

TCEQ Interoffice Memorandum

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

THRU: Chris Kozlowski, Team Leader
Water Rights Permitting Team

FROM: Sarah Henderson, Project Manager
Water Rights Permitting Team

DATE: June 16, 2022

SUBJECT: Lower Colorado River Authority
WRTP 13833
CN600253637, RN111472916
Application No. 13833 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Colorado River, Colorado River Basin
Wharton County

The application and partial fees were received on April 6, 2022. Additional information and fees were received on June 7 and June 9, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on June 16, 2022. Mailed notice to the downstream water right holders of record in the Colorado River Basin is required pursuant to Title 30 Texas Administrative Code § 295.154(a).

All fees have been paid and the application is sufficient for filing.

Sarah Henderson

Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required **YES** **NO**

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 16, 2022

Mr. David Wheelock, P.E.
Lower Colorado River Authority
P.O. Box 220, RBC 316
Austin, TX 78767-0220

VIA E-MAIL

RE: Lower Colorado River Authority
WRTP 13833
CN600253637, RN111472916
Application No. 13833 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Colorado River, Colorado River Basin
Wharton County

Dear Mr. Wheelock:

This acknowledges receipt, on June 7 and June 9, 2022, of additional information and fees in the amount of \$3.76 (Receipt No. M218166, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on June 16, 2022. Staff will continue processing the application for consideration by the Executive Director.

Please be advised that additional information may be requested during the technical review phase of the application process.

If you have any questions concerning this matter, please contact me via email at sarah.henderson@tceq.texas.gov or by telephone at (512) 239-2535.

Sincerely,

Sarah E Henderson

Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Attachment



June 7, 2022

VIA UPS EXPRESS MAIL

Ms. Sarah Henderson
Project Manager
Water Rights Permitting Team
TCEQ
P. O. Box 13087
Austin, Texas 78711-3087

Re: Application No. 13833 – Temporary Water Use Permit
Colorado River, Colorado River Basin – Wharton County

Dear Ms. Henderson:

Pursuant to your letter dated May 19, 2022 (copy attached), enclosed is our check in the amount of \$3.76 to cover additional amounts for recording and notice fees in connection with the referenced application.

In addition, the zip code for the Lane City Dam and reservoir is 77488.

If you or your staff have any questions, I can be reached by phone at 512-730-6849, or email at [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Graml', is written over a white background.

Greg Graml
Associate General Counsel

Via Email: Sarah.Henderson@tceq.texas.gov (letter only)

RECEIVED

JUN 09 2022

Water Availability Division

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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May 19, 2022

Mr. David Wheelock, P.E.
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P.O. Box 220, RBC 316
Austin, TX 78767-0220

VIA E-MAIL

RE: Lower Colorado River Authority
WRTP 13833; CN600253637, RN111472916
Application No. 13833 for a Temporary Water Use Permit
Texas Water Code § 11.138, Requiring Limited Mailed Notice
Colorado River, Colorado River Basin
Wharton County

Dear Mr. Wheelock:

This acknowledges receipt, on April 6, 2022, of the referenced application and fees in the amount of \$101.25 (Receipt No. M215605, copy attached).

Additional information and fees are required before the application can be declared administratively complete.

1. Provide the ZIP code for the location of Lane City Dam and reservoir.
2. Remit fees in the amount of \$3.76 as described below. Please make the check payable to the Texas Commission on Environmental Quality or the TCEQ.

Filing Fee	\$ 100.00
Recording Fee	\$ 1.25
<u>Notice Fee (\$0.94 x 4 water right holders)</u>	<u>\$ 3.76</u>
TOTAL FEES	\$ 105.01
<u>FEES RECEIVED</u>	<u>\$ 101.25</u>
TOTAL FEES DUE	\$ 3.76

Please provide the requested information and fees by June 20, 2022, or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have any questions concerning this matter, please contact me via e-mail at Sarah.Henderson@tceq.texas.gov or by telephone at (512) 239-2535.

Sincerely,

Sarah Henderson

Sarah Henderson, Project Manager
Water Rights Permitting Team
Texas Commission on Environmental Quality

Attachment

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • tceq.texas.gov

How is our customer service? tceq.texas.gov/customersurvey

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Basis2 Cost Recovery Report

MAY-13-22 03:29 PM

Transaction Date (From): 01 April 2022
 Transaction Date (To): 13 May 2022

<u>Fee</u>	<u>Receipt #</u>	<u>Proj. #</u>	<u>Acct. #</u>	<u>Paid By</u>	<u>Fac/Per/Ref</u>	<u>Proj. Name</u>	<u>Tcode</u>	<u>Tran. Date</u>	<u>Rec. Amnt.</u>
EMG	FYY0028923		EMG	ZIMMERMAN, R DEE	051122		FO	13-MAY-22	-\$111.25
				LUMINANT MINE PIT 4/MARTIN CREEK LAKE/MA				Receipt # subtotal:	-\$111.25
	M215605	/	EMG	LOWER COLORADO RIVER AUTHORITY	145476		RCUM	13-APR-22	-\$101.25
				145476/1	040722			Receipt # subtotal:	-\$101.25
	M215665		EMG	KINNEY COUNTY	040822		N	08-APR-22	-\$104.25
				VARIOUS STREAMS				Receipt # subtotal:	-\$104.25
	M216232		EMG	RUNGE, CAROLINE R	ADJ23944A		N	20-APR-22	-\$112.50
				AMEND	042022			Receipt # subtotal:	-\$112.50
	M216926		EMG	NORTHGATE WACO LLC	050522		N	05-MAY-22	-\$111.25
				BOSQUE RIVER/BRAZOS BASIN				Receipt # subtotal:	-\$111.25
	M217809		EMG	KINNEY COUNTY	051322		N	13-MAY-22	-\$104.25
								Receipt # subtotal:	-\$104.25
								Fee code subtotal:	-\$3272.25
								Report total:	-\$3272.25

Sarah Henderson

From: Suzy Harris [REDACTED]
Sent: Tuesday, June 7, 2022 3:31 PM
To: Sarah Henderson
Cc: Greg Graml
Subject: Application No. 13833 - Temporary Water Use Permit - Lane City Dam
Attachments: Lane City Dam - Application No. 13833 - 3.76.pdf

Ms. Henderson,

Please see attached correspondence to be delivered via UPS to you tomorrow along with our payment for additional fees.

