallas

- Application No. 08-2462I

Protestants with Water Rights

- City of Houston
- Trinity River Authority
- North Texas Municipal Water District

Protestants without Water Rights

- National Wildlife Federation
- Texas Parks and Wildlife Department

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A
CERTIFICATE OF ADJUDICATION

APPLICATION NO. 08-2462I

RECEIVED
TOEQ
WATER SUPPLY DIV.
2008 OCT 6 PM 12 53

The City of Dallas has applied to amend Certificate of Adjudication No. 08-2462 to increase the diversion amount and the maximum combined diversion rate from the perimeter of Lake Ray Hubbard on the East Fork Trinity River, Trinity River Basin in Dallas, Kaufman, Rockwall, and Collin Counties. More information on the application and how to participate in the permitting process is given below.

APPLICATION. The City of Dallas, Applicant, 1500 Marilla Street, Room 4AN, Dallas, Texas 75201, seeks an amendment pursuant to Texas Water Code §11.122 and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §§295.1, *et seq.* Published and mailed notice of the application is being given to the water right holders of record in the Trinity River Basin pursuant to 30 TAC §295.158.

Certificate of Adjudication No. 08-2462 authorizes the City of Dallas to maintain an existing dam and reservoir (Lake Ray Hubbard) on the East Fork Trinity River, tributary of the Trinity River, Trinity River Basin, in Dallas, Kaufman, Rockwall, and Collin Counties, and to impound therein 490,000 acre-feet of water. Owner is also authorized to divert and use not to exceed 89,700 acre-feet of water per year at a maximum combined diversion rate of 619 cfs (277,807 gpm) from the perimeter of Lake Ray Hubbard and other points for municipal, industrial, agricultural (irrigation), mining, domestic, recreation, instream, livestock, and hydroelectric power generation purposes.

Owner is further authorized to use the bed and banks of Lake Ray Hubbard to store, divert and use not to exceed 150,000 acre-feet of return-flows per year for the purposes authorized by the Certificate. Multiple special conditions apply.

Applicant seeks to amend Certificate of Adjudication No. 08-2462 to increase diversion and use of water from Lake Ray Hubbard by 119,600 acre-feet of water per year, from 89,700 acre-feet of water per year to 209,300 acre-feet of water per year, from the perimeter of Lake Ray Hubbard and other points authorized for diversion for the authorized multiple purposes, being municipal, industrial, agricultural (irrigation), mining, domestic, recreation, instream, livestock, and hydroelectric power generation.

The request for the additional diversion of 119,600 acre-feet of water per year includes 49,600 acre-feet of additional firm water and 70,000 acre-feet of water per year that is available on a less than firm basis.

The application states that the request for an additional appropriation of water is based on adjustment of the naturalized flows in the Trinity WAM to reflect "the increase in runoff that would have occurred over the historical period had today's level of development been there." The application further indicates that since "the initial water rights permit for Lake Ray Hubbard was based on pre-development conditions, the reservoir is currently permitted for significantly less than its full water supply potential based on 2004 and ultimate watershed conditions."

Applicant also seeks to increase the authorized maximum combined diversion rate from Lake Ray Hubbard by 836 cfs (375,197 gpm), from 619 cfs (277,807 gpm) to 1,455 cfs (653,004 gpm). No increase in storage is requested.

The Commission will review the application as submitted by the applicant and may or may not grant the application as requested.

The application and partial fees were received on July 11, 2007, and additional information and fees were received on April 11, and April 30, 2008. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on June 6, 2008.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. 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 within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

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;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions in the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the 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 permit and will 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. 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.

Issued: October 3, 2008

**AMENDMENT TO A
CERTIFICATE OF ADJUDICATION**

CERTIFICATE NO. 08-2462I

TYPE § 11.122

Owner: City of Dallas

Address: 1500 Marilla Street, 4AN
Dallas, Texas 75201

Filed: June 6, 2008

Granted:

Purpose: Municipal, Industrial, Agricultural,
Mining, Domestic, Recreation,
Instream, Livestock, and
Hydroelectric Power-Generating

Counties: Collin, Dallas, Denton,
Ellis, Kaufman, Rockwall,
and Tarrant

Watercourse: Rowlett Creek and Canyon Creek,
Tributary of Spring Creek, Tributary
of Rowlett Creek, Tributary of East
Fork Trinity River, Tributary of the
Trinity River

Watershed: Trinity River Basin

WHEREAS, Certificate of Adjudication No. 08-2462 authorizes the City of Dallas (Owner or Applicant) to maintain an existing dam and reservoir (Lake Ray Hubbard) on the East Fork Trinity River, tributary of the Trinity River, Trinity River Basin, in Collin, Dallas, Kaufman, and Rockwall Counties, and to impound therein 490,000 acre-feet of water; and

WHEREAS, Owner is also authorized to divert and use not to exceed 89,700 acre-feet of water per year at a maximum combined diversion rate of 619 cfs (277,807 gpm) for multiple purposes (municipal, industrial, agricultural, mining, domestic, recreation, instream, livestock, and hydroelectric power-generating) from the perimeter of Lake Ray Hubbard, three reservoirs on Canyon Creek, tributary of Spring Creek, tributary of Rowlett Creek and two points on Rowlett Creek, tributary of East Fork Trinity River, tributary of the Trinity River, Trinity River Basin; and

WHEREAS, Owner is further authorized to use the bed and banks of Lake Ray Hubbard to store, divert, and use not to exceed 150,000 acre-feet of documented return flows per year for the purposes authorized by the Certificate; and

WHEREAS, multiple priority dates and special conditions apply; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 08-2462 to increase the diversion and use of water from Lake Ray Hubbard, three reservoirs on Canyon Creek, and two points on Rowlett Creek from 89,700 to 209,300 acre-feet of water per year for multiple

purposes (municipal, industrial, agricultural, mining, domestic, recreation, instream, livestock, and hydroelectric power-generating); and

WHEREAS, Applicant also seeks to increase the authorized maximum combined diversion rate from Lake Ray Hubbard, three reservoirs on Canyon Creek, and two points on Rowlett Creek from 619 cfs (277,807 gpm) to 1,455 cfs (653,004 gpm); and

WHEREAS, the application requests the additional diversion of 119,600 acre-feet of water per year include 49,600 acre-feet of additional firm water and 70,000 acre-feet of water per year that is available on a less than firm basis. The original application states the additional appropriation of water is based on adjustment of the naturalized flows in the Trinity WAM to reflect "the increase in runoff that would have occurred over the historical period had today's level of development been there"; and

WHEREAS, notice of the application was issued on October 3, 2008 and eight requests for a contested case hearing were received; and

WHEREAS, Applicant revised their application to request for an additional appropriation of 119,600 acre-feet of non-firm water per year; and

WHEREAS, Applicant submitted the *City of Dallas Lake Ray Hubbard 08-2462 Reservoir Accounting Plan*, which was accepted and approved by the Executive Director; and

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

WHEREAS, the Executive Director recommends that special conditions should be included in this amendment; 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; and

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 08-2462, designated Certificate of Adjudication No. 08-2462I, is issued to the City of Dallas, subject to the following terms and conditions:

1. USE

In lieu of the authorization to divert and use not to exceed 89,700 acre-feet of water per year for multiple purposes (municipal, industrial, agricultural, mining, domestic, recreation, instream, livestock, and hydroelectric power-generating) for use within the City's service area in Dallas, Rockwall, Collin, and Kaufman Counties, Owner is now authorized to divert and use not to exceed 209,300 acre-feet of water per year for multiple purposes (municipal, industrial, agricultural, mining, domestic, recreation, instream, livestock, and hydroelectric power-generating) for use within the City's service area in Collin, Dallas, Denton, Ellis, Kaufman, Rockwall, and Tarrant Counties.

2. DIVERSION

A. Owner is authorized to divert the water authorized herein at the diversion points

authorized by Certificate of Adjudication No. 08-2462.

- B. In lieu of previous authorizations, Owner is authorized to divert the water authorized herein at a combined maximum rate of 1,455 cfs (653,004 gpm).

