

# 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: May 8, 2025

SUBJECT: Lower Colorado River Authority  
WRTP 14121  
CN600253637, RN112194584  
Application No. 14121 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 fees were received on April 14, 2025. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 8, 2025. 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    X YES       NO**

Brooke T. Paup, *Chairwoman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 8, 2025

Mr. Leonard Oliver  
Lower Colorado River Authority  
P.O. Box 220  
Austin, TX 78767-0220

**VIA E-MAIL**

RE: Lower Colorado River Authority  
WRTP 14121  
CN600253637, RN112194584  
Application No. 14121 for a Temporary Water Use Permit  
Texas Water Code § 11.138, Requiring Limited Mailed Notice  
Colorado River, Colorado River Basin  
Wharton County

Dear Mr. Oliver:

This acknowledges receipt, on April 14, 2025, of the application and fees in the amount of \$123.76 (Receipt Nos. M556594A and N556594B, copies attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on May 8, 2025. 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.

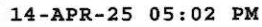
If you have any questions concerning this matter, please contact me via email at [sarah.henderson@tceq.texas.gov](mailto:sarah.henderson@tceq.texas.gov) or by telephone at (512) 239-2535.

Sincerely,

*Sarah Henderson*

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

Attachments



RECEIVED  
APR 15 2025  
Water Availability Division

RECEIVED  
APR 15 2025  
Water Availability Division

	<u>Fee Code</u>	<u>Ref#1</u>	<u>Check Number</u>	<u>CC Type</u>			
	<u>Account#</u>	<u>Ref#2</u>	<u>Card Auth.</u>	<u>Tran Code</u>	<u>Slip Key</u>		
<u>Fee Description</u>	<u>Account Name</u>	<u>Paid In By</u>	<u>User Data</u>	<u>Rec Code</u>	<u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
- WTR USE PERMITS	WUP	M556593	2810		BS00115028	14-APR-25	-\$100.00
	WUP	ADJ141720	041425	N	D5802687		
	WATER USE PERMITS	SHAW, CINDY	RHDAVIS	CK			
	WUP	M556594A	491837		BS00115028	14-APR-25	-\$120.00
	WUP		041425	N	D5802687		
	WATER USE PERMITS	LOWER	RHDAVIS	CK			
		COLORADO					
		RIVER					
		AUTHORITY					
					Total (Fee Code):		-\$220.00
					Grand Total:		-\$1,258.76



14-APR-25 05:02 PM

TCEQ - A/R RECEIPT REPORT BY ACCOUNT NUMBER

<u>Fee Description</u>	<u>Fee Code</u> <u>Account#</u> <u>Account Name</u>	<u>Ref#1</u> <u>Ref#2</u> <u>Paid In By</u>	<u>Check Number</u> <u>Card Auth.</u> <u>User Data</u>	<u>CC Type</u> <u>Tran Code</u> <u>Rec Code</u>	<u>Slip Key</u> <u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
NOTICE FEES-WUP- WATER USE PERM	PTGU PTGU	N556594B	491837 041425	N	BS00115028 D5802687	14-APR-25	-\$3.76
	NOTICE FEES WUP WATER USE PERMITS	LOWER COLORADO RIVER AUTHORITY	RHDAVIS	CK			
Total (Fee Code):							-\$3.76

RECEIVED  
APR 15 2025  
Water Availability Division

RECEIVED  
APR 15 2025  
Water Availability Division



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## TEMPORARY WATER RIGHTS PERMIT

### APPLICATION

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 but not exceeding three years or for a temporary bed and banks authorization.

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

This form may also be used for a temporary bed and banks authorization.

***Applicants are REQUIRED to schedule a pre-application meeting with TCEQ Staff to discuss Applicant's needs prior to submitting an application. Call the Water Rights Permitting Team of the Water Availability Division to schedule a meeting at (512) 239-4600.***

Date of pre-application meeting: 4/2/2025

Indicate whether the following items are included in your application by writing either Y (for yes) or N (for no) next to each item (all items are not required for every application).  
Instructions, Page 5.

Y/N

Y

Administrative Information

N

Additional Co-Applicant Information

N

Additional Co-Applicant Signatures

Y

Written Evidence of Signature Authority

Y

USGS Map (or equivalent)

Y

Worksheet 1.0

N

Recorded Deeds for Irrigated Land

N

Consent for Irrigated Land

N

Worksheet 1.1

N

Worksheet 2.0

N

Additional W.S. 2.0 for each Point

N

Recorded Deeds for Diversion Point(s)

N

Consent for Diversion Access

Y/N

N

Worksheet 3.0

N

Ground Water Well Permit

N

Signed Water Supply Contract

N

Worksheet 3.1

N

Worksheet 4.0

N

Worksheet 5.0

N

Accounting Plan

Y

Worksheet 6.0

Y

Fees

**RECEIVED**  
**APR 14 2025**  
Water Availability Division

# ADMINISTRATIVE INFORMATION

## 1. TYPE OF APPLICATION (Instructions, Page 6)

Indicate, by marking **X**, next to the following authorizations you are seeking.

☒ Temporary Appropriation of State Water

☐ Temporary Bed and Banks Authorization

Please summarize the authorizations you are seeking in the space below or attach a narrative description entitled "Summary of Request."

Certificate of Adjudication 14-5476, section 1.A., authorizes the storage of water behind Lane City Dam in Wharton County, Texas, 77453. 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.

LCRA seeks to obtain temporary authorization(s) that would authorize the gate to be in the up or closed position at any time while rehabilitation work is performed at and adjacent to Lane City Dam (Lat. 29.190173 N, Long. -96.070325 W). This includes the periods from October 16, 2025 to March 14, 2026, October 16, 2026 to March 14, 2027, and October 16, 2027 to March 14, 2028 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, 2028, the temporary authorization is terminated. LCRA is not seeking a diversion.

Please see attached exhibits with further information:

- Exhibit A: Supplemental Information
- Exhibit B: Certificate of Adjudication 14-5476
- Exhibit C: LCRA Board Commitment for LCRA facilities and projects
- Exhibit D: Draft temporary permit

## 2. APPLICANT INFORMATION (Instructions, Page 6)

Indicate the number of Applicants/Co-Applicants 1  
(Include a copy of this section for each Co-Applicant, if any)

What is the Full Legal Name of the individual or entity (applicant) applying for this permit?  
Lower Colorado River Authority

*(If the Applicant is an entity, the legal name must be spelled exactly as filed with the Texas Secretary of State, County, or in the legal documents forming the entity.)*

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?  
You may search for your CN on the TCEQ website at  
[www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch](http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch)

CN : 600253637 ( leave blank if you do not yet have a CN).

What is the name and title of the person or persons signing the application?