Thank you,

Suzy Harris
Lower Colorado River Authority | Paralegal
O 512-578-2282
[REDACTED]



June 7, 2022

VIA UPS EXPRESS MAIL

Ms. Sarah Henderson
Project Manager
Water Rights Permitting Team
TCEQ
P. O. Box 13087
Austin, Texas 78711-3087

Re: Application No. 13833 – Temporary Water Use Permit
Colorado River, Colorado River Basin – Wharton County

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Sincerely,

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Greg Graml
Associate General Counsel

Via Email: Sarah.Henderson@tceq.texas.gov (letter only)

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 19, 2022

Mr. David Wheelock, P.E.
Lower Colorado River Authority
P.O. Box 220, RBC 316
Austin, TX 78767-0220

VIA E-MAIL

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Sincerely,

Sarah Henderson

Sarah Henderson, Project Manager
Water Rights Permitting Team
Texas Commission on Environmental Quality

Attachment

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							Receipt # subtotal:	-\$111.25
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							Receipt # subtotal:	-\$104.25
							Fee code subtotal:	-\$3272.25
							Report total:	-\$3272.25



April 5, 2022

Via UPS Next Day Air Saver

TCEQ Water Availability Division, MC-160
12100 Park 35 Circle
Austin, Texas 78753

Re: Lower Colorado River Authority
CN600253637
Application for Temporary Permit
TWC § 11.138
Colorado River, Colorado River Basin
Wharton County

To Whom It May Concern:

Please find one original copy of the Lower Colorado River Authority's application for a temporary permit under Section 11.138, Texas Water Code. A check for **\$101.25** is included to cover application-related fees. An electronic copy has been submitted to WRPT@tceq.texas.gov.

If you or your staff have any questions or would like additional information, I can be reached by phone at 512-730-6849, or email at [REDACTED]

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Graml", is written over a white background.

Greg Graml
Associate General Counsel

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 MC-160, Austin, Texas 78711-3087

Telephone (512) 239-4600, FAX (512) 239-4770

APPLICATION FOR A TEMPORARY WATER USE PERMIT FOR MORE THAN 10 ACRE-FEET OF WATER, AND/OR FOR A DIVERSION PERIOD LONGER THAN ONE CALENDAR YEAR

This form is for an application for a temporary permit to divert water under Section 11.138, Texas Water Code. Any permit granted from this application may be suspended at any time by the applicable TCEQ Office if it is determined that surplus water is no longer available.

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.

- 1. Data on Applicant and Project: Social Security or Federal ID No. 746002915
A. Name: Lower Colorado River Authority, Attn: David Wheelock, P.E.
B. Mailing Address: P.O. Box 220, RBC 316
C. Telephone Number: (512) 730-6822 Fax Number: (512) 473-3551 E-mail Address:
D. Applicant owes fees or penalties? Yes No
E. Describe Use of Water: Industrial for construction use. See Supplemental Information attached to this application.
F. Description of Project (TDH Project No. if applicable)
G. Highway Designation No. County

- 2. Type of Diversion (check one): From Stream From Reservoir
3. Rate of Diversion: A. Maximum gpm (capacity of pump)

4. Amount and Source of Water: acre-feet of water within a period of (specify term period not to exceed a three year term). The water is to be obtained from tributary of Basin.

5. Location of Diversion Point: Provide Latitude and Longitude in decimal degrees to at least six decimal places, and indicate the method used to calculate the diversion point location. At Latitude 29.190173 N, Longitude -96.070325 W, ((at) or (near) the stream crossing of), (at a reservoir in the vicinity of) (R-O-W) (Highway), located in Zip Code, located 8.5 miles in a south direction from (County Seat), County, and miles in a direction from City of Wharton, a nearby town shown on County road map. Note: Distance in straight line miles.

Enclose a USGS 7.5 minute topographic map with the diversion point and/or the return water discharge points labeled. Owner's written consent is required for water used from any private reservoir, or private access to diversion point.

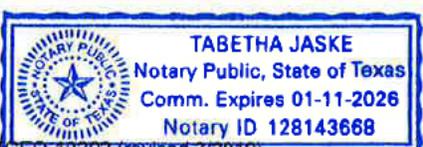
- 6. Access to Diversion Point (check one): Public right-of-way Private property (A letter of permission from landowner is attached) Other (Explain)
7. Fees Enclosed: Filing Recording Use (\$1.00 per ac-ft or fraction thereof) (Note: 1 ac-ft = 325,851 gals. 1 ac-ft = 7758.35 bbls.) Total \$101.25

Upon completion of any project for which a temporary water permit is granted, the Permittee is required by law to report the amount of water used. This document must be properly signed and duly notarized before it can be accepted or considered by the Texas Commission on Environmental Quality.

Signature of John B. Hofmann

Name (print) John B. Hofmann

Subscribed and sworn to me as being true and correct before me this 5th day of April, 2022



Signature of Tabetha Jaske, Notary Public, State of Texas

SUPPLEMENTAL INFORMATION

- Certificate of Adjudication 14-5476, section 1.A., authorizes the storage of water behind Lane City Dam. (See **Exhibit A**, attached.) Special condition 5.B. of the certificate calls for the gate at Lane City Dam to be in the down or open position for periods other than from March 15 to October 15.
- Applicant seeks to obtain temporary authorization(s) that would authorize the gate to be in the up or closed position year-round while rehabilitation work is performed at and adjacent to Lane City Dam. This includes the periods from October 16, 2022 to March 14, 2023, October 16, 2023 to March 14, 2024, and October 16, 2024 to March 14, 2025 when the special condition in the certificate would otherwise call for the gate to be in the down or open position. Applicant is agreeable to a condition whereby, in the event the rehabilitation work is completed prior to March 15, 2025, the temporary authorization is terminated.
- Applicant is performing rehabilitation work at the Lane City Dam site as a result of damage to the dam and surrounding areas that occurred in high flow events including Hurricane Harvey and subsequent flooding events. During the period until the rehabilitation is complete, LCRA's engineering consultants recommend that the gate at Lane City Dam have the option to be maintained in the up or closed position to mitigate against additional damage. The operation of the dam in this manner with the gate in a closed position results in normal flows passing more uniformly and slowly over the entire width of the dam, rather than concentrated with higher velocities through the narrower gate opening.
- At such times that the gate is in the closed position, the Lane City Dam pool will be maintained full and water will continue to pass over the dam and there will be no interruption of instream flows.
- Monthly median flows at the Wharton gage (just upstream of the Lane City Dam) for the period October 15 to March 15 range from a minimum of 930-cfs in November to maximum of 1250-cfs in March. LCRA has developed a rating curve that provides the water surface elevation behind the dam when the gate is open. According to this curve, when the gate is in the open position and river discharge is the minimum median 930-cfs flow rate, the water surface elevation behind the dam is approximately 48.9-feet above mean sea level (amsl), or 1.3-feet below the dam spillway elevation of 50.2 feet amsl. The surface area behind Lane City Dam, when the gate is closed, is approximately 48.5 acres as modeled in the TCEQ water availability model ("WAM")¹. Therefore, the increase in water held behind the dam when in the closed position during the period October 15

¹ The water surface area of the Lane City dam is represented with an equation in WAM that relates the surface area to the storage volume. This means the model applies an equation with a user-specified factor and exponent, to the storage amount in WAM to determine the associated water surface area. The use of this type of equation is widespread throughout the WAM model for small reservoirs where more detailed area/capacity relationships have not been developed. The Modeling Report for the Water Availability Model for the Colorado and Colorado-Brazos Basins included a specific equation developed for those basins which is used for Lane City as follows: $Area = 0.911 (Storage)^{0.695}$. The maximum storage behind the Lane City Dam is 305 acre-feet.

to March 15 is approximately 63 acre-feet (1.3 feet in depth times 48.5 acres of surface area).