3. CONSERVATION

Owner shall implement its approved water conservation plan to 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, maintain or improve the efficiency in the use of water, increase the recycling and reuse 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 wholesale water supply contract entered into on or after the date of this amendment, including any 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 must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

4. SPECIAL CONDITIONS

- A. Owner may divert the additional 119,600 acre-feet of water and refill storage in Lake Ray Hubbard when storage was emptied by diversions of water under this amendment when streamflow exceeds the following values at USGS Gage No. 08061750 (East Fork Trinity River near Forney):

Season	Subsistence Flow (cfs)	Base Flow (cfs)	High Flow Pulse
Winter	5	9	Trigger: 250 cfs Volume: 1,300 af Duration: 3 days
Spring	6	12	Trigger: 1,400 cfs Volume: 12,900 af Duration: 8 days
Summer	4	7	Trigger: 360 cfs Volume: 2,500 cfs Duration: 4 days
Fall	3	9	

cfs = cubic feet per second
af = acre-feet

- B. Owner shall not store or divert water authorized by this amendment if streamflow at USGS Gage No. 08061750 is below the applicable subsistence flow.
- C. If streamflow at USGS Gage No. 08061750 is above the applicable subsistence flow but below the applicable base flow, Owner may store or divert water authorized under this amendment unless streamflows fall below the applicable subsistence flow standard.
- D. If streamflow at USGS Gage No. 08061750 is above the applicable base flow

standard and below the applicable high flow pulse trigger level, Owner may store or divert water authorized under this amendment, so long as the flow at the gage does not fall below the applicable base flow standard.

- E. Two high flow pulses per season are to be passed if the applicable high flow pulse trigger level is met at USGS Gage No. 08061750.
- F. With the exception of summer and fall, which are treated as a single season for purposes of pulse flow compliance, each season is independent of the preceding and subsequent seasons with respect to high flow pulse frequency.
- G. If the applicable high flow pulse trigger level does not occur in a season, then Owner need not stop storing or diverting water to produce a high flow pulse.
- H. If a qualifying pulse flow event is recorded at USGS Gage No. 08061750, then this pulse event satisfies the pulse requirement for that event within the respective season in that year.
- I. A pulse flow is considered to be a qualifying event if the pulse flow trigger level is met and either the volume amount has passed USGS Gage No. 08061750 or the applicable duration time has passed since the pulse flow trigger level occurred.
- J. Seasons are defined as Winter (December – February), Spring (March – May), Summer (June – August), and Fall (September – November).
- K. Owner is not required to release stored water to meet the environmental flow requirements in this amendment. The environmental flow requirements in this amendment only apply to the additional diversion and storage authorized by this amendment.
- L. If Owner has stored water in accordance with the terms and conditions of this amendment, including any applicable environmental flow requirements in effect at the time the water was stored, Owner may divert and use that stored water, even if the applicable environmental flow requirement is not met at the time of the subsequent diversion and use of that stored water.
- M. Owner shall only divert and impound water under the priority date of this amendment in accordance with the most recently approved *Lake Ray Hubbard Certificate of Adjudication 08-2462 Reservoir Accounting Plan*. Owner shall maintain the plan in electronic format and make the data available to the Executive Director upon request. Any modifications to the accounting plan shall be approved by the Executive Director. Any modification to the accounting plan that changes the terms of the amendment must be in the form of an amendment to the certificate. Should Owner fail to maintain the accounting plan or notify the Executive Director of any modifications to the plan, Owner shall immediately cease diversion and impoundment of water under the priority date of this amendment and either apply to amend the certificate or voluntarily forfeit the amendment. If Owner fails to amend the certificate or forfeit the amendment, the Commission may begin proceedings to cancel this amendment. Owner shall immediately notify the Executive Director upon modification of the accounting plan and provide copies of the appropriate documents effectuating such change.

- N. Owner may not exercise a priority call on water rights in the Trinity River Basin with priority dates senior to June 2, 2008 for purposes of refilling storage in Lake Ray Hubbard when storage was emptied by diversions of water under this amendment. The Commission shall consider the amount of water impounded at the June 2, 2008 priority date, consistent with the approved accounting plan, in analyses of future applications to appropriate water from the Trinity River Basin.
- O. Special Conditions A-J are subject to adjustment by the Commission if the Commission determines, through an expedited public review process, that such adjustment is appropriate to achieve compliance with applicable environmental flow standards adopted pursuant to Texas Water Code § 11.1471. Any adjustment shall be made in accordance with the provisions of Texas Water Code § 11.147(e-1).

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 08-2462, as amended, except as specifically amended herein.

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

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

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

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

For the Commission

ISSUED:

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Chris Kozlowski, Project Manager **Date:** June 19, 2015
Water Rights Permitting Team
Water Rights Permitting & Availability Section

From: Kathy Alexander, Ph.D.
Technical Specialist
Water Availability Division

Subject: City of Dallas
ADJ 2462
CN600331730

East Fork Trinity River, Trinity River Basin
Dallas, Kaufman, Rockwall, and Collin Counties

WATER AVAILABILITY ANALYSIS ADDENDUM

Review and Conclusion

Staff prepared a water availability analysis for the application on March 18, 2015. On June 19, 2015, the City of Dallas submitted an update to its accounting plan. The update combined the summer and fall seasons for compliance with the high flow pulse requirements in staff's May 8, 2015 draft permit (Special Condition F). Staff reviewed the proposed change and found it acceptable. This update does not change staff's previous recommendations or require any changes to the draft permit.

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Chris Kozlowski, Project Manager **Date:** March 18, 2015
Water Rights Permitting Team
Water Rights Permitting & Availability Section

From:  Kathy Alexander, Ph.D.
Technical Specialist
Water Availability Division

Subject: City of Dallas
ADJ 2462
CN600331730
East Fork Trinity River, Trinity River Basin
Dallas, Kaufman, Rockwall, and Collin Counties

WATER AVAILABILITY ANALYSIS

Application Summary

Certificate of Adjudication No. 08-2462 authorizes the City of Dallas (City) to maintain an existing dam and reservoir (Lake Ray Hubbard) impounding 490,000 acre-feet of water on the East Fork Trinity River, tributary of the Trinity River, Trinity River Basin, in Collin, Dallas, Kaufman, and Rockwall Counties. The City is also authorized to divert 89,700 acre-feet of water per year from Lake Ray Hubbard at a maximum combined diversion rate of 619 cfs (277,807 gpm) for multiple purposes of use (municipal, industrial, agricultural (irrigation), mining, domestic, recreation, instream, livestock, and hydroelectric power-generating) from the perimeter of Lake Ray Hubbard and other specific points authorized in the certificate. Multiple special conditions apply.

The City requests authorization to divert and use 119,600 acre-feet of water per year from the unappropriated flows of the East Fork Trinity River (Lake Ray Hubbard), Trinity River Basin for multiple purposes of use within the City's service area (Dallas, Kaufman, Rockwall, and Collin Counties). The request for increased diversions of 119,600 acre-feet includes over-drafting Lake Ray Hubbard in amounts in excess of the Lake's firm yield in order to reduce pumping of water from Lake Tawakoni and Lake Fork. The City also requests an increase in the maximum combined diversion rate from the perimeter of Lake Ray Hubbard from 619 cfs to 1,445 cfs. The application was administratively complete on June 2, 2008. The City submitted an accounting plan on January 26, 2010, which was revised several times, with a final version submitted on April 24, 2014.

Water Availability Analysis

Pursuant to 30 Texas Administrative Code (TAC) §298 Subchapter B, Resource

Protection staff recommend that the application be subject to instream flow requirements. Specific instream flow requirements are included in Resource Protection staff's March 18, 2015 memorandum.

The Water Rights Analysis Package (WRAP) simulates management of the water resources of a river basin. The Texas Commission on Environmental Quality (TCEQ) uses WRAP in the evaluation of water right permit applications using priority-based water allocations. WRAP is a generalized simulation model for application to any river basin, and input datasets must be developed for the particular river basin of concern. The TCEQ developed water availability models (WAMs) for Texas river basins that include geographical information, water right information, naturalized flows, evaporation rates, and specific management assumptions. Hydrology staff operates WRAP to evaluate water rights applications to determine water availability and to ensure that senior water rights are protected.

Staff modeled the application using the Full Authorization simulation of the Trinity River Basin WAM where water rights utilize their maximum authorized amounts for storage and diversion, and return flows are not included. The period of record for the Trinity WAM is 1940 through 1996. On April 20, 2011 the TCEQ adopted environmental flow standards for the Trinity River Basin.

Under 30 TAC §298.215, the priority date for the environmental flow standards in the Trinity WAM is December 1, 2009. For modeling purposes, this application was modeled with a priority date of December 2, 2009 although the priority date of the application is June 2, 2008. The simulation results indicate that 119,600 acre-feet of water is available from the East Fork Trinity River (Lake Ray Hubbard) in 83 % of the years in the period of record.