First/Last Name: John Hofmann

Title: Executive Vice President of Water

Unless an application is signed by an individual applicant, the person or persons must submit written evidence that they meet the signatory requirements in Title 30, Texas Administrative Code (30 TAC), Section 295.14.

Have you provided written evidence meeting the signatory requirements in 30 TAC Section 295.14, as an attachment to this application? Y/N Y

What is the applicant's mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at **Look Up a ZIP Code**  
[tools.usps.com/go/ZipLookupAction!input.action](http://tools.usps.com/go/ZipLookupAction!input.action).

Name: Lower Colorado River Authority; ATTN: Leonard Oliver

Mailing Address: P.O. Box 220

City: Austin State: TX ZIP Code: 78767

Indicate an X next to the type of Applicant:

<input type="checkbox"/> Individual	<input type="checkbox"/> Sole Proprietorship-D.B.A.
<input type="checkbox"/> Partnership	<input type="checkbox"/> Corporation
<input type="checkbox"/> Trust	<input type="checkbox"/> Estate
<input type="checkbox"/> Federal Government	<input type="checkbox"/> State Government
<input type="checkbox"/> County Government	<input type="checkbox"/> City Government
<input checked="" type="checkbox"/> Other Government	<input type="checkbox"/> Other _____

For Corporations or Limited Partnerships, provide:

State Franchise Tax ID Number: NA SOS Charter (filing) Number: NA

### 3. APPLICATION CONTACT INFORMATION (Instructions, Page 8)

If the TCEQ needs additional information during the review of the application, who should be contacted? Applicant may submit their own contact information if Applicant wishes to be the point of contact.

First and Last Name: Leonard Oliver

Title: Supervisor, Water Resources

Organization Name: Lower Colorado River Authority

Mailing Address: P.O. Box 220

City: Austin State: TX ZIP Code: 78767

Phone Number: +512-578-4088

Fax Number: \_\_\_\_\_

E-mail Address: 



#### 4. MISCELLANEOUS INFORMATION (Instructions, Page 9)

- a. The application will not be processed unless 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 by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4600, prior to submitting your application.

1. Does Applicant or Co-Applicant owe any fees to the TCEQ? **Yes / No** No

If **yes**, provide the following information:

Account number: \_\_\_\_\_ Amount past due: \_\_\_\_\_

2. Does Applicant or Co-Applicant owe any penalties to the TCEQ? **Yes / No** No

If **yes**, please provide the following information:

Enforcement order number: \_\_\_\_\_ Amount past due: \_\_\_\_\_

- b. If the Applicant is a taxable entity (corporation or limited partnership), the Applicant must be in good standing with the Comptroller or the right of the entity to transact business in the State may be forfeited. See Texas Tax Code, Subchapter F. Applicant's may check their status with the Comptroller at [mycpa.cpa.state.tx.us/coa/](http://mycpa.cpa.state.tx.us/coa/)

Is the Applicant or Co-Applicant in good standing with the Comptroller? **Yes / No** NA

- c. The commission will not grant an application for a water right unless the applicant has submitted all Texas Water Development Board (TWDB) surveys of groundwater and surface water use-if required. See TWC Section 16.012(m) and 30 TAC Section 297.41(a)(5).

Applicants should check survey status on the TWDB website prior to filing:

[www3.twdb.texas.gov/apps/reports/WU/SurveyStatus\\_PriorThreeYears](http://www3.twdb.texas.gov/apps/reports/WU/SurveyStatus_PriorThreeYears)

Applicant has submitted all required TWDB surveys of groundwater and surface water?

**Yes / No** Yes

## 5. SIGNATURE PAGE (Instructions, Page 10)

Applicant:

I, John B. Hofmann

Vice President, Water

(Typed or printed name)

(Title)

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I further certify that I am authorized under Title 30 Texas Administrative Code Section 295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

Signature: 

(Use blue ink)

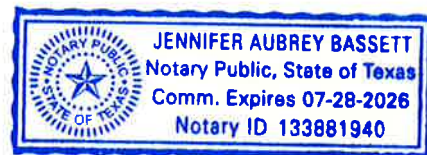
Date: 4/8/25

Subscribed and Sworn to before me by the said

on this 8 day of April, 2025.

My commission expires on the 28 day of July, 2026.

Jennifer Aubrey Bassett  
Notary Public



[SEAL]

Travis County, Texas

***If the Application includes Co-Applicants, each Applicant and Co-Applicant must submit an original, separate signature page.***

# TECHNICAL INFORMATION

## 1. TYPE OF REQUEST (Instructions, Page 11)

**State Water is:** *The water of the ordinary flow, underflow, and tides of every flowing river, natural stream, and lake, and of every bay or arm of the Gulf of Mexico, and the storm water, floodwater, and rainwater of every river, natural stream, canyon, ravine, depression, and watershed in the state. TWC Section 11.021.*

Applicant requests a new temporary appropriation of State Water? Y / N Y

*If Applicant answered yes, the following information is required:*

- **Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point and/or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach requested in the application)
- **Worksheet 6.0- Calculation of Fees**
- **Fees calculated on Worksheet 6.0**
- **Maps** - See instructions **Page. 13**

Applicant requests a temporary bed and banks authorization? (Water sources may include groundwater, contract water, or other sources). Y/N N

*If Applicant answered yes, the following information is required:*

- **Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet**
- **Worksheet 2.0 - Diversion Point Information Worksheet** (submit one worksheet for each diversion point and/or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach requested in the application)
- **Worksheet 3.0 - Discharge Information Worksheet** (submit one worksheet for each discharge point)
- **Worksheet 4.0 - Environmental Information Worksheet**
- **Worksheet 5.0 - Accounting Plan Information Worksheet**
- **Worksheet 6.0 - Calculation of Fees**
- **Fees calculated on Worksheet 6.0**
- **Maps** - See instructions **Page. 13**

## 2. BED AND BANKS. TWC Section 11.042 (Instructions, Page 11)

- a. Pursuant to contract, Applicant requests authorization to convey stored or conserved water to the place of use or diversion point of purchaser(s) using the bed and banks of a watercourse? TWC Section 11.042(a). Y/N Y

*If yes, submit a signed copy of the Water Supply Contract pursuant to 30 TAC Sections 295.101 and 297.101. Further, if the underlying Permit or Authorization upon which the Contract is based does not authorize Purchaser's requested Quantity, Purpose or Place of Use, or Purchaser's diversion point(s), then either:*

1. *Purchaser must submit the required worksheets for a request for a temporary bed and banks application with the Contract Water identified as an alternate source; or*
2. *Seller must amend its underlying water right. For more information about amending a water right, please contact the Water Rights Permitting Team at (512) 239-4600.*

