

**TCEQ DOCKET NO. 2016-0531-WR  
APPLICATION NO. 14-5434E**

<b>APPLICATION OF THE LOWER</b>	§	
<b>COLORADO RIVER AUTHORITY</b>	§	<b>BEFORE THE</b>
<b>FOR AN AMENDMENT TO</b>	§	<b>TEXAS COMMISSION ON</b>
<b>CERTIFICATE OF ADJUDICATION</b>	§	<b>ENVIRONMENTAL QUALITY</b>
<b>NO. 14-5434</b>	§	

**CITY OF AUSTIN’S REPLY TO RESPONSES  
TO REQUESTS FOR CONTESTED CASE HEARING**

TO THE HONORABLE COMMISSIONERS:

The City of Austin submits this reply to responses to requests made to the Texas Commission on Environmental Quality (TCEQ) for a contested case on the Lower Colorado River Authority’s (LCRA) Application to Amend Certificate No. 14-5434 (Application).

**BACKGROUND AND DISCUSSION**

In accordance with TCEQ rules, the City of Austin (herein City or City of Austin) timely requested a contested case hearing on this Application on June 23, 2003.<sup>1</sup> The City of Austin in its hearing request asserted, among other things, that it has a personal justiciable interest, and hence is an affected person, as the owner of major water rights that would be affected by LCRA’s amendment to Certificate of Adjudication No. 14-5434. TCEQ’s Executive Director in his Response to Hearing Requests filed on August 15, 2016 recognized that the City’s hearing request met the administrative requirements of 30 Tex. Admin. Code § 55.251(c) and recommended that the Commission grant the City of Austin’s hearing request stating that:

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<sup>1</sup> The City’s request is attached to the TCEQ Executive Director’s Response to Hearing Requests filed on August 15, 2016.

The City's intervening water rights could be adversely impacted without adequate special conditions. The interest claimed is protected by law and the City's water rights could be impaired.

The City agrees with the TCEQ ED's assessment of its hearing request and the ED's recommendation to grant the City's request. The City continues to assert its request for a contested case hearing on LCRA's Application and incorporates into this Reply all of the statements made in the City's June 23, 2003 hearing request.<sup>2</sup>

### **CONCLUSION**

The City respectfully requests that the Commission grant the City's request for a contested case hearing on LCRA's Application to Amend Certificate of Adjudication No. 14-5434.

RESPECTFULLY SUBMITTED,

ANNE L. MORGAN, CITY ATTORNEY  
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**ATTORNEYS FOR CITY OF AUSTIN**

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<sup>2</sup> The City notes that the Map of LCRA's New Diversion Points and Hearing Requestors' Diversion Points in Attachment B of the ED's Response does not depict LCRA's requested new upstream diversion points from any point on the perimeters of Lake Travis, Lake Austin and Lady Bird Lake, which are included in the draft permit as Items 1.A. and 1.B., and could significantly affect the City's water rights.

**CERTIFICATE OF SERVICE**

I hereby certify that on August 29, 2016, a true and correct copy of the City of Austin's Reply to Responses to Requests for Contested Case Hearing was filed electronically with the Chief Clerk of the Texas Commission on Environmental Quality and was served by first-class mail to all persons on the attached Mailing List.

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