30 TAC §297.42(d) provides that the required water availability for projects that are not based on the continuous availability of streamflow shall be determined on a case-by-case basis based upon whether the proposed project can be viable for the intended purpose and the water will be beneficially used without waste. The determination of whether the water will be beneficially used without waste is addressed in the conservation review of the application. Regarding whether the proposed project is viable, on Friday March 25, 2011 the City submitted information stating that it will operate its water supply reservoirs in a manner which balances over-drafting and under-drafting so that all municipal water supply demands can be met in every year. The City also provided a list of all of its authorized water rights. Therefore, staff's opinion is that the project can be viable for the intended purpose.

The application was also evaluated in accordance with 30 TAC §298.225(a) to determine whether the new appropriation of water would reduce the long term frequency on a seasonal or annual basis at which the volumes of freshwater inflows described in that subsection occur. Staff calculated the frequencies at which the volumes of freshwater inflows occur using the Full Authorization simulation of the Trinity WAM, which included permit applications for new appropriation that are senior to this application and subject to the rule requirements. Staff used these simulation results as a baseline for its determination. Staff then added the application and calculated the frequencies at which the volumes of freshwater inflows occur in the Trinity WAM. Results of the analysis indicate that there is no reduction of the frequencies below the frequencies

calculated in the baseline simulation. Therefore, staff's opinion is that the application would not result in a reduction of freshwater inflows on a seasonal or annual basis. Because staff found that the application did not cause or contribute to an impairment of freshwater inflow regimes, which by rule are adequate to support a sound ecological environment, the application is consistent with any applicable Coastal Management Program (CMP) goals and policies.

The City requested that compliance with the adopted environmental flow standards be measured at USGS Gage No. 08061750 East Fork Trinity River near Forney, Texas. Staff reviewed this request and is not opposed to measuring compliance under the permit at the East Fork gage. This gage would be an adequate indicator of whether operations under the permit are in compliance with the adopted standards.

The City translated the adopted standards from USGS Gage No. 08057000, Trinity River at Dallas, Texas to USGS Gage No. 08061750 East Fork Trinity River near Forney, Texas. Staff reviewed the methods and found them adequate. Subsistence and base flows were translated using a drainage area ratio. Pulse flows were translated as follows:

1. The trigger flows at USGS Gage No. 08057000, Trinity River at Dallas, Texas, and, USGS Gage No. 08061750 East Fork Trinity River near Forney, Texas, were scaled using the ratio of the mean annual WAM naturalized flows for the two locations.
2. The durations at USGS Gage No. 08057000, Trinity River at Dallas, Texas, and, USGS Gage No. 08061750 East Fork Trinity River near Forney, Texas were scaled using the ratio $(R)^e$, where R is the ratio calculated in Number 1 above. The exponent e is a duration exponent obtained from a power law relationship between pulse volumes and trigger flows in the Trinity River Basin and is equal to 0.105. The scaled duration is rounded to an integer number of days.
3. The pulse volumes are related such that the pulse ratio, QD/V , where Q is the pulse flow trigger level, D is the duration in days, and V is the pulse volume, is the same at the two gages.

The City submitted an accounting plan for Lake Ray Hubbard that tracks diversions under Dallas' existing water rights in Lake Ray Hubbard, diversions under this amendment, calculates inflows to Lake Ray Hubbard which are subject to the environmental flow requirements, and determines compliance with the environmental flow requirements that apply to this amendment. Staff reviewed the accounting plan and found it adequate. Staff believes that operation of the accounting plan according to the recommended special conditions provided herein will ensure that senior water rights are protected and that the environmental flow standards are protected.

Conclusion

Staff can support granting the application, provided the permit includes Resource Protection staff's recommendations and the following special conditions:

1. Owner is not required to release stored water to meet the environmental flow requirements in this amendment. The environmental flow requirements in this amendment only apply to the additional diversion and storage authorized by this amendment.
2. If Owner has stored water in accordance with the terms and conditions of this amendment, including any applicable environmental flow requirements in effect at the time the water was stored, Owner may divert and use that stored water, even if the applicable environmental flow requirement is not met at the time of the subsequent diversion and use of that stored water.
3. Owner shall only divert and impound water under the priority date of this amendment in accordance with the most recently approved *Lake Ray Hubbard Certificate of Adjudication 08-2462 Reservoir Accounting Plan*. Owner shall maintain the plan in electronic format and make the data available to the Executive Director upon request. Any modifications to the accounting plan shall be approved by the Executive Director. Any modification to the accounting plan that changes the terms of the amendment must be in the form of an amendment to the certificate. Should Owner fail to maintain the accounting plan or notify the Executive Director of any modifications to the plan, Owner shall immediately cease diversion and impoundment of water under the priority date of this amendment and either apply to amend the certificate or voluntarily forfeit the amendment. If Owner fails to amend the certificate or forfeit the amendment, the Commission may begin proceedings to cancel this amendment. Owner shall immediately notify the Executive Director upon modification of the accounting plan and provide copies of the appropriate documents effectuating such change.
4. Owner may not exercise a priority call on water rights in the Trinity River Basin with priority dates senior to June 2, 2008 for purposes of refilling storage in Lake Ray Hubbard when storage was emptied by diversions of water under this amendment. The Commission shall consider the amount of water impounded at the June 2, 2008 priority date, consistent with the approved accounting plan, in analyses of future applications to appropriate water from the Trinity River Basin.

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Chris Kozlowski, Project Manager **Date:** March 18, 2015
Water Rights Team
Water Rights Permitting & Availability Section

Through: *ML* Chris Loft, Team Leader
Resource Protection Team
Water Rights Permitting & Availability Section

From: *RH* Robert Hansen, Senior Aquatic Scientist
Resource Protection Team
Water Rights Permitting & Availability Section

Subject: City of Dallas
ADJ 2462
CN600331730
Application No. 08-2462I to Amend Certificate of Adjudication No. 08-2462
East Fork Trinity River, Trinity River Basin
Collin, Dallas, Kaufman, and Rockwall Counties

ENVIRONMENTAL ANALYSIS

Application Summary: Certificate of Adjudication No. 08-2462 authorizes the City of Dallas to maintain an existing dam and reservoir (Lake Ray Hubbard) on the East Fork Trinity River, tributary of the Trinity River, Trinity River Basin, in Collin, Dallas, Kaufman, and Rockwall Counties, and to impound therein 490,000 acre-feet of water. Owner is also authorized to divert and use not to exceed 89,700 acre-feet of water per year at a maximum combined diversion rate of 619 cfs (277,807 gpm) for multiple purposes [municipal, industrial, agricultural (irrigation), mining, domestic, recreation, instream, livestock, and hydroelectric power-generating] from the perimeter of Ray Hubbard Reservoir and other specific points authorized for diversion. Multiple special conditions apply.

Applicant seeks to amend Certificate of Adjudication No. 08-2462 to increase diversion and use by 119,600 acre-feet of water per year, from 89,700 to 209,300 acre-feet of water per year from the perimeter of Lake Ray Hubbard and other specific points authorized for diversion for multiple purposes [municipal, industrial, agricultural (irrigation), mining, domestic, recreation, instream, livestock, and hydroelectric power-generating]. Applicant further seeks to increase the maximum combined diversion rate by 836 cfs (375,197 gpm), from 619 cfs (277,807 gpm) to 1,455 cfs (653,044 gpm). No increases in storage are requested.

The request for increased diversions of 119,600 acre-feet includes over-drafting Lake Ray

Hubbard in amounts in excess of the lake's firm yield in order to reduce pumping of water from Lake Tawakoni and Lake Fork.

Environmental Analysis: According to the *Handbook of Texas Online*, the East Fork Trinity River rises 1.5 miles northwest of Dorchester, TX in south central Grayson County and flows south for eighty-five miles, across parts of five northeast Texas counties, to its mouth on the Trinity River, five miles northeast of Bristol, TX in western Kaufman County. The stream is intermittent in its extreme upper reaches. It crosses into Collin County seven miles southeast of Gunter, TX. In Collin County it passes just east of McKinney, TX and enters Lavon Lake five miles southeast of McKinney, TX. The East Fork Trinity River exits the reservoir two miles west of Lavon, TX and then enters Lake Ray Hubbard. The stream traverses flat to rolling prairie with occasional steep slopes, surfaced by clays and sandy and clay loams that support oak, juniper, water-tolerant hardwoods, conifers, and grasses. The region has served as range and cropland, although urban development and local mineral production were present by the late 1900s. The nine tributaries of the East Fork Trinity River include Stanley Creek, Hurricane Creek, and Long Creek.

On April 20, 2011, the Texas Commission on Environmental Quality (TCEQ) adopted environmental flow standards for the Trinity and San Jacinto Rivers, their associated tributaries, and Galveston Bay. By rule, these environmental flow standards are considered adequate to support a sound ecological environment. This review is conducted in accordance with §11.1471 of the Texas Water Code (TWC) and the technical review will utilize TCEQ administrative rules which include Title 30 Texas Administrative Code (TAC) §298.225 Subchapter B (Trinity and San Jacinto Rivers, and Galveston Bay). The nearest stream gage in 30 TAC §298.225(c) to the proposed diversion points is United States Geological Survey (USGS) Gage No. 08057000 - Trinity River at Dallas, Texas. The City requested that compliance with the adopted environmental flow standards be measured at USGS Gage No. 08061750 - East Fork Trinity River near Forney, Texas. The City translated the adopted standards from USGS Gage No. 08057000 - Trinity River at Dallas, Texas to USGS Gage No. 08061750 - East Fork Trinity River near Forney, Texas. Translation of the adopted standards is discussed in the Water Availability Analysis.

The resulting environmental flow values for the East Fork Trinity River are presented in the following table:

Environmental flow values (cfs) at Gage No. 08061750 – East Fork Trinity River near Forney, Texas

	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
Season	Winter			Spring			Summer			Fall		
Subsistence Flow (cfs)	5	5	5	6	6	6	4	4	4	3	3	3
Base Flow (cfs)	9	9	9	12	12	12	7	7	7	9	9	9

Seasonal Pulse Flows				
Trigger Flow (cfs)	250	1,400	360	360
Volume (acre feet)	1,300	12,900	2,500	2,500
Duration (days)	3	8	4	4

cfs = cubic feet per second

Diversions of the additional 119,600 acre-feet of water under this amendment are authorized when streamflows exceed the above values at USGS Gage No. 08061750 – East Fork Trinity River near Forney, subject to the requirements of Special Conditions below.

Freshwater Inflows: Freshwater inflows are important for maintaining the historical productivity of bays and estuaries along the Gulf Coast. By rule, impairment of inflow regimes will be considered during the Water Availability Analysis for this application.

SUMMARY

Applicant seeks to amend Certificate of Adjudication No. 08-2462 to increase diversion and use by 119,600 acre-feet of water per year, from 89,700 to 209,300 acre-feet of water per year from the perimeter of Lake Ray Hubbard and other specific points authorized for diversion for multiple purposes [municipal, industrial, agricultural (irrigation), mining, domestic, recreation, instream, livestock, and hydroelectric power-generating].

Applicant further seeks to increase the maximum combined diversion rate by 836 cfs (375,197 gpm), from 619 cfs (277,807 gpm) to 1,455 cfs (653,044 gpm). No increases in storage are requested.

The request for increased diversions of 119,600 acre-feet includes over-drafting Lake Ray Hubbard in amounts in excess of the lake's firm yield in order to reduce pumping of water from Lake Tawakoni and Lake Fork.

Resource Protection staff recommends the following special conditions be included in the amendment, if granted:

- 1) **Owner may divert the additional 119,600 acre-feet of water and refill storage in Lake Ray Hubbard when storage was emptied by diversions of water under this amendment when streamflow exceeds the following values at USGS Gage No. 08061750 (East Fork Trinity River near Forney):**

	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
Season	Winter			Spring			Summer			Fall		
Subsistence Flow (cfs)	5	5	5	6	6	6	4	4	4	3	3	3
Base Flow (cfs)	9	9	9	12	12	12	7	7	7	9	9	9
Seasonal High Pulse Flows												
Trigger Level (cfs)	250			1,400			360			360		
Volume (acre feet)	1,300			12,900			2,500			2,500		
Duration (days)	3			8			4			4		

cfs = cubic feet per second

- 2) Owner shall not store or divert water authorized by this amendment if streamflow at USGS Gage No. 08061750 is below the applicable subsistence flow.
- 3) If streamflow at USGS Gage No. 08061750 is above the applicable subsistence flow but below the applicable base flow, Owner may store or divert water authorized under this amendment unless streamflows fall below the applicable subsistence flow standard.
- 4) If streamflow at USGS Gage No. 08061750 is above the applicable base flow standard and below the applicable high flow pulse trigger level, Owner may store or divert water authorized under this amendment, so long as the flow at the gage does not fall below the applicable base flow standard.
- 5) Two high flow pulses per season are to be passed if the applicable high flow pulse trigger level is met at USGS Gage No. 08061750.
- 6) With the exception of summer and fall, which are treated as a single season for purposes of pulse flow compliance, each season is independent of the preceding and subsequent seasons with respect to high flow pulse frequency.
- 7) If the applicable high flow pulse trigger level does not occur in a season, then Owner need not stop storing or diverting water to produce a high flow pulse.
- 8) If a qualifying pulse flow event is recorded at USGS Gage No. 08061750, then this pulse event satisfies the pulse requirement for that event within the respective season in that year.

9) A pulse flow is considered to be a qualifying event if the peak flow trigger is met and either the volume amount has passed USGS Gage No. 08061750 or the applicable duration time has passed since the high flow pulse trigger level occurred.

10) Seasons are defined as Winter (December – February), Spring (March – May), Summer (June – August), and Fall (September – November).

This instream use assessment was conducted using current TCEQ operation procedures and policies and available data and information. Authorizations granted to the Owner by the amended Certificate of Adjudication shall comply with all rules of the Texas Commission on Environmental Quality, and other applicable State and Federal authorizations.

LITERATURE CITED

"EAST FORK OF THE TRINITY RIVER," *Handbook of Texas Online*
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04, 2010.

Griffith, G.E., Bryce, S.A., Omernik, J.M., Comstock, J.A., Rogers, A.C., Harrison, B., Hatch, S.L., and Bezanson, D. 2004. Ecoregions of Texas (color poster with map, descriptive text, and photographs): Reston, Virginia, U.S. Geological Survey (map scale 1:2,500,000).

Guillen, G., Wrast J., Ramirez, D. 2009. Trinity River basin BBEST Instream Flow Study, Ecological Overlay for the Trinity River for support of Development of Instream Flow Recommendations for Environmental Flows. Environmental Institute of Houston, University of Houston Clear Lake In Cooperation with the Trinity River Authority.

Texas Commission on Environmental Quality
INTEROFFICE MEMORANDUM

To: Chris Koslowski, Project Manager
Water Rights Permits Team
Water Rights Permitting & Availability Section
Date: March 18, 2015

Thru: *CV* Chris Loft, Team Leader
7/18/15 Resource Protection Team
Water Rights Permitting & Availability Section

KW
3/18/15 Kristin Wang, Senior Water Conservation Specialist
Resource Protection Team
Water Rights Permitting & Availability Section

From Jennifer Allis, Senior Water Conservation Specialist
(ga) Resource Protection Team
3/18/15 Water Rights Permitting & Availability Section

Subject: City of Dallas
ADJ 2462I
CN600331730
Application No. 08-2462I to Amend Certificate of Adjudication 08-2462
Water Conservation Review

Certificate of Adjudication No. 08-2462 authorizes the City of Dallas to maintain an existing dam and reservoir (Lake Ray Hubbard) on the East Fork Trinity River, tributary of the Trinity River, Trinity River Basin, in Collin, Dallas, Kaufman, and Rockwall Counties, and to impound therein 490,000 acre-feet of water. Owner is also authorized to divert and use not to exceed 89,700 acre-feet of water per year at a maximum combined diversion rate of 619 cfs (277,807 gpm) for multiple purposes [municipal, industrial, agricultural (irrigation), mining, domestic, recreation, instream, livestock, and hydroelectric power-generating] from the perimeter of Ray Hubbard Reservoir and other specific points authorized for diversion. Multiple special conditions apply.

Applicant seeks to amend Certificate of Adjudication No. 08-2462 to increase diversion and use by 119,600 acre-feet of water per year, from 89,700 to 209,300 acre-feet of water per year from the perimeter of Lake Ray Hubbard and other specific points authorized for diversion for multiple purposes [municipal, industrial, agricultural (irrigation), mining, domestic, recreation, instream, livestock, and hydroelectric power-generating]. Applicant further seeks to increase the maximum combined diversion rate from 619 cfs (277,807 gpm) to 1,455 cfs (653,044 gpm).

The request for increased diversions of 119,600 acre-feet includes over-drafting Lake Ray Hubbard in amounts in excess of the Lake's firm yield in order to reduce pumping of water from Lake Tawakoni and Lake Fork.

Per Title 30, Texas Administrative Code (TAC) Section 295.9(4), applications to appropriate or to use water for municipal use, industrial or mining use, or agricultural use, including irrigation use requires the submittal of water conservation and drought contingency plans.

Additionally, the applicant is required to provide evidence that the amount of water appropriated will be beneficially used, i.e., effectively managed and not wasted pursuant to Texas Water Code (TWC), Section 11.134(b)(3)(A). Also, the applicant must provide evidence that reasonable diligence will be used to avoid waste and achieve water conservation pursuant to TWC §11.134(b)(4). To provide that evidence, the applicant must submit a water conservation plan in accordance with TAC Chapter 288. In applications where a new appropriation of water is requested, the review includes an analysis of whether the requested appropriation is reasonable and necessary for the proposed uses in accordance with TWC §11.134 and 30 TAC §297.50.

The purpose of this review is to:

- (1) determine whether reasonable water conservation goals have been set;
- (2) determine whether the proposed strategies can achieve the stated goals;
- (3) determine whether there is a substantiated need for the water and whether the amount to be appropriated is reasonable for the proposed use; and
- (4) determine whether the water conservation plan addresses a water supply need in a manner that is consistent with the state water plan and the relevant approved regional water plan.

If these criteria are met, then staff considers this sufficient evidence to conclude that the applicant will avoid waste and achieve water conservation. This review forms a basis for permit conditions and limitations as provided by TWC §11.134.

As a municipal public and wholesale water supplier, the water conservation and drought contingency plans for the City of Dallas were reviewed by TCEQ staff and found to be administratively complete per 30 TAC Chapter 288. A water conservation plan for other uses (industrial, agricultural) is not required since Dallas provides water as a wholesaler.

The 2014 Dallas Water Utilities Water Conservation Plan identifies five and ten-year service area goals for water use to be 196 gallons per capita per day (gpcd) for 2019 and 195 gpcd for 2024, and for water loss to be maintained at 10 percent or less. The Water Conservation Plan and Implementation Report lists a number of water conservation measures that the City of Dallas has implemented, such as educational programs and outreach, free irrigation system inspections, meter testing and repair, leak detection, non-promotional rates, recycling and reuse, and installation of more efficient plumbing fixtures, including a rebate program for toilets. In FY2012, Dallas began a program offering free water efficiency surveys to commercial customers to help them find ways to increase water use efficiency. As such, TCEQ water conservation staff has deemed these goals and strategies to be reasonable.

In addition, staff conducted an analysis of the water needs. According to the 2011 Region C Water Plan, the City of Dallas' water demands are projected to increase from 607,000 acre-feet per year in 2010 to 994,000 acre-feet per year by 2060. As a result, the City of Dallas will need to develop almost 450,000 acre-feet per year of additional water supplies by 2060 to meet projected demands. Based on the analysis, the amount of the requested appropriation is deemed to be reasonable.

The application is consistent with the approved 2012 State Water Plan and the approved January 2011 Region C Water Plan as that additional water from Lake Ray Hubbard is listed in the executive summary as a recommended water management strategy for the City of Dallas, in addition to the general water management strategy of increasing supplies for the City of Dallas.

Staff recommends the following water conservation language should be included in the amendment:

Owner 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, maintain or improve the efficiency in the use of water, increase the recycling and reuse 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 entered into, on or after the effective date of this amendment, including any 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.

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 08-2462 OWNER: City of Dallas
1500 Marilla Street
Dallas, TX 75201

COUNTIES: Collin, Dallas, Kaufman PRIORITY DATE: February 2, 1955
and Rockwall

WATERCOURSE: East Fork of the Trinity River BASIN: Trinity River
River, tributary of the
Trinity River

WHEREAS, by final decree of the 160th Judicial District Court of Dallas County, in Cause No. 81-12345-H, In Re: The Adjudication of Water Rights in the Upper Trinity River Segment of the Trinity River Basin, dated January 21, 1983, a right was recognized under Permit 1923 authorizing the City of Dallas to appropriate waters of the State of Texas as set forth below;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Trinity River Basin is issued to the City of Dallas, subject to the following terms and conditions:

1. IMPOUNDMENT

Owner is authorized to maintain an existing dam and reservoir, known as Lake Ray Hubbard, on the East Fork of the Trinity River and impound therein not to exceed 490,000 acre-feet of water. The dam is located in the Jacob Hull Survey, Abstract 592, the John M. Rowe Survey, Abstract 1237 and the B. P. Vivion Survey, Abstract 1634, Dallas County, and the Jacob Hull Survey, Abstract 652, the Robert H. Lover Survey, Abstract 638, the Henry H. Turner Survey, Abstract 549, the Archibald M. Donnell Survey, Abstract 140, and the John C. Clements Survey, Abstract 110, Kaufman County, Texas.

2. USE

A. Owner is authorized to divert and use not to exceed 78,700 acre-feet of water per annum from the aforesaid reservoir for municipal purposes.

B. Owner is authorized to divert and use not to exceed 10,000 acre-feet of water per annum from the aforesaid reservoir for industrial purposes.

C. Owner is authorized to divert and use not to exceed 1000 acre-feet of water per annum from the aforesaid reservoir for domestic purposes.

3. DIVERSION

A. Location:
At the perimeter of the aforesaid reservoir.

B. Maximum Rate: 309.37 cfs (138,845 gpm) for municipal use and not to exceed 1.00 cfs (448.8 gpm) for each customer for domestic use with a maximum of 55 customers.

4. PRIORITY

The time priority of owner's right is February 2, 1955.

5. SPECIAL CONDITIONS

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

B. The authorization to impound the storm and flood waters of the East Fork of the Trinity River is specifically limited to such inflow as may occur below the existing Lavon Dam and above the

reservoir herein authorized and to such overflows or spills as may occur from Lavon Dam as now constructed and operated or as in conjunction with other reservoirs upstream therefrom which may hereafter be constructed for water conservation storage and not for soil conservation purposes, up to a total of 380,000 acre-feet of conservation storage capacity as now or hereafter authorized by permits granted by the Commission.

C. This authorization is and shall be subject to diversion from such enlarged upstream conservation storage of not to exceed 104,000 acre-feet of water per annum as may be now or hereafter authorized by permits granted by the Commission.

D. The owner is authorized to store in and divert from Lake Ray Hubbard such water as is diverted from Lake Tawakoni on the Sabine River, in the amount of not to exceed 179,000 acre-feet of water per annum, provided that such water shall not be stored in Lake Ray Hubbard above elevation 432 feet above mean sea level or when water otherwise impounded exceeds the amount of 440,000 acre-feet.

The locations of pertinent features related to this certificate are shown on Page 16 of the Upper Trinity River Segment Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Department of Water Resources and the office of the County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 160th Judicial District Court of Dallas County, Texas, in Cause No. 81-6589-H, In Re: The Adjudication of Water Rights in the Upper Trinity River Segment of the Trinity River Basin, dated October 29, 1981, and supersedes all rights of the owner asserted in that cause.

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

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

TEXAS WATER COMMISSION

/s/ Felix McDonald
Felix McDonald, Chairman

DATE ISSUED:

JUL 22 1983

ATTEST:

/s/ Mary Ann Hefner
Mary Ann Hefner, Chief Clerk

(2) Maximum Diversion Rate: 1.7 cfs (750 gpm)

(b) Eastern Hills Country Club:

(1) Point of Diversion: At a point on the east, or right, shore of Lake Ray Hubbard, S 25° 30' E, 4835 feet from the northernmost corner of the John Little Survey, Abstract No. 761, Dallas County, approximately 14 miles northeast of Dallas.

(2) Maximum Diversion Rate: 3.3 cfs (1500 gpm)

4. SPECIAL CONDITIONS

(a) Each of the authorizations herein to divert and use water for irrigation to fulfill the above-referenced agreements shall remain effective only so long as the respective agreement is in effect. Upon termination of any of the agreements, the respective authorization to divert and use water for irrigation shall revert to an authorization to divert and use the same amount of water for industrial purposes, subject to the terms and conditions of Certificate of Adjudication No. 08-2462. Owner shall advise the Executive Director of any amendments to any of the agreements.

(b) The diversion and use of water from Rowlett Creek by the City of Garland shall be deemed to be from the yield of Lake Ray Hubbard as though the diversions were actually from the lake.

5. PRIORITY

The time priority of this amendment is February 2, 1955.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 08-2462 except as herein amended.

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

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

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

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

TEXAS WATER COMMISSION

/s/ Paul Hopkins
Paul Hopkins, Chairman

Date Issued:

February 17, 1984

/s/ Lee B. M. Biggart
Lee B. M. Biggart, Commissioner

ATTEST:

/s/ Ralph Roming
Ralph Roming, Commissioner

/s/ Mary Ann Hefner
Mary Ann Hefner, Chief Clerk

3. DIVERSION

(a) Diversion Point No. 1: On the west, or right, shore of Reservoir No. 1, S 35° E, 2000 feet from the southeast corner of the E. T. Meyers Survey, Abstract No. 617, Collin County, Texas.

Maximum Diversion Rate: 0.7 cfs (300 gpm)

(b) Diversion Point No. 2: On the west, or right, shore of Reservoir No. 2, S 61° E, 1520 feet from the aforesaid survey corner.

Maximum Diversion Rate: 1.1 cfs (500 gpm).

(c) Diversion Point No. 3: On the west, or right, shore of Reservoir No. 3, N 25° W, 1305 feet from the aforesaid survey corner.

~~Maximum Diversion Rate: 1.1 cfs (500 gpm).~~

(d) The above diversion point locations refer to authorized reservoirs of Richardson Country Club, d/b/a Canyon Creek Country Club, located on Canyon Creek.

4. SPECIAL CONDITIONS

(a) The authorization herein to divert and use water for irrigation to fulfill the above-referenced agreement shall remain effective only so long as the agreement is in effect. Upon termination of the agreement, the authorization to divert and use water for irrigation shall revert to an authorization to divert and use the same amount of water for industrial purposes, subject to the terms and conditions of Certificate of Adjudication No. 08-2462. Owner shall advise the Executive Director of any amendment to the agreement.

(b) The diversion and use of water from Canyon Creek by Richardson Country Club shall be deemed to be from the yield of Lake Ray Hubbard as though the diversions were actually from the lake.

5. PRIORITY

The time priority of this amendment is February 2, 1955.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 08-2462, as amended, except as herein amended.

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

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

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

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

TEXAS WATER COMMISSION

/s/ Paul Hopkins
Paul Hopkins, Chairman

/s/ Lee B. M. Biggart
Lee B. M. Biggart, Commissioner

/s/ Ralph Roming
Ralph Roming, Commissioner

Date Issued:

July 29, 1985

Attest:

/s/ Mary Ann Hefner
Mary Ann Hefner, Chief Clerk

AMENDMENT TO
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO.: 08-2462C

Name: CITY OF DALLAS Address: 1500 Marilla Street
Dallas, Texas 75201

Filed: December 17, 1985 Granted: December 17, 1985

Counties: Collin, Dallas, Kaufman,
and Rockwall

Watercourse: East Fork Trinity River, tributary of
Trinity River Watershed: Trinity River Basin

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

WHEREAS, Certificate of Adjudication No. 08-2462, as previously amended, authorized owner to divert and use, inter alia, 1,000 acre-feet of water per annum from Lake Ray Hubbard for domestic purposes; and

WHEREAS, applicant has requested an amendment to Certificate of Adjudication No. 08-2462, as amended, to authorize, for a 20-year period, a change in purpose of use, from domestic to irrigation and recreational, with respect to 500 acre-feet of water per annum from Lake Ray Hubbard.

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 08-2462, as amended, is issued to the City of Dallas, subject to the following terms and conditions:

1. USE

In lieu of the prior authorization contained in Certificate of Adjudication No. 08-2462, as amended, to divert and use 1,000 acre-feet of water per annum from Lake Ray Hubbard for domestic purposes, owner is authorized to divert and use water from Lake Ray Hubbard as follows:

- (a) 500 acre-feet per annum for domestic purposes;
- (b) 450 acre-feet per annum for irrigation purposes; and
- (c) 50 acre-feet per annum for recreational purposes.

2. SPECIAL CONDITION

This amendment shall expire and become null and void 20 years from its date of issuance. Upon expiration, the authorizations herein to divert and use water for irrigation and recreational purposes shall revert to an authorization to divert the same amounts of water for domestic purposes, subject to the prior terms and conditions of Certificate of Adjudication No. 08-2462, as amended.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 08-2462, as amended, except as herein amended.

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

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

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

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

TEXAS WATER COMMISSION

DATE ISSUED:

January 17, 1986

ATTEST:

/s/ Mary Ann Hefner
Mary Ann Hefner, Chief Clerk

/s/ Paul Hopkins
Paul Hopkins, Chairman

/s/ Ralph Roming
Ralph Roming, Commissioner

/s/ John O. Houchins
John O. Houchins, Commissioner

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



AMENDMENT TO
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 08-2462D

Permittee	: City of Dallas	Address	: 1500 Marilla 4AS Dallas, Texas 75201
Filed	: October 11, 1995	Granted	: JAN 29 1996
Purpose	: Municipal, Domestic, Industrial, Recreation, Irrigation	County	: Collin, Dallas, Kaufman and Rockwall
Watercourse	: East Fork Trinity River, Tributary of the Trinity River	Watershed	: Trinity River Basin

WHEREAS, Certificate of Adjudication No. 08-2462 was issued to the City of Dallas on July 22, 1983 and authorized certificate owner, with a time priority of February 2, 1955, to maintain an existing dam and reservoir, known as Lake Ray Hubbard, on the East Fork Trinity River and impound therein not to exceed 490,000 acre-feet of water. Owner was also authorized: to divert and use not to exceed 78,700 acre-feet of water per annum from the reservoir for municipal purposes; to divert and use not to exceed 10,000 acre-feet of water per annum for from the reservoir for industrial purposes and to divert and use not to exceed 1000 acre-feet of water annum from the reservoir for domestic purposes; and

WHEREAS, Certificate No. 08-2462 has been amended three times and currently authorizes certificate owner: to divert and use 78,700 acre-feet of water per annum for municipal purposes; to divert and use 9510 acre-feet of water for industrial purposes; to divert and use not to exceed 500 acre-feet of water per annum for domestic purposes; to divert and use 940 acre-feet of water per annum for irrigation purposes and to divert and use 50 acre-feet of water per annum for recreational purposes from Lake Ray Hubbard or tributaries upstream of Lake Ray Hubbard; and

WHEREAS, an application was received from the City of Dallas wherein applicant seeks to amend the certificate by authorizing an additional use of 2000 acre-feet of the 78,700 acre-feet of water per annum now authorized for municipal purposes from Lake Ray Hubbard for either municipal or irrigation use; and

WHEREAS, the Texas Natural Resource Conservation Commission finds that jurisdiction over the application is established; and

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

NOW, THEREFORE, this amendment to Certificate No. 08-2462, as amended, is issued to the City of Dallas subject to the following terms and conditions:

1. USE

In lieu of the prior authorization contained in Certificate of Adjudication No. 08-2462, as amended to divert and use not to exceed 78,700 acre-feet of water per annum from Lake Ray Hubbard for municipal purposes, owner is authorized to divert and use 78,700 acre-feet of water from Lake Ray Hubbard for municipal purposes of which not more than 2000 acre-feet of water per annum may be used for municipal or irrigation purposes.

2. WATER CONSERVATION

Owner shall implement the updated "Dallas Water Conservation Plan (September 20, 1995). Any subsequent plan used by the owner shall 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, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future use or alternative uses. Such plan shall include a requirement in every wholesale water supply contract entered into, on or after the effective date of this permit, including any contract extension or renewal, that each successive wholesale customer develop and implement water conservation measures. If the customer intends to resell the water, then the contract for the resale of the water must have water conservation requirements so that each successive wholesale customer in the resale of the water will be required to implement water conservation measures.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate No. 08-2462, as amended, except as specifically amended herein.

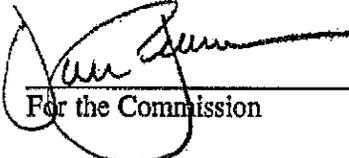
This amendment is issued subject to all superior and senior water rights in the Trinity Basin.

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

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

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

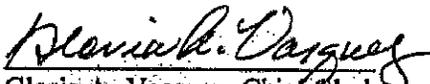
TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION



For the Commission

Date Issued: JAN 29 1996

ATTEST:


Gloria A. Vasquez, Chief Clerk

- 1) changing the purpose of use of 298 acre-feet per annum of the 9510 acre-feet of water per annum now authorized for diversion from Lake Ray Hubbard for industrial use to irrigation use;
- 2) allowing diversion of this irrigation water by the City of Garland from a diversion point on Rowlett Creek approximately 3000 feet downstream from that now included in the water right at a maximum rate of 1000 gallons per minute for irrigation; and
- 3) authorizing use of the remaining 9212 acre-feet of water per annum now authorized for industrial use from Lake Ray Hubbard for municipal or industrial use; and

WHEREAS, the staff has recommended that in order to protect environmental concerns in Rowlett Creek at the diversion site and downstream of the site, diversions from the creek should only be authorized when there is a specific amount of flow in the creek downstream of the diversion point; and

WHEREAS, the Texas Natural Resource Conservation Commission finds that jurisdiction over the application is established; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Natural Resource Conservation Commission in issuing this permit.

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 08-2462, as amended, is issued to the City of Dallas subject to the following terms and conditions:

1. USES

In lieu of the authorization currently included in Certificate No. 08-2462, as amended, to divert and use not to exceed 9510 acre-feet of water per annum from Lake Ray Hubbard for industrial use and to divert and use not to exceed 180 acre-feet of water per annum from Rowlett Creek for irrigation use, owner is authorized to divert and use not to exceed 9212 acre-feet of water per annum from Lake Ray Hubbard for industrial and municipal use and to divert and use not to exceed 478 acre-feet of water per annum from Rowlett Creek for irrigation use.

2. DIVERSION

In addition to the authorization included in the certificate to divert and use not to exceed 180 acre-feet of water per annum at a maximum rate of 750 gallons per minute from a specific point on Rowlett Creek for irrigation use, owner is authorized to divert and use not to exceed 298 acre-feet of water per annum at a maximum rate of 1000 gallons per minute from a point on Rowlett Creek at Latitude 32.970° N and Longitude 96.630° W, approximately 3000 feet downstream of the currently authorized diversion point.

3. WATER CONSERVATION

- a. Owner shall implement their September 20, 1995 updated "Dallas Water Utilities Water Conservation Plan". Any subsequent plan used by the owner shall 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, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water or prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plan shall include a requirement in every wholesale water supply contract entered into, on or after the issue date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement water conservation measures. If the customer intends to resell the water, then the contract for the resale of the water must have water conservation requirements so that each successive wholesale customer in the resale of the water will be required to implement water conservation measures.
- b. Within 120 days from the issuance of this amendment, owner shall respond to the Commission staff's memorandum of January 3, 1996 which includes recommendations concerning the owner's water conservation plan.

4. SPECIAL CONDITION

In order to protect downstream environmental concerns, owner is authorized to divert the 298 acre-feet of irrigation water per annum included in this amendment from Rowlett Creek only when the flow of the creek at U.S.G.S, Gaging Station No. 08061540 near Sachse, Texas equals or exceeds 25 cubic feet per second (cfs) during the months of January through June and equals or exceeds 15 cfs during the months of July through December.

5. TIME PRIORITY

The time priority of this amendment is February 2, 1955.

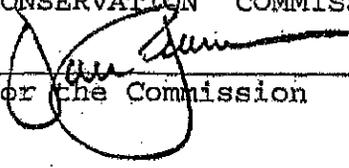
This amendment is issued subject to all superior and senior water rights in the Trinity River Basin.

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

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

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

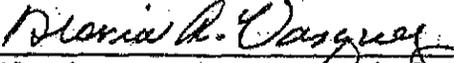
TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION



For the Commission

DATE ISSUED: **MAR 01 1956**

ATTEST:



Gloria A. Vasquez, Chief Clerk

WHEREAS, none protested the granting of this amendment; and

WHEREAS, the Texas Natural Resource Conservation Commission finds that granting this amendment will benefit the public welfare; and

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 08-2462, as amended, designated Certificate of Adjudication No. 08-2462F, is issued to the City of Dallas, subject to the following terms and conditions:

1. DIVERSION

In lieu of the authorization to divert water from the aforesaid reservoir, and other points authorized for diversion, at a maximum combined diversion rate of 309.37 cfs (138,845 gpm), owner is now authorized to divert water from the aforesaid reservoir, and other points authorized for diversion, at a maximum combined diversion rate of 619 cubic feet per sec (277,807 gallons per minute).

2. TIME PRIORITY

Time priority remains February 2, 1955

6. CONSERVATION

- a. 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, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses.
- b. Every wholesale water supply contract entered into or renewed after official adoption of the water conservation plan, including any contract extension, must ensure that each successive wholesale customer develop and implement a water conservation plan or water conservation measures that incorporate elements of Title 30, Texas Administrative Code Chapter 288.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate No. 08-2462, as amended, except as specifically amended herein.

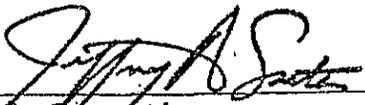
This amendment is issued subject to all superior and senior water rights in the Trinity River Basin.

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

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

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

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION


For the Commission

DATE ISSUED: JUN 06 2002

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 08-2462G

TYPE §§11.122, 11.042 & 11.046

Owner: City of Dallas

Address: 1500 Marilla, Room 4A North
Dallas, Texas 75201

Filed: December 5, 2001

Granted: **OCT 12 2006**

Purpose: Municipal, Industrial,
Agriculture (Irrigation), Mining,
Domestic, Recreation, Livestock,
and Hydroelectric Power Generation

Counties: Dallas, Collin,
Kaufman, and Rockwall

Watercourse: Rowlett Creek and Canyon
Creek, tributary of Rowlett Creek,
tributary of the East Fork Trinity
River, tributary of the Trinity River

Watershed: Trinity River Basin

WHEREAS, Certificate of Adjudication No. 08-2462 authorizes the City of Dallas (Applicant, Owner) to maintain an existing dam and reservoir (Lake Ray Hubbard) on the East Fork Trinity River, tributary of the Trinity River, Trinity River Basin, in Dallas, Rockwall, Collin, and Kaufman Counties, and to impound therein not to exceed 490,000 acre-feet of water; and

WHEREAS, Owner is also authorized to store in Lake Ray Hubbard and divert and use not to exceed 179,000 acre-feet of water conveyed by pipeline from Lake Tawakoni on the Sabine River, Sabine River Basin provided that such water shall not be stored in the Lake above elevation 432 feet above mean sea level or when water otherwise impounded exceeds the amount of 440,000 acre-feet; and

WHEREAS, Owner is authorized to divert and use from Lake Ray Hubbard, three reservoirs on Canyon Creek, tributary of Spring Creek, tributary of Rowlett Creek and two points on Rowlett Creek tributary of the East Fork Trinity River, tributary of the Trinity River, not to exceed 89,700 acre-feet of water per year for multiple purposes (municipal, industrial, agriculture (irrigation), mining, domestic, recreation, livestock), and hydroelectric power generation purposes; and

WHEREAS, the maximum combined diversion rate from Lake Ray Hubbard is 619 cubic-foot-per-second (277,807 gallons-per-minute); and

WHEREAS, the priority date for the aforesaid storage and diversion and use of the water authorized by Certificate of Adjudication No. 08-2462 is February 2, 1955; and

WHEREAS, Applicant has applied for an amendment to Certificate of Adjudication No. 08-2462 to authorize the storage, diversion, and use of return flows of not to exceed 150,000 acre-feet per year delivered by pipeline from Dallas' Central and Southside Wastewater Treatment Plants (WWTP) to Lake Ray Hubbard and future return flows for the purposes authorized by the Certificate; and

WHEREAS, Applicant also seeks authorization to use the bed and banks of Lake Ray Hubbard to convey the return flows from the Central and Southside WWTPs to the diversion points authorized under Certificate of Adjudication 08-2462; and

WHEREAS, Applicant indicates water pumped via pipeline to Lake Ray Hubbard from Dallas Central or Southside WWTPs will be diverted from Lake Ray Hubbard the same day it is conveyed to the Lake and, therefore, there are no increased evaporation or other transportation losses associated with the conveyance; and

WHEREAS, this amendment, if granted, would authorize the applicant to use a portion of the historic and future return flows which originate from existing surface water rights held by the applicant and authorized by: Certificates of Adjudication Nos. 08-2455, 08-2456, 08-2457, 08-2458, 08-2461, 08-2462, and Water Use Permit No. 5414 in the Trinity River Basin; Certificates of Adjudication No. 05-4669 and 05-4670 in the Sabine River Basin; and Certificate of Adjudication No. 06-3254 in the Neches River Basin; and

WHEREAS, Applicant indicates the average annual permitted wastewater discharges and maximum annual permitted wastewater effluent discharges, respectively, from the WWTPs associated with this application were as follows:

Dallas Central WWTP - 157,030 acre-feet / 168,137 acre-feet
Dallas Southside WWTP - 85,800 acre-feet / 123,216 acre-feet; and

WHEREAS, Applicant has also filed an application to amend Certificate of Adjudication No. 08-2456 to authorize the diversion and use of return flows, and in combination with that application, has agreed to leave 114,000 acre-feet of water per year discharged from Dallas' Central and Southside WWTPs into the Trinity River for instream flows; and

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

WHEREAS, four (4) requests for a contested case hearing were received, but all were subsequently withdrawn; and

WHEREAS, the Executive Director recommends special conditions be included in this amendment to mitigate environmental impacts; and

WHEREAS, the Executive Director recommends an accounting plan be developed and implemented and included as a part on this amendment; and

WHEREAS, the City of Dallas' application for this amendment was declared administratively complete by the Executive Director on December 5, 2001, and filed with the Chief Clerk's office on July 25, 2002, and therefore the time priority for the appropriation of additional state water authorized by this amendment is December 5, 2001; 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. 08-2462, designated Certificate of Adjudication No. 08-2462G, is issued to the City of Dallas, subject to the following terms and conditions:

1. IMPOUNDMENT

In addition to existing authorizations, Owner is also authorized to store in Lake Ray Hubbard, within the currently authorized capacity of 490,000 acre-feet, not to exceed 150,000 acre-feet of treated wastewater effluent return flows delivered by pipeline from Dallas' Central Wastewater Treatment Plant and Southside Wastewater Treatment Plant.

2. USE

A. In addition to the current diversion authorization, Owner is also authorized to divert and use from Lake Ray Hubbard not to exceed 150,000 acre-feet of water per year of the amount of documented return flows discharged by the City's Central and Southside Wastewater Treatment Plants for the purposes authorized by Certificate of Adjudication No. 08-4262. The estimated amount of effluent discharged from each of the identified WWTPs is as follows:

Wastewater Treatment Plant	Average Annual Permitted Discharge / Maximum Annual Permitted Discharge
Central WWTP	157,030 acre-feet / 168,137 acre-feet
Southside WWTP	85,800 acre-feet / 123,216 acre-feet
TOTAL	242,830 acre-feet / 291,353 acre-feet

B. Owner is authorized to use the bed and banks of Lake Ray Hubbard to convey a portion of the historic and future return flows from the Central and Southside WWTPs, transported directly by pipeline from the WWTPs to Lake Ray Hubbard, to the diversion points described in this amendment.

3. DISCHARGE POINT

The discharge point of the effluent delivered by pipeline from the Central and Southside Wastewater Treatment Plants into Lake Ray Hubbard is located on the perimeter of the lake upstream of Dallas' current diversion points authorized by Certificate of Adjudication No. 08-2462.

4. DIVERSION POINTS

A. LOCATION

The water authorized by this amendment will be diverted at the existing diversion points authorized by Certificate of Adjudication No. 08-2462.

B. RATE

Permittee is authorized to divert the water authorized by this amendment from Lake Ray Hubbard at a combined maximum rate of 619 cubic-feet-per-second (277,807 gallons-per-minute).

5. TIME PRIORITY

The time priority for the use of return flows authorized by this amendment is December 5, 2001.

6. CONSERVATION

Permittee shall implement a water conservation plan that provides 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, maintain or improve the efficiency in the use of water, increase the recycling and reuse 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 wholesale water contract entered into, on or after the effective date of this amendment, including any 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 must have water conservation requirements so that each successive wholesale customer in the resale of the water be required to implement water conservation measures.

7. SPECIAL CONDITIONS

A. Prior to the diversion of the water authorized herein, Owner shall prepare, implement, and follow an accounting plan, approved by the Executive Director, that

shall account for measured discharges to Lake Ray Hubbard from the WWTPs, and appropriate loss factors.

- B. The Owner shall maintain electronic records (in spreadsheet or database format) of the records of discharges of each of the specified WWTPs used in the return flow accounting, and diversions of the return flows and make them available to the public during normal business hours and shall submit them to the Executive Director upon request.
- C. Owner may divert from Lake Ray Hubbard, on the same day it is conveyed, the amount of water pumped via pipeline to Lake Ray Hubbard from Dallas' Central or Southside WWTPs.
- D. Owner, in combination with Certificate of Adjudication No. 08-2456, shall continue to discharge 114,000 acre-feet of water per year of treated effluent from Dallas' Central and Southside WWTPs and allow that amount to remain in the Trinity River Basin for instream flows.
- E. Prior to Owner's diversion of the water authorized herein, there shall be installed and maintained, at the discharge point of each WWTP, a measuring device(s), capable of measuring within plus or minus 5% accuracy, to record the amount of water discharged.
- F. Owner shall amend the water quality discharge permits for the Dallas Central WWTP (TPDES No. 10060-001) and the Dallas Southside WWTP (TPDES No. 10060-006) to reflect the addition of the discharge point(s) for the water authorized to be reused by this amendment from Lake Ray Hubbard.
- G. Prior to the diversion and use of future increases of treated effluent from the Dallas Central Wastewater Treatment Plant and the Dallas Southside Wastewater Treatment Plant conveyed to Lake Ray Hubbard, Owner must apply for and be granted the authority to divert and use those increased return flows.

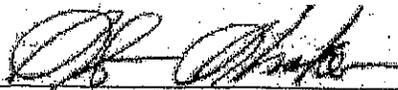
This amendment is issued subject to all terms, conditions, and provisions contained in Certificate No. 08-2462, as amended, except as specifically amended herein.

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

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

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

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



Executive Director, Texas Commission on Environmental Quality

DATE ISSUED: OCT 12 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 08-2462H AMENDMENT NO. 08-2462H TYPE §§11.122

Owner: City of Dallas Address: 1500 Marilla, Room 4A North
Dallas, Texas 75201

Filed: July 27, 2004 Granted: **NOV 16 2004**

Purpose: Multiple Purposes (Municipal, Counties: Dallas, Rockwall, Collin and
Agriculture (Irrigation), Industrial, Kaufman
Mining, Livestock, Domestic and Recreation)

Watercourse: East Fork Trinity River, Watershed: Trinity River Basin
Tributary of the Trinity River

WHEREAS, Certificate of Adjudication No 08-2462 authorizes the City of Dallas (Applicant) to maintain an existing dam and reservoir (Lake Ray Hubbard) on the East Fork Trinity River, tributary of the Trinity River, Trinity River Basin, in Dallas, Rockwall, Collin, and Kaufman Counties, and to impound therein 490,000 acre-feet of water; and

WHEREAS, several Special Conditions exist; and

WHEREAS, Owner is authorized to divert and use from Lake Ray Hubbard, three reservoirs on Canyon Creek, tributary of Spring Creek, tributary of Rowlett Creek and two points on Rowlett Creek tributary of the East Fork Trinity River, tributary of the Trinity River, not to exceed 89,700 acre-feet of water per year at a maximum combined diversion rate of 619 cfs (277,807 gpm) for municipal, domestic, agriculture (irrigation), industrial, industrial or municipal, municipal or agricultural (irrigation), hydroelectric power-generating, and recreational purposes; and

WHEREAS, the priority date for the diversion and use of the authorized water is February 2, 1955; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 08-2462 by changing the purpose of use of the 89,700 acre-feet of water per year to multiple purposes (municipal, industrial, agricultural (irrigation), mining, domestic, recreation, livestock, and hydroelectric power-generating); and

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

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 08-2462, designated Certificate of Adjudication No. 08-2462H, is issued to the City of Dallas, subject to the following terms and conditions:

1. USE

In lieu of the previous authorization to divert and use 89,700 acre-feet of water per year for municipal, domestic, agriculture (irrigation), industrial, industrial or municipal, municipal or agricultural (irrigation), hydroelectric power-generating, and recreational purposes, the City of Dallas is authorized to divert and use not to exceed 89,700 acre-feet of water per year for multiple purposes (municipal, industrial, agricultural (irrigation), mining, domestic, recreation, livestock, and hydroelectric power-generating).

2. PRIORITY

The priority date for the diversion and use of the 89,700 acre-feet of water per year is February 2, 1955

3. CONSERVATION

Owner 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, maintain or improve the efficiency in the use of water, increase the recycling and reuse 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 wholesale water contract entered into, on or after the effective date of this amendment, including any 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 must have water conservation requirements so that each successive wholesale customer in the resale of the water be required to implement water conservation measures

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 08-2462, as amended, except as specifically amended herein.

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

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

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

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

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY



For the Commission

DATE ISSUED: NOV 16 2004