- b. Applicant requests to convey Applicant's own return flows derived from privately owned groundwater using the bed and banks of a watercourse? TWC § 11.042(b). Y / N Y
- c. Applicant requests to convey water from any other source, other than (a) or (b) above, using the bed and banks of a watercourse? TWC Section 11.042(c). Y / N Y

# WORKSHEET 1.0

## Quantity, Purpose, and Place of Use

### 1. New Temporary Authorizations (Instructions, Page 13)

Submit the following information regarding quantity, purpose and place of use for requests for a temporary appropriation of State Water or temporary Bed and Banks authorization:

Quantity (acre- feet) <i>(Include losses for Bed and Banks)</i>	State Water Source (River Basin) or Alternate Source <i>*each alternate source also requires completion of Worksheet 3.0</i>	Purpose(s) of Use	Place(s) of Use <i>*requests to move state water out of basin also require completion of Worksheet 1.1 Interbasin Transfer</i>
0	lower Colorado River Basin, Arbuckle Reservoir	Industrial, construction	Wharton County

0 Total amount of water in acre-feet *(include losses for Bed and Banks applications)*  
to be used within a period of 3 years. (specify term period not to exceed a three year term)

If the Purpose of Use is Agricultural/Irrigation for any amount of water, provide:

a. Location Information Regarding the Lands to be Irrigated

- Applicant proposes to irrigate a total of \_\_\_\_\_ acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of \_\_\_\_\_ acres in \_\_\_\_\_ County, TX.
- Location of land to be irrigated: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.

***A copy of the deed(s) or other acceptable instrument describing the overall tract(s) with the recording information from the county records must be submitted. Applicant's name must match deeds.***

***If the Applicant is not currently the sole owner of the lands to be irrigated, Applicant must submit documentation evidencing consent or other documentation supporting Applicant's right to use the land described.***

# WORKSHEET 1.1

## INTERBASIN TRANSFERS, TWC Section 11.085

### 1. Interbasin Transfer Request (Instructions, Page 15)

Only interbasin transfers that meet certain criteria for exemption as identified in TWC Section 11.085(v) can be authorized under a temporary water right permit. Submit the information below for an application for a temporary water right which requests to transfer State Water from its river basin of origin for use in a different river basin. A river basin is defined and designated by the Texas Water Development Board by rule pursuant to TWC Section 16.051.

a. Applicant requests to transfer State Water to another river basin within the State? Y / N \_\_\_\_\_

**If yes, provide the following information:**

- i. Basin of Origin \_\_\_\_\_
- ii. Quantity of water to be transferred (acre-feet) \_\_\_\_\_
- iii. Basin(s) and count(y/ies) where use will occur in the space below:  
\_\_\_\_\_

b. The proposed transfer, which in combination with any existing transfers, totals less than 3,000 acre-feet of water per annum from the same water right. Y/N \_\_\_\_\_

c. The proposed transfer is from a basin to an adjoining coastal basin? Y/N \_\_\_\_\_

d. The proposed transfer from the part of the geographic area of a county or municipality, or the part of the retail service area of a retail public utility as defined by TWC Section 13.002, that is within the basin of origin for use in that part of the geographic area of the county or municipality, or that contiguous part of the retail service area of the utility, not within the basin of origin? Y/N \_\_\_\_\_

## WORKSHEET 2.0

### DIVERSION POINT (OR DIVERSION REACH) INFORMATION

This information is **required** for each diversion point or diversion reach. Submit a worksheet for **each** diversion point. For a reach, the worksheet should be submitted twice (one for the upstream limit and one for the downstream limit of each diversion reach).

*The numbering of any points or reach limits should be consistent throughout the application and on supplemental documents (e.g., maps).*

#### 1. Diversion Information (Instructions, Page 16)

a. This Worksheet is to add new (select 1 of 3 below):

1. ☐ Diversion Point No. \_\_\_\_\_
2. ☐ Upstream Limit of Diversion Reach No. \_\_\_\_\_
3. ☐ Downstream Limit of Diversion Reach No. \_\_\_\_\_

b. Maximum Rate of Diversion for **this new point** \_\_\_\_\_ cfs (cubic feet per second) or \_\_\_\_\_ gpm (gallons per minute)

c. Does this point share a diversion rate with other points? **Y / N** \_\_\_\_\_  
*If yes, submit Maximum **Combined** Rate of Diversion for all points/reaches*  
\_\_\_\_\_ cfs or \_\_\_\_\_ gpm

d. Has the applicant received a temporary application from a TCEQ Regional or Watermaster office for this diversion point? **Y/N** \_\_\_\_\_  
1. If **yes**, provide the date the application was issued \_\_\_\_\_ and write **Existing** in the table below.  
2. If **no**, write **Proposed** in the table below.

e. Select the appropriate box to indicate diversion location and indicate whether the diversion location is **existing or proposed**:

Check one		Write: Existing or Proposed
<input type="checkbox"/>	Directly from stream	
<input type="checkbox"/>	From an on-channel reservoir	
<input type="checkbox"/>	From a stream to an on-channel reservoir	
<input type="checkbox"/>	Other method (explain fully, use additional sheets if necessary)	

f. Is the diversion from a reservoir? **Y/N** \_\_\_\_\_

1. Was it constructed to be an exempt structure under TWC Section 11.142? **Y / N** \_\_\_\_\_  
i. If no, has the structure been issued a notice of violation by TCEQ? **Y / N** \_\_\_\_\_

2. Is the reservoir already authorized under a water right? **Y/N** \_\_\_\_\_

If yes, provide the following information:

- i. Water Right Number \_\_\_\_\_
- ii. If the applicant is not the water right holder, has consent been provided to the applicant by the water right holder pursuant to 30 TAC Section 295.10? **Y/N** \_\_\_\_\_

g. Indicate the measures the applicant will take to avoid impingement and entrainment of aquatic organisms (ex. Screens on any new diversion structure that is not currently authorized under a water right).

## 2. Diversion Location (Instructions, Page 17)

- a. On watercourse (USGS name): \_\_\_\_\_
- b. Zip Code: \_\_\_\_\_
- c. Location of point: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_,  
Abstract No. \_\_\_\_\_, \_\_\_\_\_ County, Texas.

***A copy of the deed(s) with the recording information from the county records must be submitted describing tract(s) that include the diversion structure.***

***For diversion reaches, the Commission cannot grant an Applicant access to property that the Applicant does not own or have consent or a legal right to access, the Applicant will be required to provide deeds, or consent, or other documents supporting a legal right to use the specific points when specific diversion points within the reach are utilized. Other documents may include, but are not limited to a recorded easement, a land lease, a contract, or a citation to the Applicant's right to exercise eminent domain to acquire access.***

- d. Point is at:  
Latitude \_\_\_\_\_°N, Longitude \_\_\_\_\_°W.  
***Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- e. Indicate the method used to calculate the location (examples: Handheld GPS Device, GIS, Mapping Program): \_\_\_\_\_
- f. Map submitted must clearly identify each diversion point and/or reach. Does the application include required maps? (Instructions, Page 13) Y/N \_\_\_\_\_

# WORKSHEET 3.0

## DISCHARGE INFORMATION

This information is required for any requested authorization to use the bed and banks of a State watercourse for conveyance and later withdrawal or in-place use. Worksheet 3.1 is also required for each Discharge point location requested. **Instructions, Page. 18.**

***Applicant is responsible for obtaining any separate water quality authorizations which may be required and for insuring compliance with TWC, Chapter 26 or any other applicable law.***

- a. The purpose of use for the water being discharged will be \_\_\_\_\_.
- b. Provide the amount of water that will be lost to transportation, evaporation, seepage, channel, or other associated carriage losses \_\_\_\_\_ (% or amount).
  1. Explain the method of calculation: \_\_\_\_\_
- c. Is the source of the water being discharged groundwater? **Y / N** \_\_\_\_ If yes, provide the following information:
  1. Source aquifer(s) from which water will be pumped: \_\_\_\_\_
  2. If the well has not been constructed, provide production information for wells in the same aquifer in the area of the application. See [www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp](http://www.twdb.texas.gov/groundwater/data/gwdbbrpt.asp). Additionally, provide well numbers or identifiers  
\_\_\_\_\_  
\_\_\_\_\_
3. Indicate how the groundwater will be conveyed to the stream or reservoir.
4. Is the groundwater well located in a Groundwater District (GCD)? **Y/N** \_\_\_\_  
*If yes, provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District (GCD) or evidence that a groundwater well permit is not required.*
- ci. Is the source of the water being discharged a surface water supply contract? **Y / N** \_\_\_\_  
If yes, provide the signed contract(s).
- cii. Identify any other source of the water \_\_\_\_\_



# WORKSHEET 3.1

## DISCHARGE POINT INFORMATION

This information is required for **each** discharge point. Submit one worksheet for **each** discharge point. If there is more than one discharge point, the numbering of the points should be consistent throughout the application and on any supplemental documents (e.g., maps).

**Instructions, Page 19.**

**For water discharged at this location provide:**

- a. The amount of water that will be discharged at this point is \_\_\_\_\_ acre-feet per year. The discharged amount should include the amount needed for use and to compensate for any losses.
- b. Water will be discharged at this point at a maximum rate of \_\_\_\_\_ cfs or \_\_\_\_\_ gpm.
- c. Name of Watercourse as shown on Official USGS maps: \_\_\_\_\_
- d. Zip Code \_\_\_\_\_
- e. Location of point: In the \_\_\_\_\_ Original Survey No. \_\_\_\_\_  
Abstract No. \_\_\_\_\_, \_\_\_\_\_ County, Texas.
- f. Point is at:  
Latitude \_\_\_\_\_°N, Longitude \_\_\_\_\_°W.  
***\*Provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places***
- g. Indicate the method used to calculate the discharge point location (examples: Handheld GPS Device, GIS, Mapping Program): \_\_\_\_\_
- h. Map submitted must clearly identify each discharge point. Does the application include required maps? (Instructions, Page. 13) Y/N \_\_\_\_\_

# WORKSHEET 4.0

## ENVIRONMENTAL INFORMATION

### 1. Bed and Banks Applications

This information is required for bed and banks applications. **Instructions, Page 20.**

a. Submit an assessment of the adequacy of the quantity and quality of flows remaining after the proposed diversion to meet instream uses and bay and estuary freshwater inflow requirements.

b. If groundwater and/or other surface water will be discharged into a watercourse provide:

Reasonably current water chemistry information including but not limited to the following parameters in the table below. Additional parameters may be requested if there is a specific water quality concern associated with the aquifer from which water is withdrawn. If data for onsite wells are unavailable; historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, onsite data may still be required when it becomes available. Provide the well number or well identifier. Complete the information below for each well and provide the Well Number or identifier. \_\_\_\_\_

Parameter	Average Conc.	Max Conc.	No. of Samples	Sample Type	Sample Date/Time
Sulfate, mg/L					
Chloride, mg/L					
Total Dissolved Solids, mg/L					
pH, standard units					
Temperature*, degrees Celsius					

\* Temperature must be measured onsite at the time the groundwater sample is collected.

c. If ground water will be used, provide depth of the well \_\_\_\_\_ and the name of the aquifer from which water is withdrawn \_\_\_\_\_.

# WORKSHEET 5.0

## ACCOUNTING PLAN INFORMATION

The following information provides guidance on when an Accounting Plan may be required for certain applications and if so, what information should be provided. An accounting plan can either be very simple such as keeping records of gage flows, discharges, and diversions; or, more complex depending on the requests in the application. **Instructions, Page 20.**

### 1. Is Accounting Plan Required

Accounting Plans are generally required:

- For applications that request authorization to divert large amounts of water from a single point where multiple diversion rates, priority dates, and water rights can also divert from that point;
- For applications with complex environmental flow requirements;
- For applications with an alternate source of water where the water is conveyed and diverted; and

### 2. Accounting Plan Requirements

- a. A **text file** that includes:
  1. an introduction explaining the temporary water use permit authorizations;
  2. an explanation of the fields in the accounting plan spreadsheet including how they are calculated and the source of the data;
  3. for accounting plans that include diversion from an existing water right location with multiple priority dates and authorizations, a section that discusses how water is accounted for by priority date and which water is subject to a priority call by whom; and
  4. should provide a summary of all sources of water.
- b. A **spreadsheet** that includes:
  1. Basic daily data such as diversions, deliveries, compliance with any instream flow requirements, return flows discharged and diverted, and reservoir content, if applicable;
  2. Method for accounting for inflows if needed;
  3. Reporting of all water use;
  4. An accounting for all sources of water;
  5. For bed and banks applications, the accounting plan must track the discharged water from the point of delivery to the final point of diversion;
  6. Accounting for conveyance losses.

## WORKSHEET 6.0

### CALCULATION OF FEES

This worksheet is for calculating required application fees. Applications are not Administratively Complete until all required fees are received. **Instructions, Page 21.**

	Description	Amount (\$)
Filing Fee	10 acre-feet or less	\$100.00
	OR	
	Greater than 10 acre-feet	\$250.00
Use Fee	Multiply \$1.00 x _____ acre-feet of water (or fraction thereof)	
Recording Fee		\$20.00
Mailed Notice	Additional notice fee to be determined once application is submitted.	3.76
TOTAL INCLUDED		\$123.76






Colorado River

Lane City Dam  
29.190173 N  
-96.070325 W



Map Associated with Worksheet 2.0  
Temporary Water Right Permit  
Application for Lane City Dam  
14-5476

### Legend

 Lane City Dam

0 140 280 560 840 1,120 Feet

April 2, 2025

**LCRA Signature Authority:**

**LCRA Board Policy 102**

**LCRA Employee Policy Manual (01-02-2025)**

**LCRA Board Policy 501**

**LCRA Organizational Chart (02-17-2025)**

---

## LCRA BOARD POLICY

### 102 – AUTHORITY AND RESPONSIBILITIES

Dec. 10, 2024

---

#### 102.10 PURPOSE

This policy defines the relationship between the LCRA Board of Directors and the management of LCRA through the description of responsibilities and expectations and through the establishment of guidelines for the delegation of certain powers and duties.

#### 102.20 POLICY

**102.201 Responsibilities of the Board of Directors.** The Board of Directors (Board) will establish the overall goals and objectives of LCRA, review them on an ongoing basis and adopt Board policies setting forth desired direction of management actions to attain such goals and objectives. The Board will approve an annual business plan that provides funding for the realization of those goals and objectives.

The Board will consider and establish policies in the public interest. The Board will faithfully discharge its public trust by conducting its affairs in a highly moral, ethical and sound business manner. Board members, collectively and severally, will not direct the policies and actions of LCRA from perspectives of private gain or personal advantage.

**102.202 Delegations to the GM/CEO.** The Board of Directors delegates to the general manager (GM)/CEO all general powers and duties in the LCRA enabling legislation, other applicable law, LCRA bylaws and Board policies necessary to accomplish LCRA's purpose, plans and objectives as approved by the Board, except for those specifically reserved for the Board by provisions of the LCRA enabling legislation, bylaws, Bond resolutions and other Board policies. Notable exceptions include:

- A. Authorization to borrow money or approve bond resolutions.
- B. Approval of agreements related to joint ownership of generating facilities.
- C. Setting rates charged for water and power.
- D. Approval of sale of any real property.
- E. Approval of certain contracts and purchase orders for the acquisition of consulting services, materials, supplies, equipment and related services, in accordance with related Board policies.

The Board will articulate clear and coherent goals and statements of its expectations through its policies and plans.

**102.203 Responsibilities of the GM/CEO.** The GM/CEO, as the chief executive officer of LCRA, is responsible for carrying out the business and activities of LCRA according to state law, the LCRA bylaws and Board policies.

The GM/CEO may delegate in writing any general powers, duties and related authorities, as deemed appropriate, to officers and staff members.

The GM/CEO is responsible for bringing policy matters to the attention of the Board when its current policies give inadequate direction to LCRA operations or leave LCRA at a disadvantage because of changing conditions. The GM/CEO will provide thorough, well -organized information to the Board in a timely manner. Communications to the Board will be made forthrightly and with candor in the evaluation of the conduct of business and operations of LCRA.

The GM/CEO will ensure appropriate contracting procedures are developed and implemented.

## **102.30 PROCEDURES**

**102.301 Goals and Priorities.** As provided in the bylaws, the GM/CEO each year will present to the Board objectives, goals and priorities for its consideration. These goals will clearly establish the Board's direction in key areas of LCRA affairs.

**102.302 Annual Budget.** The GM/CEO will present to the Board an annual business plan that will include operating and capital budgets to carry out the Board's goals and priorities. The business plan will include projections of LCRA's overall financial performance and capital financing plans and describe the projects, programs, and the associated revenues and expenditures for the next fiscal year.

Adoption of the business plan authorizes the GM/CEO to complete work plans and make associated expenditures within budgets as provided for in accordance with Board policies. The GM/CEO will provide quarterly updates that include indicators of performance toward key goals, actual revenues and expenditures compared to budget, future financial performance projections, and status of major capital projects. The resolution adopting the budget will establish the amount that may not be exceeded without Board approval and the guidelines for approving amendments, reallocations or adjustments to the capital and operating budgets.

## **102.40 AUTHORITY**

LCRA enabling legislation, Texas Special District Local Laws Code, Chapter 8503  
LCRA bylaws, sections 2.01, 3.02, 6.01, 6.02



**EFFECTIVE:** December 1984. Amended Dec. 14, 1989; Oct. 25, 1991; Sept. 22, 1994; Dec. 15, 1999; March 22, 2000; July 1, 2002; Nov. 19, 2003; Dec. 14, 2011; and Sept. 21, 2016. Reaffirmed Dec. 10, 2024.

Lower Colorado River Authority

# **Employee Policy Manual**



## Message From the General Manager

Nothing is more important to me than keeping employees safe. I want every employee to go home safely at the end of every workday. I care about protecting employees from physical harm, and I also care about protecting employees from other harmful things – such as being pulled into legal issues or being treated in ways that are unjust. That may sound easy, but there are many LCRA employees performing vastly different jobs at any given time.

Every day at LCRA, we join together to enhance the quality of life of the Texans we serve through water stewardship, energy and community service. We rely on each other considerably to accomplish this mission. We use good judgment, work safely, follow departmental procedures, and make sure we follow all laws and regulations.

Often, good judgment is all that's needed to make sound decisions because we trust each other to know right from wrong. However, because LCRA was created by the Texas Legislature, there are federal and state laws that dictate how we must conduct ourselves.

That's one reason a policy manual comes in handy. It spells out the rules by which we must abide to protect ourselves, other employees, and LCRA and its customers. Another purpose of a policy manual is to set expectations for employee conduct and the obligation we have to always treat each other with respect.

LCRA's policy manual isn't a catch-all book for every situation, but it lays out the basic rules of the road. It sets the tone for the expectations we have across all LCRA departments to help us maintain a positive culture with a focus on staying safe while we work to accomplish our mission and vision.

We don't need hundreds of pages of policies to remind us to use good judgment and respect others, but there are some policies and procedures employees need to follow. Most departments have procedures specific to their business, and each employee is responsible for finding out what department procedures exist and following them. For example, we all follow safety procedures, and we follow environmental laws, regulations and procedures consistent with our role as a good steward of the environment.

By following this policy manual, keeping safety our top priority and making every LCRA endeavor outstanding, we will be well equipped to achieve our vision to be the public utility that sets the standard for excellence.

Many thanks for all you do,

A handwritten signature in black ink, appearing to read "Phil Wilson". The signature is fluid and cursive, with the first name "Phil" being more prominent than the last name "Wilson".

Phil Wilson

## Legal Reminder

The policies in the LCRA Employee Policy Manual are guidelines and subject to change, as are all other policies, procedures, benefits and other LCRA programs. The LCRA Employee Policy Manual is not a contract guaranteeing employment for any specific duration.

While LCRA hopes the employment relationship will be long-term, you or LCRA may terminate this relationship at any time, for any reason, with or without cause or notice. No supervisor, manager or representative of LCRA other than certain duly authorized representatives have the authority to enter into any agreement with you for employment for any specified period of time or to make promises or commitments contrary to the foregoing.

Any employment agreement entered into by a duly authorized representative shall not be enforceable unless it is in a formal written agreement signed by you and such duly authorized individual.

If an employee has reason to believe another employee is in violation of an LCRA employee policy, he or she has an obligation to notify his or her supervisor or Human Resources or to call the LCRA Ethics Line. Failure to make such a report also is considered a violation of this employee policy manual.

**EFFECTIVE:** Jan. 2, 2018. Amended Jan. 2, 2019; Aug. 1, 2019; Jan. 2, 2020; Jan. 4, 2021; Jan. 4, 2022; Jan. 3, 2023; Feb. 15, 2023; Jan. 2, 2024; and Jan. 2, 2025.

# Table of Contents

<b><u>Code of Ethics</u></b> .....	<b>1</b>
<a href="#">Standards of Conduct</a>	
<a href="#">Unauthorized Recording of Business Operations</a>	
<a href="#">Use of LCRA Property, Resources and Technology</a>	
<a href="#">Off-Site Conduct</a>	
<a href="#">Workplace Violence</a>	
<a href="#">Weapons</a>	
<a href="#">Dress Code</a>	
<a href="#">Open Communication</a>	
<b><u>Compliance With LCRA Transmission Code of Conduct</u></b> .....	<b>5</b>
<a href="#">Legal Requirement</a>	
<a href="#">Applicability</a>	
<a href="#">Market-Sensitive Transmission Information</a>	
<a href="#">LCRA Standards of Conduct</a>	
<b><u>Employment</u></b> .....	<b>8</b>
<a href="#">Employment at Will</a>	
<a href="#">Employee Classifications</a>	
<a href="#">Non-LCRA Worker Classifications</a>	
<a href="#">Equal Opportunity Employer</a>	
<a href="#">Qualifications for Employment</a>	
<a href="#">Required Background Checks</a>	
<a href="#">Employment of Relatives</a>	
<a href="#">Employment of Former Employees, Including Retirees</a>	
<a href="#">Eligibility to Work</a>	
<a href="#">Initial Period of Employment</a>	
<a href="#">Privacy and Release of Employee Information</a>	
<a href="#">Unlawful Harassment</a>	
<a href="#">Duty to Report Harassment</a>	
<a href="#">Retaliation for Reporting</a>	
<b><u>Compensation and Benefits</u></b> .....	<b>13</b>
<a href="#">Compensation</a>	
<a href="#">Nonexempt Employees</a>	
<a href="#">Responsibility for Managers and Supervisors of Nonexempt Employees</a>	
<a href="#">Exempt Employees</a>	
<a href="#">Flexible Work Arrangements</a>	

[Medical Restrictions](#)  
[Benefits](#)  
[Enrollment](#)  
[Family and Medical Leave](#)  
[Family Care Leave](#)  
[Vacation Leave](#)  
[Holiday Leave](#)  
[Floating Holiday Leave](#)  
[Sick Leave](#)  
[Military Leave](#)  
[Unauthorized Leave](#)  
[Tobacco](#)  
[Health Plan Tobacco Surcharge](#)  
[Tobacco Cessation](#)

**[Performance](#).....18**

[Performance Review](#)  
[Progressive Discipline Process](#)

**[Delegation of Authority and LCRA Representation](#) .....19**

[General Delegation of Authority by General Manager](#)  
[Communicating Internally and Externally](#)  
[Social Media](#)  
[Instant Messaging](#)

**[Safety](#).....21**

[Driving Safety](#)  
[Work-Related Injuries and Illnesses](#)  
[Alcohol and Illegal Drugs](#)  
[Alcohol and Illegal Drug Testing](#)  
[Refusal to Submit to Alcohol and Illegal Drug Testing](#)  
[Treatment for Alcohol and Illegal Drug Abuse](#)  
[Reporting Possible Violations](#)  
[Discipline for Alcohol and Illegal Drug Policy Violations](#)

**[Environmental](#).....25**

<b><u>Records Management and Public Information</u></b> .....	<b>26</b>
<a href="#">Records Management Compliance</a>	
<a href="#">Approved Records Repositories</a>	
<a href="#">Records Retention and Destruction</a>	
<a href="#">Records of Historical Importance to LCRA</a>	
<a href="#">Open Records Requests</a>	
 <b><u>Confidential Information and Protection of Intellectual Property Rights</u></b> .....	<b>28</b>
<a href="#">Confidential Information</a>	
 <b><u>Physical Security and Cybersecurity</u></b> .....	<b>29</b>
<a href="#">Physical Security</a>	
<a href="#">Cybersecurity</a>	
 <b><u>Use of Artificial Intelligence Applications</u></b> .....	<b>32</b>
<a href="#">Responsible Use</a>	
<a href="#">Compliance With Laws and Regulations</a>	
<a href="#">Transparency and Confidentiality</a>	
<a href="#">Bias and Fairness</a>	
<a href="#">Incident Reporting</a>	
 <b><u>Acknowledgment</u></b> .....	<b>33</b>

## **Delegation of Authority and LCRA Representation**

No employee of LCRA is authorized to take any action reserved to the Board of Directors under Board Policy 102 – Authority and Responsibilities. All other general powers and duties in the LCRA Enabling Act, bylaws, Board policies, and other applicable law necessary to accomplish LCRA's purpose, plans and objectives are the responsibility of the general manager and those persons to whom the general manager specifically delegates such authority pursuant to the applicable law and LCRA procedures manual.

**General Delegation of Authority by General Manager:** The general manager delegates to the executive officers any and all powers and duties necessary to manage their respective departments and service areas, except for those matters reserved to the Board of Directors or general manager as specified in this policy and Board Policy 102 – Authority and Responsibilities. Executive officers are further authorized to delegate authority to their respective department managers and staff consistent with the applicable LCRA procedures manual. LCRA has implemented procedures manuals that control who may sign agreements on behalf of LCRA. See the Contract Management and Supply Chain Procurement procedures manuals.



---

## **LCRA BOARD POLICY**

### **501 – WATER RESOURCES**

**Aug. 21, 2019**

---

#### **501.10 PURPOSE**

This policy establishes principles and guidelines for implementing LCRA's responsibilities regarding water supply management, planning and development, water conservation, environmental flows, water quality protection, water contracts and rates, and the temporary lowering of LCRA-operated lakes.

#### **501.20 WATER SUPPLY MANAGEMENT, PLANNING AND DEVELOPMENT**

**501.201 Water Supply.** LCRA will take initiative in appropriate management, planning, programs and projects to control, store, preserve, use, develop, conserve and manage the water supplies under its jurisdiction. To guide this effort, LCRA will adhere to the following general principles:

1. As a regional water supplier, LCRA will, where practically feasible, cooperate with regional efforts to benefit the Colorado River basin.
2. LCRA will optimize its water supply by managing the water stored in lakes Buchanan and Travis with a basinwide perspective of ensuring firm water supplies are available during an extended drought while continuing to make interruptible supplies available whenever possible. LCRA will achieve this objective, in part, through the development and implementation of its state-approved Water Management Plan.
3. While maximizing the potential supplies available from its Colorado River rights in a cost-effective manner, LCRA may consider development of new, cost-effective supplies to serve its customers.
4. LCRA will monitor developments in state water law and water rights permitting and, where necessary, take action to ensure the legal rights and obligations LCRA has to manage the state's water resources are not significantly and adversely affected by such activities.
5. LCRA will stay fully apprised of developments regarding the legal framework under which groundwater is regulated and evaluate LCRA's role and the potential impacts to LCRA. Through ongoing assessments of groundwater supplies, LCRA will encourage and research conjunctive management and use of groundwater and surface water supplies. LCRA may plan, develop and manage groundwater and

conjunctive use projects where economically feasible and supported by sound science.

6. LCRA will explore opportunities to improve the reliability of water supply for agricultural needs through diverse, cost-effective strategies that increase available supply in the lower basin while minimizing the impact on firm water customers.
7. A preference for a basinwide approach to benefit both upstream and downstream interests will be given when pursuing water supply strategies.

**501.202 Public Engagement.** LCRA will provide information to the public about plans for future water supply projects and will solicit feedback from the public in the decision-making process. LCRA's public engagement process may include the use of one or more of the following: advisory committees, community forums, town hall meetings or open houses, newspaper advertisements, dedicated webpages, online feedback forms, and other strategies, as appropriate, in addition to any applicable regulatory agency-required public process. The scope and details of LCRA's public engagement process for any proposed project will depend on the size and nature of the proposed project.

For any new water supply project that is expected to create 10,000 acre-feet or more per year, staff will, at a minimum:

- Meet with stakeholder groups and, as appropriate, individuals to provide information about the proposed project, answer questions and solicit input.
- Create a dedicated webpage designed to educate the public about the proposed project and to solicit input from stakeholders and other interested participants. The webpage will provide information relevant to the proposed project, including meeting presentations, participant comments and LCRA's responses, and appropriate technical information.
- Provide periodic progress reports to the Water Operations Committee in public meetings of the committee, including reports on feedback and input received from the public.

Nothing in this policy shall be construed as requiring the disclosure of information that is protected under Texas open government laws.

## **501.30 WATER CONSERVATION**

LCRA will meet or exceed state water conservation requirements and provide leadership in promoting the conservation of water. LCRA's commitment to conserving water will be achieved by implementing a variety of programs designed to encourage the conservation of water.

## **501.40 ENVIRONMENTAL FLOWS**

LCRA is committed to maintaining, and where reasonably possible, improving fish, wildlife and recreation resources in the river and bay system. LCRA will continue to be a leader in developing high-quality science on environmental flows for the benefit of the lower Colorado River basin and comply with all state and federal requirements in the most efficient way possible. LCRA will provide water to help meet environmental flow needs in a manner that does not diminish or hamper its ability to meet current and future water demands of other beneficial users in the basin.

## **501.50 WATER QUALITY PROTECTION**

LCRA will provide leadership in protecting water quality and, where reasonably possible, improving the quality of the surface water and groundwater within the lower Colorado River watershed. LCRA will seek to protect against degradation of water quality and will support recreation, aquatic life and water supply uses of the waters under its jurisdiction. LCRA will implement this goal through monitoring, assessment, advocacy, contracting, regulatory oversight, and reliance on the best available science, technology and innovation. LCRA will cooperate with other concerned public and private entities to help address issues of concern related to water quality within the lower Colorado River watershed, including groundwater.

## **501.60 WATER CONTRACTS AND RATES**

**501.601 Water Contracts.** LCRA will develop reasonable rules for the consideration, issuance and administration of raw water contracts. Such rules should address requirements for water conservation, drought contingency, interbasin transfers, water quality impacts, and other requirements necessary for the fair and appropriate administration of water contracts. The rules should be updated from time to time to reflect changes to Board policy, applicable law or other business needs. LCRA staff will develop standard form raw water contracts consistent with Board policies and rules.

**501.602 Water Rates.** LCRA's rates will be just and reasonable, not unduly discriminatory, and set to fully recover LCRA's costs to control, store, preserve, conserve, use, plan, develop, manage, distribute and sell the water supplies under its jurisdiction, consistent with state law. The rates will be designed to allow LCRA to be self-supporting in providing these services and with the goal of providing for a stable and predictable flow of revenue.

**501.603 Board Consideration and Public Input.** Implementation of new rates will be carried out within a time frame that attempts to minimize adverse impacts upon the customers of LCRA. All contract rules and rates will be presented to the LCRA Board of Directors for approval, and the public, including all water customers, will be afforded an opportunity to comment on such actions prior to the Board's consideration for approval.

## **501.70        LOWERING LCRA-OPERATED LAKES**

The general manager may authorize the temporary lowering of Inks Lake, Lake LBJ, Lake Marble Falls and Lake Austin only if such lowering will not interfere with LCRA's essential operations, unreasonably impact aquatic habitat, or result in any unrecovered losses related to water supply and are otherwise consistent with LCRA's water rights and existing contracts and leases. Further, such lowerings will not result in any unreasonable losses related to hydro-generation revenues for any lowering of Lake Austin or any lowering of Inks Lake, Lake LBJ or Lake Marble Falls that occurs with a frequency of more than once every four years.

## **501.80        AUTHORITY**

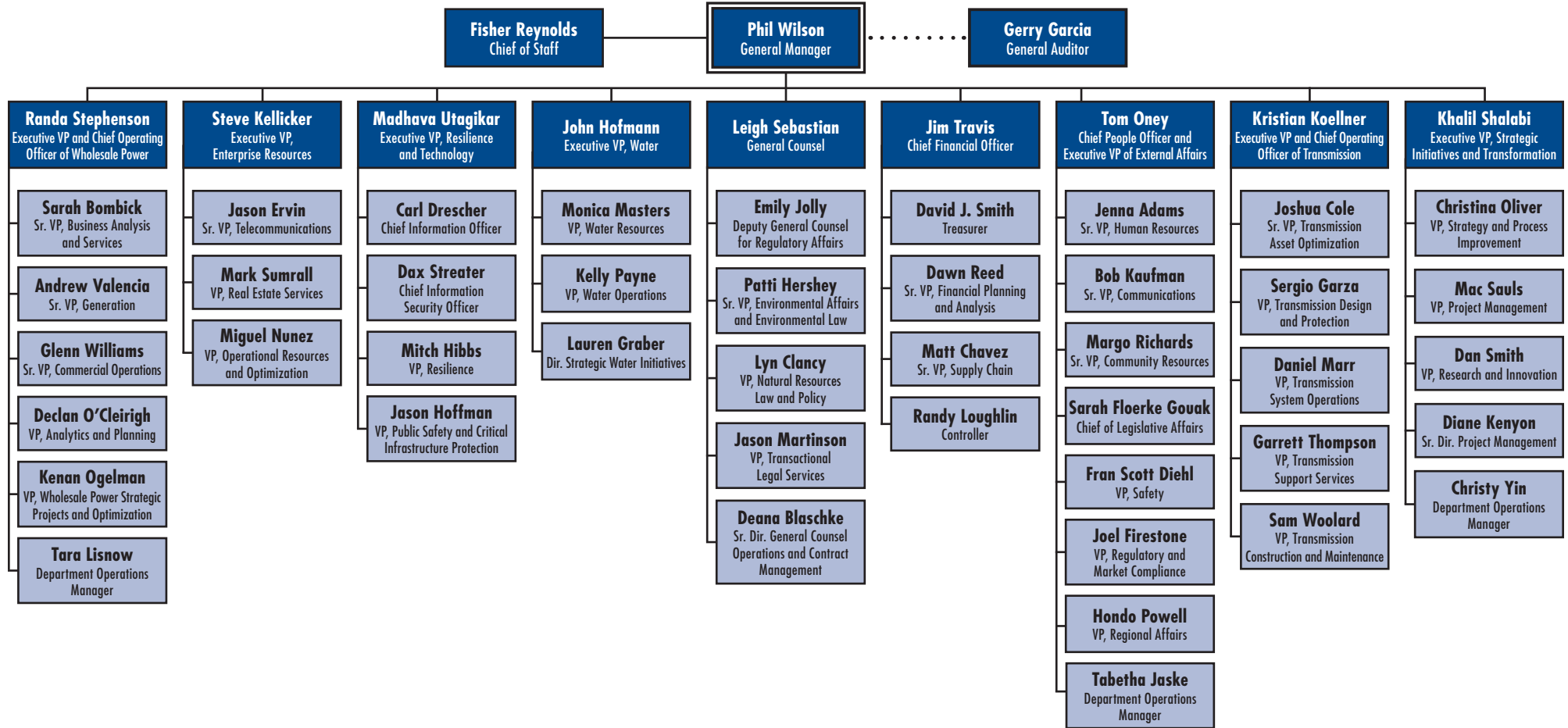
Texas Water Code, chapters 11 and 12

Texas Special District Local Laws Code §§ 8503.001, 8503.004, 8503.0105, 8503.011, 8503.012, 8503.013, 8503.028, 8503.029 and 8503.030

**EFFECTIVE:** Dec. 15, 2010. Amended Sept. 21, 2016; and Aug. 21, 2019.

# LCRA Organizational Overview

Updated Feb. 17, 2025



April 2025  
Exhibit A  
Supplemental Information  
LCRA Temporary Water Rights Permit Application

- 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. Water will continue to pass over the dam and there will be no interruption of instream flows.
- Based on a record period between October 1, 1938 through September 30, 2024, 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 933-cfs in November to maximum of 1130-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 933-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"). Therefore, the increase in water held behind the dam at times the gate is in the closed position during the period October 15 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 via operational water such that water will continue to flow past the dam as if the gate were open. The source of water to maintain the impoundment full may include water from Arbuckle Reservoir, which is authorized under the same certificate of adjudication as Lane City Dam, 14-5476 as amended (**Exhibit B**), or from other sources consistent with the LCRA Board commitment for LCRA facilities and projects. (**Exhibit C**). 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 operational water.
- Applicant has prepared a draft temporary permit consistent with this application and included as **Exhibit D**.

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 14-5476      OWNER: Lower Colorado River  
Authority  
P. O. Box 220  
Austin, Texas 78767

COUNTIES: Matagorda and Wharton      PRIORITY DATES: December 1, 1900;  
November 8, 1939  
and October 24,  
1983

WATERCOURSE: Colorado River      BASIN: Colorado River

WHEREAS, by 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, a right was recognized under Certified Filings 44, 51, 83, 89, 238, 430, 722, 747, 810, 831 and Permit 1292 authorizing the Lower Colorado River Authority to appropriate waters of the State of Texas as set forth below:

WHEREAS, on December 2, 1983, the Texas Water Commission issued Permit No. 4053 to Lower Colorado River Authority authorizing the construction of an overflow type dam on the Colorado River creating a reservoir with an impounding capacity of 305 acre-feet of water. The permittee was recognized the right to use the impounded waters for the enhancement of irrigation pumping efficiency of water authorized by Certified Filing 831;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Colorado River Basin is issued to the Lower Colorado River Authority (hereinafter called LCRA), subject to the following terms and conditions:

1. IMPOUNDMENT

- A. LCRA is authorized to maintain an existing overflow type dam and reservoir on the Colorado River and impound therein not to exceed 305 acre-feet of water. The dam is located in the Sylvenus Castleman Grant, Abstract 11, Wharton County, Texas.
- B. LCRA is authorized to maintain an existing dam and reservoir on the Colorado River and impound therein not to exceed 78 acre-feet of water. The dam is located in the Thomas Cayce Grant, Abstract 14, and the F. T. Reuben Stone Survey, Abstract 92, Matagorda County, Texas.

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 S.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.

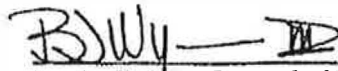
This certificate of adjudication is issued subject to all terms, conditions and provisions in the final judgment and decree of the 264th Judicial District Court of Bell County, Texas, in Cause No. 115,414-A-1, In Re: The Exceptions of the Lower Colorado River Authority and the City of Austin to the adjudication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

DATE ISSUED: NOV 20 1992

  
John Hall, Chairman

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.

A handwritten signature in black ink, appearing to read "R. Q. A. Hylb", is written over a horizontal line.

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 10<sup>th</sup> day of March, 2022.



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



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 (Certificate) authorizes Lower Colorado River Authority (LCRA) to impound water in Lane City Dam on the Colorado River, Colorado River Basin in Wharton County. 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 via operational water from Arbuckle Reservoir, which is authorized under the same Certificate 14-5476 as Lane City Dam or 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.



### 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. XXXXX 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 at any time on a year-round basis 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 Arbuckle Reservoir storage and or/or its 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 at times the gate is in the up or closed position during 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: