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Water Availability Division

February 18, 2026

Mr. Bert Galvan
Deputy Director
Water Availability Division, MC 160
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

VIA ELECTRONIC TRANSMISSION

humberto.galvan@tceq.texas.gov

Re: Application to Extend Time to Begin and Complete Construction of an
Authorized Project
City of Lubbock (CN600130736), Water Use Permit No. 5921

Dear Mr. Galvan:

The City of Lubbock (the "City") hereby submits an Application for an Extension of Time to Begin and/or Complete Construction of an Authorized Project (the "Application") to request an extension of time to begin construction of Lake 7, authorized by Water Use Permit No. 5921. Please find enclosed one (1) original copy of the Application filed on behalf of the City. Additionally, please find enclosed payment in the amount of \$1,012.50 for the fees associated with the Application.

Please consider me your contact for this Application. Should you have any questions about this matter, or if additional information is requested, please feel free to contact me or Lora Naismith (512-322-5850; [REDACTED])

Sincerely,



Sara R. Thornton

SRT/las
Enclosure

cc: Mr. Erik Rejino, *City of Lubbock*
Mr. David Dunn, *HDR*
Ms. Lora Naismith, *Lloyd Gosselink Rochelle & Townsend, P.C.*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Water Availability Division - MC-160, P.O. Box 13087 Austin, Texas 78711-3087
Telephone (512) 239-4600 FAX (512) 239-2214

**APPLICATION FOR AN EXTENSION OF TIME TO BEGIN AND/OR
COMPLETE CONSTRUCTION OF AN AUTHORIZED PROJECT**
Texas Water Code Section §11.145
TO BE SUBMITTED PRIOR TO EXPIRATION DATE

1. Applicant Information

Permittee/Owner Name: City of Lubbock

Point of Contact name: Erik Rejino

Mailing Address: PO Box 2000 Lubbock, TX 79401

Phone Number: (806)775-2355 Email Address: [REDACTED]

2. Fees or penalties

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.

Does Applicant or Co-Applicant owe any **fees** to the TCEQ?

Yes or No: No

If yes, provide the following information:

Account number: _____ Amount past due: _____

Does Applicant or Co-Applicant owe any **penalties** to the TCEQ?

Yes or No: No

If yes, please provide the following information:

Enforcement order number: _____ Amount past due: _____

3. Project Data

Certificate of Adjudication No.: _____ or Permit No.: 5921

and,

River Basin: Brazos River Basin

4. **Project Dates**

BEGINNING CONSTRUCTION DATE:

Original (Date in water right): March 14, 2026

Current (From last extension granted,

if applicable): _____

Proposed: March 14, 2028

COMPLETION DATE:

Original: March 14, 2029

Current: _____

Proposed: March 14, 2034

5. **Reason(s) for delay and why the proposed dates requested are necessary**

Under 30 TAC 295.72(b) the applicant must include* why the extension should be granted and why the permit should not be forfeited if the commission finds that sufficient due diligence to begin and/or complete construction of the authorized project has not been demonstrated. Reasonable causes for delay include, but are not limited to, the operation of legal proceedings or other causes which were not within the reasonable control of the permittee and which were reasonably unforeseeable at the time of the appropriation or the last extension. Financial hardship shall not, by itself, constitute sufficient cause for the granting of an extension. Notice of the application, if required, will also indicate that the Commission will consider whether the appropriation shall be forfeited by the applicant, if the extension is denied.

** Please provide a statement setting forth the reasons why construction work could not be commenced or completed in the space below or attach a statement entitled*

"Reasons Why Construction Work Could not be Commenced or Completed."

TCEQ issued Water Use Permit No. 5921 (the "Permit") to the City of Lubbock (the "City") on March 14, 2024. The Permit originally required the City to begin construction of the Jim Bertram Lake 7 dam and reservoir (the "Project") within two years of permit issuance. The City does not yet have the necessary authorization under Section 404 of the Clean Water Act to begin construction of the Project. The City is currently making a good faith steady application of effort to secure federal authorization under Section 404 to begin construction of the dam and reservoir. The City has therefore not yet begun, and is currently legally prohibited from beginning, construction of Lake 7. Because the length of time required to finalize this process and secure the required federal authorization is not entirely within the reasonable control of the City, the delay in commencement of construction is not due to a lack of effort or diligence on the part of the City. As the City has worked diligently and continuously to obtain Section 404 authorization, this permit is not subject to forfeiture under Texas Water Code Section 11.146.

The current deadline for commencement of construction of the Project is March 14, 2026, with the construction required to be completed no later than March 14, 2029. This application is a request to extend the deadline to begin construction and complete construction of the Lake 7 dam and reservoir to March 14, 2028 and March 14, 2034 respectively.

6. **Application Fees**

(Please make checks payable to the Texas Commission on Environmental Quality or TCEQ)

A. All requests for extension of time require payment of the following fees:

Type	Description	Amount (\$)	
Filing Fee	Circle fee correlating to the total amount of water requested for any new appropriation and/or impoundment. Enter corresponding fee under Amount (\$) .	\$1,000.00	
	<u>In Acre-Feet</u>		
	a. Less than 100		\$100.00
	b. 100 - 5,000		\$250.00
	c. 5,001 - 10,000		\$500.00
	d. 10,001 - 250,000	\$1,000.00	
	e. More than 250,000	\$2,000.00	
Recording Fee		\$12.50	
TOTAL		\$1,012.50	

B. Extensions of time that require mailed and published notice require additional fees. Mailed and published notice of the application is required if a new beginning date for construction is more than four years past the original issue date of the water right, or a new completion date for construction is more than five years past the original completion date. If the application requires mailed and published notice, pay the following fees in addition to the fees in section (A) above:

Type	Description	Amount (\$)
Extension Fee	Pursuant to 30 TAC §295.138, extension fees are equivalent to one-time use fees established under §295.133 not to exceed \$1,000 . Enter corresponding extension fee under Amount (\$). Using the one-time use fees as follows:	
	Agriculture Use Fee - Only for those with an Irrigation Use. Multiply 50¢ x ____ Number of acres that will be irrigated with State Water.	
	Use Fee - Required for all Use Types, excluding Irrigation Use. Multiply \$1.00 x ____ Maximum annual diversion of State Water in acre-feet.	
	Recreational Storage Fee - For those with Recreational storage. Multiply \$1.00 x ____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
	Storage Fee - For Storage, excluding Recreational Storage. Multiply 50¢ x ____ acre-feet of State Water to be stored at normal max operating level.	
	Note - if the total extension fees in this column above exceed \$1,000 - enter \$1,000 under Amount (\$).	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600. (Different for each basin and the applicant will publish the notice in a locally circulated newspaper at its expense)	
TOTAL		\$

7. Applicant Signature

I, Erik Rejino

Assistant City Manager

(Typed or printed name)

(Title)

See Tab 1

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 §295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

Signature: [Handwritten Signature] Date: 02/18/2026
(Use blue ink)

Subscribed and Sworn to before me by the said Erik Rejino
on this 18th day of February, 20 26.
My commission expires on the 3rd day of April, 20 29.

Notary Public Magen D. Murchison
Magen D. Murchison
Lubbock
County, Texas



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

County, Texas

TAB 1

Resolution No. 2026-R0047

Item No. 5.36

January 27, 2026

RESOLUTION

WHEREAS, the City owns the rights to Water Use Permit No. 5921 (the "Permit"), which includes, among other things, the authorization to construct and maintain a dam and reservoir known as Lake 7 (the "Reservoir"); and

WHEREAS, the City is currently working to obtain, but has not yet obtained, the necessary approvals under Section 404 of the Clean Water Act that are required before the City may commence construction of the Reservoir; and

WHEREAS, on or about March 14, 2024, the City secured the Permit from the Texas Commission on Environmental Quality (the "Commission"); and

WHEREAS, Section 11.145 of the Texas Water Code (the "TWC") requires authorization from the Commission to obtain an extension of time to commence and complete construction of the Reservoir; and

WHEREAS, to comply with the requirements of the TWC, the City must file and prosecute an application (the "Application") with the Commission, which must include proof of authorization to execute said Application on behalf of the City; and

WHEREAS, the City now desires to file the Application, and to authorize its Assistant City Manager over public works and utilities, on behalf of the City and as a representative of the City, to prepare and execute such Application to extend the time for commencement and completion of the construction of the Reservoir; **NOW THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK, THAT:

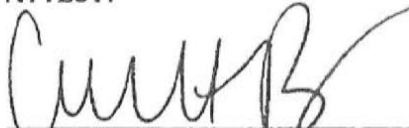
The City Council does hereby authorize the filing and prosecution of the Application with the Commission for an extension of time to commence and complete construction of the Reservoir; and that the Assistant City Manager over public works and utilities is hereby directed to file said Application on behalf of the City and to appear and arrange for the appearance of persons representing the City at hearings and other proceedings on said Application before the Commission, or other permitting agencies, and otherwise direct prosecution of the Application on behalf of the City.

Passed by the City Council on January 27, 2026



MARK W. MCBRAYER, MAYOR

ATTEST:



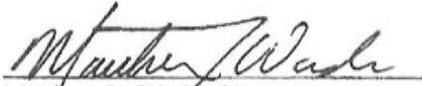
Courtney Paz, City Secretary

APPROVED AS TO CONTENT:



Erik Rejino, Assistant City Manager

APPROVED AS TO FORM:



Matthew L. Wade, City Attorney

ccdocs II/RES.App Ext Time Const Reservoir
January 27, 2026

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



WATER USE PERMIT

PERMIT NO. 5921	TYPE: §§ 11.121, 11.042
Permittee: City of Lubbock	Address: P.O. Box 2000 Lubbock, Texas 79457
Filed: April 17, 2006	Granted: March 14, 2024
Purposes: Municipal, Industrial, Agricultural	Counties: Lubbock and Lynn
Watercourse: North Fork Double Mountain Fork Brazos River	Watershed: Brazos River Basin

WHEREAS, the City of Lubbock (City) seeks a Water Use Permit to construct and maintain a 20,708 acre-foot capacity reservoir (Jim Bertram Lake 7) on the North Fork Double Mountain Fork Brazos River, Brazos River Basin with the centerline of the dam being at Latitude 33.534012' N, Longitude 101.730515' W in Lubbock County; and

WHEREAS, the City also seeks to divert and use not to exceed 50,000 acre-feet of water per year from anywhere along the perimeter of the aforementioned reservoir, at a maximum diversion rate of 138.12 cfs (62,016 gpm), for municipal, industrial, and agricultural purposes within the City's service area in Lubbock and Lynn counties, Brazos River Basin; and

WHEREAS, the City further seeks to authorize the use of the bed and banks of the North Fork Double Mountain Fork Brazos River, Brazos River Basin to convey up to 14,856 acre-feet of water per year discharged from the South Central Lubbock Drainage System, up to 8,934 acre-feet of water per year discharged from the South Lubbock Drainage System, and up to 16,240 acre-feet of surface water- and groundwater-based return flows per year from the Southeast Water Reclamation Plant, authorized under TPDES Permit No. WQ00010353002, to Jim Bertram Lake 7 to support storage in and diversions from the reservoir; and

WHEREAS, water from the South Central Lubbock Drainage System and the South Lubbock Drainage System originates from stormwater collected in playa lakes and subsequently discharged to the North Fork Double Mountain Fork Brazos River; and

WHEREAS, the City will also use other water sources available to it in the North Fork Double Mountain Fork Brazos River, that are authorized under Water Permit Nos. 3985, as amended, and 3705, as amended, to support storage in and diversions from the reservoir; and

WHEREAS, water and return flows will be discharged at the following three points located on the North Fork Double Mountain Fork Brazos River, Brazos River Basin, Lubbock County.

- a. Discharge Point No. 1 (South Central Lubbock Drainage System) being at Latitude 33.55965' N, Longitude 101.79652' W at a maximum rate of 185 cfs;
- b. Discharge Point No. 2 (South Lubbock Drainage System) being at Latitude 33.53363' N, Longitude 101.77879' W at a maximum rate of 75 cfs;
- c. Discharge Point No. 3 (Southeast Water Reclamation Plant, TPDES Permit No. WQ00010353002) being at Latitude 33.56273' N, Longitude 101.79935' W at a maximum rate of 22.47 cfs; and

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

WHEREAS, the City has provided, and the Executive Director has approved, the *City of Lubbock Accounting Plan for Permit 12-5921 Lake 7*; and

WHEREAS, the Executive Director recommends special conditions be included in the permit; 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 permit;

NOW, THEREFORE, this permit, designated as Water Use Permit No. 5921, is issued to the City of Lubbock subject to the following terms and conditions:

1. IMPOUNDMENT

Permittee is authorized to construct and maintain a 20,708 acre-foot capacity reservoir (Jim Bertram Lake 7) on the North Fork Double Mountain Fork Brazos River, Brazos River Basin with the centerline of the dam being at Latitude 33.534012' N, Longitude 101.730515' W in Lubbock County.

2. USE

- A. Permittee is authorized to divert and use not to exceed 50,000 acre-feet of water per year from Jim Bertram Lake 7 for municipal, industrial, and agricultural purposes within the City's service area in Lubbock and Lynn counties.
- B. Permittee is authorized to use the bed and banks of the North Fork Double Mountain Fork Brazos River to convey up to 14,856 acre-feet of water per year discharged from the South Central Lubbock Drainage System, up to 8,934 acre-feet of water per year discharged from the South Lubbock Drainage System, and up to 16,240 acre-feet of surface water- and groundwater-based return flows per year from the Southeast Water Reclamation Plant, authorized under TPDES Permit No. WQ00010353002, to Jim Bertram Lake 7 to support storage in and diversions from the reservoir.
- C. Permittee is authorized to use water authorized under Water Permit Nos. 3985, as amended and 3705, as amended to support storage in and diversions from the reservoir.

3. DISCHARGE

Water will be discharged to the North Fork Double Mountain Fork Brazos River, in Lubbock County as follows:

- A. Discharge Point No. 1 (South Central Lubbock Drainage System) - being at Latitude 33.55965' N, Longitude 101.79652' W at a maximum rate of 185 cfs.
- B. Discharge Point No. 2 (South Lubbock Drainage System) - being at Latitude 33.53363' N, Longitude 101.77879' W at a maximum rate of 75 cfs.
- C. Discharge Point No. 3 (Southeast Water Reclamation Plant, TPDES Permit No. WQ00010353002) being at Latitude 33.56273' N, Longitude 101.79935' W at a maximum rate of 22.47 cfs.

4. DIVERSION

Permittee is authorized to divert:

- A. 50,000 acre-feet of water per year from anywhere along the perimeter of Jim Bertram Lake 7.
- B. at a maximum diversion rate of 138.12 cfs (62,016 gpm).

5. TIME PRIORITY

- A. The time priority for this right is April 17, 2006.
- B. Water discharged from the South Central Lubbock Drainage System, the South Lubbock Drainage System, and return flows discharged from the Southeast Water Reclamation Plant and authorized to be conveyed via the bed and banks of a State watercourse in this permit does not have a priority date and is not subject to priority calls from senior water rights.

6. CONSERVATION

Permittee 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, and 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 permit, 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.

7. SPECIAL CONDITIONS

- A. Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at any new diversion structures.

- B. For purposes of applying the environmental flow requirements in Paragraphs 7.D. - 7.J. of this permit, the measurement point shall be the dam at Jim Bertram Lake 7 and streamflows shall be measured and determined by the *City of Lubbock Accounting Plan for Permit 12-5921 Lake 7*.
- C. Notwithstanding the requirements set out in Paragraphs 7.D. - 7.J. of this permit, if Permittee has stored water in accordance with the terms and conditions of this permit at the time the water was stored, Permittee may divert and use that stored water, even if any environmental flow requirements are not met at the time of the subsequent diversion and use of that stored water.
- D. Impoundment and diversion of state water under this permit shall be restricted based on the following streamflows at Permittee's measurement point, as set forth in Paragraphs 7.E. - 7.J. below.

Season	Subsistence	Dry Condition Seasonal Pulse	Average Condition Seasonal Pulse	Wet Condition Seasonal Pulse
Winter	1 cfs	N/A	N/A	N/A
Spring	1 cfs	1 per season Trigger: 43 cfs Volume: 157 af Duration: 8 days	2 per season Trigger: 43 cfs Volume: 157 af Duration: 8 days	1 per season Trigger: 88 cfs Volume: 335 af Duration: 10 days
Summer	1 cfs	1 per season Trigger: 36 cfs Volume: 119 af Duration: 7 days	2 per season Trigger: 36 cfs Volume: 119 af Duration: 7 days	1 per season Trigger: 74 cfs Volume: 278 af Duration: 10 days

cfs = cubic feet per second
 af = acre-feet
 N/A = not applicable

- E. Seasons are defined as follows: Winter (November through February), Spring (March through June), and Summer (July through October).
- F. Permittee shall determine the hydrologic condition once per season. The Palmer Hydrologic Drought Index (PHDI) value present on the last day of the month of the preceding season, as reported by the National Weather Service, shall be used to determine the hydrologic condition for the following season as set out in Paragraphs F.i. - F.iii. below:
- i. Permittee shall determine the PHDI Index for a season based on the following formula:
- $$(0.027 \times \text{High Plains PHDI}) + (0.647 \times \text{Low Rolling Plains PHDI}) + (0.326 \times \text{North Central PHDI})$$

- ii. The PHDI Index and corresponding hydrologic conditions that govern diversions under this permit are:

Dry	Average	Wet
Less than -1.78	-1.78 - 2.18	Greater than 2.18

- iii. Permittee may utilize an interim PHDI value to determine the hydrologic condition until the value preceding the start of the season is published in accordance with the procedure described in *City of Lubbock Accounting Plan for Permit 12-5921 Lake 7*.

Subsistence Flow

- G. Permittee shall not impound or divert water if the average streamflow at Permittee's measurement point is less than or equal to the applicable subsistence flow in Paragraph 7.D. The "average streamflow" at the measurement point is the average of measured streamflows for the previous 24 hours.

High Flow Pulse

- H. If a pulse flow event required under Paragraph 7.D. is determined to have been triggered based on average streamflows at Permittee's measurement point then, until either the applicable volume amount has passed or the applicable duration time has passed since the high flow pulse was triggered, Permittee shall not impound or divert state water except during times that average streamflow exceeds the applicable pulse flow trigger level. Diversions during such times shall not exceed the rate that would reduce average streamflow to the applicable pulse flow trigger level; provided, however, Permittee is not required to adjust its diversion rate during the pulse event more frequently than once every 24 hours.
- I. Each season is independent of the preceding and subsequent seasons with respect to high flow pulse frequency and the applicable high flow pulse is dependent on the applicable hydrologic condition.
- J. If a qualifying pulse flow event occurs at Permittee's measurement point within a given season, the pulse event shall satisfy a pulse requirement for that season. A qualifying event occurs if the event is determined to have been triggered based on average streamflow and either the pulse flow volume or duration requirement is met.
- K. Impoundment and diversion of return flows and other discharged water as authorized by this permit is dependent upon potentially interruptible return flows and discharges and is conditioned on the availability of those discharges. The right to divert return flows discharged from the Southeast Water Reclamation Plant and the water discharged from the South Central Lubbock Drainage System and the South Lubbock Drainage System is subject to revocation if all discharges become permanently unavailable for impoundment and diversion and may be subject to reduction if the return flows discharged from the Southeast Water Reclamation Plant and the water discharged from the City's South Central Lubbock Drainage System and the South Lubbock Drainage System are not available in quantities and qualities sufficient to fully support the permit authorizations. Should any of the discharges become permanently unavailable for impoundment and diversion, Permittee shall immediately cease impoundment and diversion of return flows and other discharged water under this permit and either apply to amend the permit, or voluntarily forfeit

the authorization to impound and divert return flows and other discharged water. If Permittee does not amend or forfeit the authorization, the Commission may begin proceedings to cancel these authorizations in the permit.

- L. Permittee shall only impound or divert daily return flows and any water discharged from the City's South Central Lubbock Drainage System and the South Lubbock Drainage System that is actually discharged. Permittee shall pass inflows of State Water through Jim Bertram Lake 7 when inflows exceed 5 cfs and the water surface elevation of Possum Kingdom Lake is below 1,000 feet msl.
- M. Prior to diversion and impoundment of return flows in excess of the amount currently authorized by TPDES Permit No. WQ00010353002, described in Paragraph 2. USE and Paragraph 3. DISCHARGE, Permittee shall apply for and be granted the right to reuse those return flows. Permittee shall amend the accounting plan to include future discharges of return flows prior to diverting said return flows.
- N. Prior to diversion of any additional water discharged from the City's South Central Lubbock Drainage System and the South Lubbock Drainage System in excess of the maximum annual discharge volume described in Paragraph 2. USE and Paragraph 3. DISCHARGE, Permittee shall apply for and be granted the right to use the discharged water. Permittee shall amend the accounting plan to include additional discharges from the City's South Central Lubbock Drainage System and the South Lubbock Drainage System prior to diverting said additional discharges.
- O. Permittee shall only impound or divert water authorized under this permit pursuant to Paragraph 2. USE and Paragraph 4. DIVERSION in accordance with the most recently approved *City of Lubbock Accounting Plan for Permit 12-5921 Lake 7*. Permittee shall maintain the plan in electronic format and make it available upon request. Any modifications to the accounting plan shall be approved by the Executive Director. Any modification to the accounting plan that changes the permit terms must be in the form of an amendment to the permit. Should Permittee fail to maintain the accounting plan or notify the Executive Director of any modifications to the plan, Permittee shall immediately cease diversion and impoundment of water authorized in this permit, and either apply to amend the permit, or voluntarily forfeit the permit. If Permittee fails to amend the accounting plan or forfeit the permit, the Commission may begin proceedings to cancel the permit. Permittee shall immediately notify the Executive Director upon modification of the accounting plan and provide copies of the appropriate documents effectuating such changes.
- P. Any required mitigation plan for Jim Bertram Lake 7 shall comply with requirements set forth in 33 United States Code §1341, commonly known as the federal Clean Water Act (CWA), §401 and 30 Texas Administrative Code Chapter 279. The mitigation plan shall also comply with the requirements in §404 of the CWA as implemented through any approved U.S. Army Corps of Engineers permit for Jim Bertram Lake 7. Impoundment and diversions of water under this permit are contingent upon the initiation and completion of implementation of any U.S. Army Corps of Engineers approved mitigation plan.
- Q. Permittee shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point(s) authorized above in Paragraph 4. DIVERSION.
- R. Permittee shall allow representatives of the Texas Commission on Environmental Quality reasonable access to the property to inspect the measuring device and records.

S. Consistent with and subject to the conditions stated in Texas Water Code §11.147(e-1), the commission may adjust the environmental flow conditions in this permit to provide for the protection of instream flows or freshwater inflows to the bay and estuary, if the commission determines, through an expedited public review process, that such adjustment is appropriate to achieve compliance with applicable environmental flow standards adopted pursuant to Texas Water Code §11.1471. Any adjustment shall be made in accordance with the provisions of Texas Water Code §11.147(e-1).

8. TIME LIMITATIONS

- A. Construction of the proposed dam for Jim Bertram Lake 7 shall be in accordance with plans approved by the Executive Director. Construction of the dam without final approval of the construction plans is a violation of this authorization.
- B. Construction shall begin within two years of issuance of this permit and be completed within five years of issuance of the permit unless Permittee applies for and is subsequently granted an extension of time before the expiration of these time limitations.

The diversion and impoundment of unappropriated state water authorized in this permit is subject to all superior and senior water rights in the Brazos River Basin.

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 permit.

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

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



For the Commission

ISSUED: **March 14, 2024**