- At such times that the gate is closed during the period from October 16 to March 14, Applicant will maintain the impoundment full with operational water supplied under a LCRA Board commitment for LCRA facilities and projects such that water will continue to flow past the dam as if the gate were open. (See **Exhibit B**, attached.) The net effect on State water is zero because of the availability of operational water to offset the incremental impounded volume. To compensate for the impact of the gate being in the closed position, Applicant will supply 63 acre-feet of water from its firm water supplies.
- Applicant has prepared a draft temporary permit consistent with this application and included as **Exhibit C**.



TCEQ Use Only

TCEQ Core Data Form

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided.)		
<input checked="" type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.)		
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)	<input type="checkbox"/> Other	
2. Customer Reference Number (if issued)	Follow this link to search for CN or RN numbers in Central Registry**	3. Regulated Entity Reference Number (if issued)
CN 600253637		RN

SECTION II: Customer Information

4. General Customer Information	5. Effective Date for Customer Information Updates (mm/dd/yyyy)	4/5/2022	
<input type="checkbox"/> New Customer <input type="checkbox"/> Update to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership <input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)			
The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).			
6. Customer Legal Name (If an individual, print last name first: eg: Doe, John)		If new Customer, enter previous Customer below:	
Lower Colorado River Authority			
7. TX SOS/CPA Filing Number	8. TX State Tax ID (11 digits)	9. Federal Tax ID (9 digits)	10. DUNS Number (if applicable)
		746002915	
11. Type of Customer:	<input type="checkbox"/> Corporation	<input type="checkbox"/> Individual	Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited
Government: <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> State <input checked="" type="checkbox"/> Other	<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Other:	
12. Number of Employees	13. Independently Owned and Operated?		
<input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input checked="" type="checkbox"/> 501 and higher	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
14. Customer Role (Proposed or Actual) – as it relates to the Regulated Entity listed on this form. Please check one of the following			
<input type="checkbox"/> Owner <input type="checkbox"/> Operator <input checked="" type="checkbox"/> Owner & Operator <input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input type="checkbox"/> Voluntary Cleanup Applicant <input type="checkbox"/> Other:			
15. Mailing Address:	P.O. Box 220, RBC 316		
	City	Austin	State TX ZIP 78767 ZIP + 4 0220
16. Country Mailing Information (if outside USA)		17. E-Mail Address (if applicable)	
		[REDACTED]	
18. Telephone Number	19. Extension or Code	20. Fax Number (if applicable)	
(512) 730-6822		(512) 473-3551	

SECTION III: Regulated Entity Information

21. General Regulated Entity Information (If 'New Regulated Entity' is selected below this form should be accompanied by a permit application)	
<input checked="" type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input type="checkbox"/> Update to Regulated Entity Information	
The Regulated Entity Name submitted may be updated in order to meet TCEQ Agency Data Standards (removal of organizational endings such as Inc, LP, or LLC).	
22. Regulated Entity Name (Enter name of the site where the regulated action is taking place.)	
Lane City Dam	

23. Street Address of the Regulated Entity: <i>(No PO Boxes)</i>							
	City		State		ZIP		ZIP + 4
24. County							

Enter Physical Location Description if no street address is provided.

25. Description to Physical Location:	The dam is approximately 3 miles southwest of the intersection of County Road 120 and State Highway 60 in Lane City, Texas, and approximately 3.1 miles southwest of Lane City.						
26. Nearest City					State	Nearest ZIP Code	
27. Latitude (N) In Decimal:	29.190173			28. Longitude (W) In Decimal:	-96.070325		
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds		
29. Primary SIC Code (4 digits)	30. Secondary SIC Code (4 digits)		31. Primary NAICS Code (5 or 6 digits)		32. Secondary NAICS Code (5 or 6 digits)		
33. What is the Primary Business of this entity? <i>(Do not repeat the SIC or NAICS description.)</i>							
The Lower Colorado River Authority is a Texas conservation and reclamation district.							
34. Mailing Address:	P.O. Box 220, RBC 316						
	City	Austin	State	TX	ZIP	78767	ZIP + 4 220
35. E-Mail Address:	David.Wheelock@lcra.org						
36. Telephone Number		37. Extension or Code			38. Fax Number <i>(if applicable)</i>		
(512) 730-6822					(512) 473-3551		

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form. See the Core Data Form instructions for additional guidance.

<input checked="" type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Emissions Inventory Air	<input type="checkbox"/> Industrial Hazardous Waste
<input type="checkbox"/> Municipal Solid Waste	<input type="checkbox"/> New Source Review Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS
<input type="checkbox"/> Sludge	<input type="checkbox"/> Storm Water	<input type="checkbox"/> Title V Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil
<input type="checkbox"/> Voluntary Cleanup	<input type="checkbox"/> Waste Water	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:

SECTION IV: Preparer Information

40. Name:	Greg Graml	41. Title:	Associate General Counsel
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(512) 730-6849		(512) 473-4010	

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 6 and/or as required for the updates to the ID numbers identified in field 39.

Company:	Lower Colorado River Authority	Job Title:	Executive VP, Water
Name <i>(In Print)</i> :	John B. Hofmann	Phone:	(512) 578- 7083

Signature:

J. B. [Signature]

Date:

April 4 2022

Certificate of Adjudication 14-5476

2. USE

LCRA is authorized to divert and use not to exceed 262,500 acre-feet of water per annum from the Colorado River to irrigate 50,000 acres of land located within the Authority's Gulf Coast Water Division Service Area in Matagorda and Wharton Counties, Texas.

3. DIVERSION

A. Location:

- (1) At a point on the east bank of the reservoir on the Colorado River authorized in Paragraph 1A, above, in the Sylvenus Castleman Grant, Abstract 11, Wharton County, Texas.
- (2) At a point on the east bank of the aforesaid reservoir on the Colorado River authorized in Paragraph 1B, above, in the John F. Bowman and Henry Williams Grant, Abstract 9, Matagorda County, Texas.
- (3) At a point on the west bank of the aforesaid reservoir on the Colorado River in the Thomas Cayce Grant, Abstract 14, Matagorda County, Texas.

B. Maximum rate:

- (1) 561.00 cfs (252,450 gpm) at Diversion Point 1.
- (2) 145.20 cfs (65,340 gpm) at Diversion Point 2.
- (3) 561.00 cfs (252,450 gpm) at Diversion Point 3.

4. PRIORITY

A. The time priority of LCRA's right is December 1, 1900 for the diversion and use of water for irrigation purposes, subject to the following conditions:

- (1) LCRA shall not impose its priority with respect to 33,930 acre-feet of water per year (the difference between 262,500 and 228,570 acre-feet per year) against any junior water right with a priority date senior to November 1, 1987.
- (2) The entire amount of water authorized herein is specifically subordinated, as to priority, to the City of Austin's Lake Austin Rights authorized and defined in Paragraph 5.A., Certificate of Adjudication 14-5471.

Certificate of Adjudication 14-5476

- B. The time priority of LCRA's right is November 8, 1939 for the impoundment of water in the reservoir authorized in Paragraph 1B, above.
- C. The time priority of LCRA's right is October 24, 1983 for the impoundment of water in the reservoir authorized in Paragraph 1A, above.

5. SPECIAL CONDITIONS

- A. Owner shall maintain suitable outlets in the aforesaid dams authorized herein to allow the free passage of water that Owner is not entitled to divert or impound.
- B. LCRA is authorized to impound water behind the dam authorized in Paragraph 1A, above, only between March 15 and October 15 of every year. During the remainder of the year, the Bascule Gate, or any other gate installed in this structure, will be in "down" or open position with no impoundment occurring.
- C. LCRA is required to operate the closing of the gate of the dam authorized in Paragraph 1A, above, so as to minimize the effects on streamflow downstream. Specifically, LCRA shall not reduce streamflow past the gate to a flow lower than 75 percent of the streamflow indicated at the U.S.G.S. streamflow station at Wharton.

The location of pertinent features related to this certificate are shown on Page Nos. 17 and 18 of the Lower Colorado River Segment Certificates of Adjudication Maps, copies of which are located in the office of the Texas Water Commission, Austin, Texas.

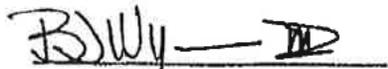
This certificate of adjudication is issued subject to all terms, conditions and provisions in the final judgment and decree of the 264th Judicial District Court of Bell County, Texas, in Cause No. 115,414-A-1, In Re: The Exceptions of the Lower Colorado River Authority and the City of Austin to the adjudication of water rights in the Lower Colorado River Segment of the Colorado River Basin dated April 20, 1988 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 Colorado River Basin.

Certificate of Adjudication 14-5476

This certificate of adjudication is issued subject to the Rules of the Texas Water Commission 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


B. J. Wynne, III, Chairman

DATE ISSUED:

JUN 28 1989

ATTEST:


Brenda W. Foster, Chief Clerk

TEXAS WATER COMMISSION



AMENDMENT TO CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-5476A

TYPE: AMENDMENT

Name:	Lower Colorado River Authority	Address:	PO BOX 220 AUSTIN TX 78767
Filed:	September 3, 1992	Granted:	NOV 18 1992
Purpose:	Hydroelectric Generation	Power County:	Matagorda
Watercourse:	Colorado River	Watershed:	Colorado River Basin

WHEREAS, Certificate of Adjudication No. 14-5476 was issued to the Lower Colorado River Authority (LCRA) on June 28, 1989, and authorizes owner to maintain two existing dams and reservoirs on the Colorado River; the Lane City Dam is authorized to impound 305 acre-feet of water and the Bay City Dam is authorized to impound 78 acre-feet of water. Owner is authorized to divert and use not to exceed 262,500 acre-feet of water per annum from the Colorado River to irrigate 50,000 acres of land within the Authority's Gulf Coast Water Division Service Area in Matagorda and Wharton Counties, Texas; and

WHEREAS, certificate owner seeks to change the description of the location of the Bay City Dam to reflect its actual location. The current description in the certificate is incorrect; and

WHEREAS, Lower Colorado River Authority seeks to amend that portion of the certificate which relates to the Bay City Dam and proposes to repair and modify the existing Bay City Dam; to increase the current pool elevation through replacing the existing flashboard system with a ten foot high reinforced concrete wall anchored to the dam's existing crest slab; to add a hydroelectric generating plant and construction of associated intake structure on the upstream side of the dam and an outfall structure located immediately downstream of the dam; and

WHEREAS, LCRA seeks to add a Diversion Point No. 4 to be associated with the intake structure and to add a maximum rate of diversion for the new diversion point of 3000 cfs; and

WHEREAS, the Texas Water Commission 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 Water Commission in issuing this amendment.

NOW, THEREFORE, this amendment to Certificate No. 14-5476, is issued to the Lower Colorado River Authority, subject to the following:

1. **IMPOUNDMENT**

In Lieu of previous authorizations under Impoundment Paragraph 1. B - certificate owner is authorized to maintain an existing dam and reservoir on the Colorado River and impound therein not to exceed 1560 acre-feet at the normal maximum operating level. The Bay City Dam is located in the Bowman and Williams League; Abstract No. 9, and the Thomas Cayce Survey, Abstract No. 14, Matagorda County, approximately 3 miles southwest of Bay City, Texas.

2. **USE**

In addition to authorizations in Use Paragraph 2., owner is authorized:

To divert flows of the Colorado River through the Bay City Dam for hydroelectric power generation purposes. At the permittee's rate of diversion of 3000 cfs, approximately 2,142,180 acre-feet of water per annum will be diverted through the facility.

3. **DIVERSION POINT**

In addition to the diversion points authorized under the certificate in Diversion Paragraph A. (1, 2, & 3), owner is authorized:

Diversion Point No. 4 - At a point on the east, or left, bank of the reservoir (immediately adjacent to the dam) at a point located at Latitude 28.994° N, Longitude 96.020 W, also being N 6° W, 900 feet from the southern-most corner of the John F. Bowman and Henry Williams Grant, Abstract No. 9,

Matagorda County, Texas. The dam is at Latitude 28.994° N, Longitude 96.023 W.

The maximum diversion rate from Diversion Point No. 4 will be 3000 cfs (1,375,560 gpm).

4. **TIME LIMITATIONS**

- a. Modifications to the Bay City Dam shall be in accordance with plans approved by the Executive Director and shall be commenced within two years and completed within three years from date of issuance of this amendment.
- b. Failure to commence and/or complete the aforesaid modifications within the period stated above shall cause this amendment to expire and become null and void, unless certificate owner applies for an extension of time to commence and/or complete modifications prior to the respective deadlines for commencement and completion, and the application is subsequently granted.

5. **SPECIAL CONDITION**

- a. LCRA shall operate this dam and associated hydroelectric generation facility in accordance with their Water Management Plan, as amended.
- b. When ordered to do so by the Commission, certificate owner shall provide a means to pass inflows past the dam in such quantities as may be necessary to satisfy the rights of downstream domestic and livestock users and the senior and superior rights of other authorized users.

6. **PRIORITY**

- a. The time priority of the additional storage authorized under this amendment is September 3, 1992.
- b. Water diverted in the generation of hydroelectric power is used on a non-priority basis.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate No. 14-5476, except as specifically amended herein.

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

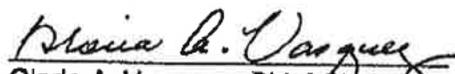
This amendment is issued subject to the Rules of the Texas Water Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS WATER COMMISSION


John Hall, Chairman

DATE ISSUED: NOV 20 1992

ATTEST:


Gloria A. Vasquez, Chief Clerk

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN ORDER cancelling portions of Certificate of Adjudication No. 14-5476A, owned by the Lower Colorado River Authority (LCRA).

A request for an abandonment of portions of Certificate of Adjudication No. 14-5476A in Matagorda County, owned by the LCRA, was presented to the Executive Director of the Texas Commission on Environmental Quality for approval pursuant to Texas Water Code §5.122.

Certificate of Adjudication No. 14-5476A authorizes the LCRA to maintain a dam and reservoir (Bay City Dam) on the Colorado River, Colorado River Basin and impound therein 1,560 acre-feet of water and to divert flows at a diversion point immediately adjacent to the dam at a maximum diversion rate of 3,000 cfs (1,375,560 gpm) for hydroelectric purposes in Matagorda County. The diversion of water for hydroelectric purposes is authorized on a non-priority basis.

On August 31, 2009, the LCRA filed an Abandonment of Water Right form requesting to abandon the following portions of Certificate of Adjudication No. 14-5476A: Paragraph 2, USE, authorizing diversion of up to 2,142,180 acre-feet of water per year for hydroelectric purposes; Paragraph 3, DIVERSION POINT, authorizing diversion of such water at a point (Diversion Point 4) immediately adjacent to the dam; Paragraph 5.a. SPECIAL CONDITION, referencing the "associated hydroelectric generation facility"; and Paragraph 6.b., PRIORITY, giving non-priority status to the diversion of water for hydroelectric purposes.

The requirements of Title 30 Texas Administrative Code §297.75 have been fulfilled and the Commission has jurisdiction to cancel the portions of Certificate of Adjudication No. 14-5476A contained in Paragraph 2, USE, authorizing diversion of up to 2,142,180 acre-feet of water per year for hydroelectric purposes; Paragraph 3, DIVERSION POINT, authorizing diversion of such water at a point (Diversion Point 4) immediately adjacent to the dam; Paragraph 5.a. SPECIAL CONDITION, referencing the "associated hydroelectric generation facility"; and Paragraph 6.b., PRIORITY, giving non-priority status to the diversion of water for hydroelectric purposes. Such portions have been willfully abandoned and should be cancelled to effectuate the policies of this state as set forth in Chapter 11 of the Texas Water Code, as amended. The LCRA has the capacity and authority to willfully abandon portions of the water right included in Certificate of Adjudication No. 14-5476A and to waive notice of and hearing in this matter.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that portions of the water right contained in Paragraph 2, USE, authorizing diversion of up to 2,142,180 acre-feet of water per year for hydroelectric purposes; Paragraph 3, DIVERSION POINT, authorizing diversion of such water at a point (Diversion Point 4) immediately adjacent to the dam; Paragraph 5.a. SPECIAL CONDITION, referencing the "associated hydroelectric generation facility"; and Paragraph 6.b., PRIORITY, giving non-priority status to the diversion of water for hydroelectric purposes included in Certificate of Adjudication No. 14-5476A, owned by the LCRA, is hereby forfeited, revoked, and cancelled.

If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.


For the Commission

DATE ISSUED: **FEB 19 2010**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-5476B Type: 11.122

Owner: Lower Colorado River Authority Address: 3700 Lake Austin Blvd.
Austin, Texas 78703

Filed: August 10, 2011 Granted: September 12, 2011

Purposes: Agricultural, Municipal,
Industrial and Mining Counties: Wharton and Matagorda

Watercourse: Colorado River Watershed: Colorado River Basin

WHEREAS, Certificate of Adjudication No. 14-5476 authorizes the Lower Colorado River Authority (LCRA) to maintain two existing dams and reservoirs (Lane City and Bay City Dam) on the Colorado River, Colorado River Basin and impound therein a combined capacity of 1,865 acre-feet of water; and

WHEREAS, in addition, the LCRA is authorized to divert and use not to exceed 262,500 acre-feet of water per year from three points on the reservoirs for Agricultural purposes to irrigate 50,000 acres of land within the LCRA Gulf Coast Water Diversion Service Area in Matagorda and Wharton Counties, Texas; and

WHEREAS, the maximum diversion rate from Diversion Point 1. on the Lane City Dam and Reservoir is 561.00 cfs (252,450 gpm), the maximum diversion rate from Diversion Point 2. located on the Bay City Dam and Reservoir is 145.20 cfs (65,340 gpm), and the maximum diversion rate from Diversion Point 3 located on the Bay City Dam and Reservoir is 561.00 cfs (252,450 gpm); and

WHEREAS, multiple time priorities and Special Conditions apply; and

WHEREAS, the LCRA seeks to amend Certificate of Adjudication No. 14-5476 to add municipal, industrial, and mining uses; and

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

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

WHEREAS, the Commission has complied with the requirements of the Texas Water Code

and Rules of the Texas Commission on Environmental Quality in issuing this amendment;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 14-5476, designated Certificate of Adjudication No. 14-5476B, is issued to Lower Colorado River Authority, subject to the following terms and conditions:

1. USE

In addition to the previous authorization, Owner is authorized to divert and use not to exceed 262,500 acre-feet of currently authorized water for municipal, industrial, and mining use.

2. WATER 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 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.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 14-5476, as amended, except as specifically amended herein.

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

Date Issued: **September 12, 2011**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a
Texas Commission on Environmental Quality document,
which is filed in the permanent records of the Commission.
Given under my hand and the seal of office on

Bridget C. Bohac FEB 19 2014

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality

AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-5476C

Type: 11.122

Owner: Lower Colorado River Authority

Address: P.O. Box 220
Austin, Texas 78767

Filed: December 13, 2013

Granted: February 13, 2014

Purposes: Agricultural, Municipal,
Industrial, and Mining

Counties: Wharton and Matagorda

Watercourse: Colorado River

Watershed: Colorado River Basin, Colorado-
Lavaca Coastal Basin & Brazos-
Colorado Coastal Basin

WHEREAS, Certificate of Adjudication No. 14-5476 authorizes the Lower Colorado River Authority (LCRA) to maintain two existing dams and reservoirs (Lane City and Bay City Dam) on the Colorado River, Colorado River Basin, and impound therein a combined capacity of 1,865 acre-feet of water; and

WHEREAS, the LCRA is also authorized to divert and use not to exceed 262,500 acre-feet of water per year from three points on the reservoirs for municipal, industrial, mining and agricultural purposes to irrigate 50,000 acres of land within the LCRA Gulf Coast Water Diversion Service Area in Matagorda and Wharton Counties, Texas; and

WHEREAS, the maximum diversion rate from Diversion Point No. 1 on the Lane City Dam and Reservoir is 561.00 cfs (252,450 gpm), the maximum diversion rate from Diversion Point No. 2 located on the Bay City Dam and Reservoir is 145.20 cfs (65,340 gpm), and the maximum diversion rate from Diversion Point No. 3 located on the Bay City Dam and Reservoir is 561.00 cfs (252,450 gpm); and

WHEREAS, multiple time priorities and Special Conditions apply; and

WHEREAS, the LCRA seeks to amend Certificate of Adjudication No. 14-5476 to store water authorized for diversion from the Colorado River, Colorado River Basin by Certificate 14-5476 and other sources into a 52,000 acre-foot off-channel reservoir in Wharton County for subsequent diversion and use; and

WHEREAS, the applicant indicates the off-channel storage will be located at Latitude 29.19510 °N, 96.042949°W Longitude also bearing South 12° of West, 3,000 feet from the northeast corner of the Sylvanus Castleman Survey, Abstract 12, Wharton County; and

WHEREAS, the LCRA also seeks to clarify the extent of the service area to confirm LCRA's authorization to provide water within the Colorado River Basin, as well as the adjacent Brazos-Colorado & Colorado-Lavaca Coastal Basins, within Wharton and Matagorda Counties; and

WHEREAS, the Executive Director recommends Special Conditions be included; and

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

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

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

NOW THEREFORE, this amendment to Certificate of Adjudication No. 14-5476, designated Certificate of Adjudication No. 14-5476C, is issued to the Lower Colorado River Authority, subject to the following terms and conditions:

1. IMPOUNDMENT

In addition to previous authorizations, Owner is authorized to construct and maintain an off-channel dam and reservoir impounding up to 52,000 acre-feet of water.

2. USE

- A. Permittee is authorized to store water lawfully diverted under this permit in the off-channel reservoir authorized in Paragraph 1 and may subsequently divert and use this stored water for municipal, industrial, mining and agricultural purposes to irrigate 50,000 acres of land within the LCRA Gulf Coast Water Diversion Service Area in Matagorda and Wharton Counties.
- B. In lieu of previous authorizations, Owner is now authorized to provide water within the existing service areas covering the Colorado River Basin, Brazos-Colorado Coastal Basin and Colorado-Lavaca Coastal Basin within Wharton and Matagorda Counties.

3. TIME PRIORITY

This amendment does not change the time priority of the existing authorizations.

4. SPECIAL CONDITIONS

- A. Within two years and prior to commencement of construction and impoundment of water diverted from the Colorado River, Owner shall either: (a) submit a detailed statement and plans under Texas Water Code §11.144 for alterations and changes to the plans submitted with the application; or (b) file an application to extend the time for submitting a detailed statement and plans modifying the plans submitted with the application under Texas Water Code §11.144. Prior to commencement of construction, final construction plans must be submitted and approved by the Executive Director.
- B. Owner may store water available from any source legally available to it, as may be evidenced by an LCRA Board reservation or other legally enforceable obligation, provided the source of water is authorized for diversion from the diversion points in this certificate.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 14-5476, as amended, except as specifically amended herein.

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

Date Issued: February 13, 2014

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-5476D	TYPE §§ 11.122, 11.042, 11.085
Owner: Lower Colorado River Authority	Address: P.O. Box 220 Austin, Texas 78767
Filed: June 29, 2016	Granted: November 13, 2017
Purposes: Agricultural, Municipal, Industrial, Mining, and Instream	Counties: Wharton and Matagorda
Watercourse: Colorado River	Watershed: Colorado River Basin, Colorado- Lavaca Coastal Basin and Brazos-Colorado Coastal Basin

WHEREAS, Certificate of Adjudication No. 14-5476 authorizes the Lower Colorado River Authority (LCRA) to maintain two existing dams and reservoirs (Lane City Dam and Bay City Dam) on the Colorado River, Colorado River Basin, and impound therein a combined capacity of 1,865 acre-feet of water; and

WHEREAS, LCRA is also authorized to divert and use not to exceed 262,500 acre-feet of water per year from three points on the reservoirs for municipal, industrial, mining and agricultural purposes to irrigate 50,000 acres of land within the LCRA Gulf Coast Water Division Service Area in Matagorda and Wharton Counties in the Colorado River Basin and the Colorado-Lavaca and Brazos-Colorado Coastal Basins; and

WHEREAS, LCRA is also authorized to construct and maintain an off-channel reservoir in Wharton County (Lane City Off-channel Reservoir) and to impound therein up to 52,000 acre-feet of water, including water authorized for diversion under this certificate and any water legally available to LCRA; and to subsequently divert and use this stored water for municipal, industrial, mining, and agricultural purposes; and

WHEREAS, the maximum diversion rate from Diversion Point No. 1 on the Lane City Dam and Reservoir is 561.00 cfs (252,450 gpm), the maximum diversion rate

from Diversion Point No. 2 located on the Bay City Dam and Reservoir is 145.20 cfs (65,340 gpm), and the maximum diversion rate from Diversion Point No. 3 located on the Bay City Dam and Reservoir is 561.00 cfs (252,450 gpm); and

WHEREAS, multiple time priorities and special conditions apply; and

WHEREAS, LCRA seeks to amend Certificate of Adjudication No. 14-5476 to add instream uses as an authorized beneficial use of water appropriated in that Certificate and subsequently released from Lane City Off-channel Reservoir, in particular to help meet freshwater inflow needs into Matagorda Bay, and to add an authorized place of beneficial use of water appropriated in that Certificate and subsequently released from Lane City Off-channel Reservoir in Matagorda Bay generally located at the mouth of the Colorado River (River Mile 6), Latitude 28.676000° N, Longitude 95.976800° W, also bearing S 11.4° E 6,580 feet from the northeast corner of the Stephen F. Austin Survey, Abstract No. 2, 1.5 miles southwest Matagorda City in Matagorda County; and

WHEREAS, LCRA also seeks to amend the service area for water appropriated in Certificate of Adjudication No. 14-5476 to include Matagorda Bay; and

WHEREAS, LCRA also seeks authorization to use the bed and banks of the Colorado River to convey water discharged from Lane City Off-channel Reservoir for subsequent diversion for beneficial uses authorized by the Certificate at any point along the Colorado River where LCRA or its customers have authorized diversion facilities for municipal, industrial, mining, agricultural or instream purposes, and for instream use in Matagorda Bay; 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 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;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 14-5476, designated Certificate of Adjudication No. 14-5476D, is issued to the Lower Colorado River Authority subject to the following terms and conditions:

1. USE

In addition to the previous authorizations, Owner is authorized to use:

- A. Water appropriated in this Certificate for instream uses, subject to the Special Conditions set forth in Paragraph 6.

- B. The bed and banks of the Colorado River from Lane City Dam and Reservoir to the mouth of the Colorado River (Matagorda Bay) to convey water discharged from Lane City Off-channel Reservoir.

2. DISCHARGE

Owner is authorized to discharge water from Lane City Off-channel Reservoir through a man-made channel and thence to the Colorado River at a point located at Latitude 29.192281° N, Longitude 96.070931° W, also bearing N 25° W, 860 feet from the southwest corner of the Sylvanus Castleman Survey, Abstract No. 11 in Wharton County at a maximum discharge rate during normal operations of 450 cfs (202,000 gpm) and a maximum discharge rate through the outfall of 750 cfs when Owner draws down the reservoir in response to an emergency condition related to extreme wind and precipitation events or other dam safety considerations.

3. DIVERSION

In addition to the previous authorizations, and subject to the Special Conditions set forth in Paragraph 6, Owner is authorized to divert or use the water discharged from Lane City Off-channel Reservoir at the following points:

- A. Any point along the Colorado River downstream of the discharge point authorized in Paragraph 2 where LCRA or its customers have authorized diversion facilities for municipal, industrial, agricultural, mining, or instream purposes.
- B. Matagorda Bay, generally near the mouth of the Colorado River (River Mile 6) located at Latitude 28.676000° N, Longitude 95.976800° W, also bearing S 11.4° E, 6,580 feet from the northeast corner of the Stephen F. Austin Survey, Abstract No. 2, 1.5 miles southwest Matagorda City in Matagorda County for instream use.

4. 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 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 wholesale customer in the resale of the water will be required to implement water conservation measures.

5. TIME PRIORITY

This amendment does not change the time priority of the existing authorizations in the Certificate.

6. SPECIAL CONDITIONS

- A. Use of water for instream uses authorized under Paragraph 1 is limited to use of water stored in Lane City Off-channel Reservoir authorized by Certificate of Adjudication No. 14-5476C and shall not exceed the amounts that, when added to the amount of other water projected to arrive at the location described in Paragraph 3.B, would help meet the monthly and/or relevant maximum seasonal levels of inflow described in the figure set forth in 30 Tex. Admin. Code § 298.330(a) when LCRA is releasing water from the Lane City Off-channel Reservoir to help meet a monthly inflow and/or a spring, fall or intervening season quantity.
- B. The diversion rate of water and, where applied to instream flow, the rate of delivery for use of water at the location described in Paragraph 3.B, is limited to a maximum combined rate not to exceed the rate of water discharged under Paragraph 2 of this Certificate, less conveyance losses to the point(s) of diversion and use.
- C. Owner shall measure and record daily the rate and amount of water discharged into the Colorado River from Lane City Off-channel Reservoir, estimated conveyance losses, and the amounts subsequently diverted and used under Paragraph 3 of this Certificate of Adjudication No. 14-5476D to meet its downstream water supply commitments to customers or used to help meet freshwater inflow needs in Matagorda Bay. Owner shall account for the amount of water used in its annual water use reports to the Commission.
- D. So long as LCRA owns Certificate of Adjudication No. 14-5437, as amended, jointly with the STP Nuclear Operating Company, on behalf of the STP Owners, and except to the extent STP Nuclear Operating Company provides prior and specific written consent, deliveries of water pursuant to this amendment to locations where STP Nuclear Operating Company owns or operates authorized diversion facilities may be made only for purposes of supplying water to STP Nuclear Operating Company consistent with Contractual Permit No. 327A using physical facilities that STP Nuclear Operating Company owns and operates, or that are owned by or operated on behalf of the STP Owners.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 14-5476, as amended, except as specifically amended herein.

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

Date Issued: **November 13, 2017**

CERTIFICATE

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

I, Leigh Sebastian, hereby certify that I am the General Counsel and Assistant Secretary of the Board of Directors of the Lower Colorado River Authority (LCRA), a conservation and reclamation district, duly organized and existing under and by virtue of the public laws of the State of Texas.

I further certify that the Board of Directors of LCRA, on August 19, 2020, in a meeting posted properly in accordance with the Texas Open Meetings Act and with a quorum present and voting, unanimously adopted a revised resolution authorizing the commitment and reservation from LCRA's firm water supplies of 300 acre-feet of water annually through calendar year 2022 and the reservation of 100 acre-feet thereafter, to be used for irrigation and industrial uses at any LCRA facility and for any LCRA project, such resolution replacing a prior resolution for 100 acre-feet per year, and that such resolution is duly recorded in the Board's minutes of the meeting.

I further certify that the attached is a true and correct copy of an excerpt (Minute No. 20-42) from the Board's minutes of the meeting held on August 19, 2020, and of the aforesaid resolution adopted at the meeting. Such resolution has not been modified, amended or repealed and remains in full force and effect as of this date.

TO CERTIFY WHICH, witness my hand and official seal this the 10th day of March, 2022.





Leigh Sebastian, General Counsel
and Assistant Secretary of the
LCRA Board of Directors

EXHIBIT B
Certified Copy of LCRA Board
Commitment, March 10, 2022

EXCERPT FROM THE MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF
THE LOWER COLORADO RIVER AUTHORITY
HELD ON AUGUST 19, 2020

* * * * *

20-42 Executive Vice President of Water John B. Hofmann presented for consideration a staff recommendation, described in Agenda Item 11 [attached hereto as Exhibit H], that the Board adopt the LCRA Board resolution authorizing the reservation from LCRA's firm water supplies of 300 acre-feet annually through calendar year 2022 and the reservation of 100 acre-feet annually beginning in calendar year 2023 to be used for industrial and irrigation purposes at LCRA facilities and projects. Upon motion by Director Martine, seconded by Director Berger, the recommendation was unanimously approved by a vote of 12 to 0.

* * * * *

FOR ACTION

**11. Water Commitment Amendment for LCRA
Facilities and Projects**

Proposed Motion

Adopt the LCRA Board Resolution in Exhibit A authorizing the reservation from LCRA's firm water supplies of 300 acre-feet annually through calendar year 2022 and the reservation of 100 acre-feet annually beginning in calendar year 2023 to be used for industrial and irrigation purposes at LCRA facilities and projects.

Board Consideration

LCRA's water rights for lakes Buchanan and Travis require Board approval for LCRA to supply, or commit to supply, water for its own use.

Budget Status and Fiscal Impact

This action will have no anticipated budgetary or fiscal impact. The supply of water to an LCRA water supply development project is financially within the same Water business unit; therefore, no charges or revenues are anticipated from the increased commitment.

Summary

The terms and conditions applicable to the Board resolution are the same as those applicable to LCRA's standard water contracts. In 2012, the Board reserved 100 acre-feet per year of the firm water supply for water needs associated with LCRA facilities and projects. Construction activities at Arbuckle Reservoir will require water that will exceed the existing Board commitment.

Staff recommends temporarily increasing the current Board commitment to 300 acre-feet per year as described in the resolution. LCRA has firm water supplies available to commit to this use.

Presenter(s)

John B. Hofmann
Executive Vice President, Water

Exhibit(s)

A – LCRA Board Resolution Reserving Water for LCRA Facilities and Projects

EXHIBIT A

**LCRA BOARD RESOLUTION
RESERVING WATER FOR LCRA FACILITIES AND PROJECTS**

WHEREAS, the Lower Colorado River Authority (LCRA) is the owner of Certificate of Adjudication Nos. 14-5478 (as amended) and 14-5482 (as amended), which are the water rights for lakes Buchanan and Travis, respectively; and

WHEREAS, these water rights require the LCRA Board of Directors to adopt a resolution defining any commitment of water to be used by LCRA under these water rights; and

WHEREAS, LCRA is authorized to and does divert and use water under these and other of its water rights for its own facilities and projects;

NOW, THEREFORE BE IT RESOLVED that the Board of Directors in its regular meeting this 19th day of August 2020 commits and reserves 300 acre-feet of raw water per year from its firm water supplies to be used for irrigation and industrial purposes through calendar year 2022 and 100 acre-feet per year beginning in calendar year 2023. This resolution replaces a prior resolution dated March 21, 2012.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



TEMPORARY WATER USE PERMIT

PERMIT NO. XXXXX

TYPE § 11.138

Permittee: Lower Colorado River
Authority

Address: PO Box 220
Austin, Texas 78767

Received: XXXXX

Granted: XXXXX

Purpose: Industrial

County: Wharton

Watercourse: Colorado River

Basin: Colorado River Basin

WHEREAS, after considering the recommendation of the staff relative to the above identified application, the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. The application is in proper form and accompanied by all necessary fees.
2. Certificate of Adjudication No. 14-5476 authorizes Lower Colorado River Authority (LCRA) to impound water in Lane City Dam. Paragraph 5.B. of the certificate requires the gate on Lane City Dam to be in the down or open position for all periods other than March 15 to October 15 of each year.
3. LCRA is performing rehabilitation work on Lane City Dam as a result of damage to the dam and surrounding areas that occurred in high flow events.
4. LCRA seeks a temporary water use permit to authorize the gate at Lane City Dam to be in the up or closed position at times during the period from October 16 to March 14 while rehabilitation work is performed at and adjacent to Lane City Dam.
5. LCRA indicates that, at times the gate at Lane City Dam is in the up or closed position during the periods from October 16 to March 14, the Lane City Dam pool will be maintained full with operational water supplied under an LCRA Board commitment to offset any impacts on State water.
6. Notice of this application was mailed to the downstream water right holders of record within the Colorado River Basin.

EXHIBIT C
Draft Temp. Water Use Permit

CONCLUSIONS OF LAW

1. Jurisdiction is vested to consider this application under Texas Water Code § 11.138 and Title 30 Texas Administrative Code §§ 295.174 and 297.13.
2. The applicant has complied with the particular requirements of the Texas Commission on Environmental Quality.
3. The Executive Director recommends that special conditions be included.

NOW, THEREFORE, Temporary Water Use Permit No. XXXXXX is issued to the Lower Colorado River Authority subject to the following terms and conditions:

1. USE

Permittee is authorized, for a period of three years, to maintain the existing gate structure in the up or closed position year-round and impound an additional 63 acre-feet of water per year for industrial purposes to perform rehabilitation work at the Lane City Dam and reservoir, on the Colorado River, Colorado River Basin, Wharton County, authorized under Certificate of Adjudication No. 14-5476.

2. SPECIAL CONDITIONS

- A. This temporary water use permit shall expire and become null and void on the earlier of three years from the date of issuance or upon completion of the rehabilitation project for Lane City Dam with no further Commission action. Permittee waives the right to notice and hearing on cancellation of this water right and will notify the Executive Director if completion of the rehabilitation of Lane City Dam occurs prior to the expiration of this permit.
- B. This temporary water use permit is junior in priority to all existing water rights in the Colorado River Basin.
- C. Permittee shall provide up to 63 acre-feet of water, plus conveyance losses, from Permittee's firm water supplies to maintain the water level of the pool of Lane City Dam, authorized in Certificate of Adjudication 14-5476, at or above the top of the gate or dam spillway with water flowing over the top of the gate or spillway for the period between October 16 and March 14 for the three-year period this permit is in effect.
- D. Permittee shall maintain records of daily gage flows at USGS Gage 08162000, Colorado River at Wharton, Texas and records of the amount of water provided from Permittee's operational supplies to maintain the water level of the pool of Lane City Dam between October 16 and March 14 for the three-year period this permit is in effect. Permittee shall make the records available to the Executive Director immediately upon request.

This temporary water use permit does not vest in its holder a permanent right and shall in no event be construed as a commitment of the Commission to approve or disapprove any other application or request by the Permittee.

Permittee agrees to be bound by the terms, conditions, and provisions contained herein, and such agreement is a condition precedent to the granting of this temporary water use

permit.

All other matters requested in the application which are not specifically granted by this temporary water use permit are denied.

This permit is issued subject to the Rules of the Texas Commission on Environmental Quality and to its right of continuing supervision.

For the Commission

DATE ISSUED: