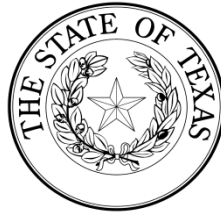


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 14-5434G

The Lower Colorado River Authority (Owner/Applicant) seeks to amend its portion of Certificate of Adjudication No. 14-5434 to add a diversion reach along the Colorado River, Colorado River Basin from the existing diversion point on Lady Bird Lake to Bay City Dam, Matagorda County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. The Lower Colorado River Authority, P.O. Box 220, Austin, TX, 78767-0220 has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Notice is being mailed to the interjacent water right holders of record in the Colorado River Basin pursuant to Title 30 TAC § 295.158(c)(3)(D).

The Lower Colorado River Authority (LCRA) owns a portion of Certificate of Adjudication No. 14-5434, issued as 14-5434C, as amended (14-5434E), which authorizes the Owner to maintain an overflow type structure and a reservoir on the Colorado River, Colorado River Basin, and temporarily impound therein not to exceed 86 acre-feet of water in Colorado County.

Certificate of Adjudication No. 14-5434C, as amended, also authorizes the LCRA to divert and use not to exceed 133,000 acre-feet of water per year from multiple points on the Colorado River, Lake Travis, Lake Austin, and Lady Bird Lake for municipal, industrial, and agricultural purposes in Colorado, Wharton, Travis, Bastrop, Fayette, and Matagorda counties within the Colorado River Basin, Lavaca River Basin, Guadalupe River Basin, Colorado-Lavaca Coastal Basin, and the Brazos-Colorado Coastal Basin at a maximum rate of 600.00 cfs (269,400 gpm).

Multiple special conditions apply and the time priority of the Owner's right is November 1, 1900.

An application was received from LCRA to amend Certificate of Adjudication No. 14-5434C, as amended, to add a diversion reach from the existing diversion point on Lady Bird Lake, ZIP Code 78741 to Bay City Dam, ZIP Code 77414.

LCRA indicates that, 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, LCRA agrees to certain limitations on the right to divert water pursuant to this amendment from locations that are authorized in both this amendment and Certificate of Adjudication No. 14-5437, as amended.

The LCRA diversion and use of water from anywhere on the perimeter of Lady Bird Lake (formerly known as Town Lake) and Lake Austin, authorized by Certificate of Adjudication No.

14-5471, as amended, and Lake Travis, authorized by Certificate of Adjudication No. 14-5482 will not be diverted from storage in the reservoirs.

LCRA requests that Certificate of Adjudication No. 14-5434E be replaced with a new amendment that includes all of the authorizations from Certificate of Adjudication No. 14-5434E and the requested diversion reach.

In March 1998, the staffs of LCRA and the Colorado River Municipal Water District (“CRMWD”) entered into an agreement in principle that, among other things, this amendment would “not require CRMWD to pass through any more inflows than would have been required had the 133,000 acre-feet per year Garwood irrigation right remained at its original diversion point and been used for irrigation purposes to the full extent possible”.

The application and partial fees were received on January 3, 2023. Additional information and fees were received April 26, 2023. The application was declared administratively complete and filed with the Office of the Chief Clerk on May 9, 2023. Additional information was received on May 25 and July 19, 2023.

The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would contain special conditions including, but not limited to, streamflow requirements and diversion limitations. The application, technical memoranda, and Executive Director’s draft amendment are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by November 17, 2023. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by November 17, 2023. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by November 17, 2023.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement “[I/we] request a contested case hearing;” (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering

ADJ 5434 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at <http://www.tceq.texas.gov/>. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued: October 31, 2023

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-5434G

TYPE: §§ 11.122, 11.085

Owner:	Lower Colorado River Authority	Address:	P.O. Box 220 Austin, Texas 78767-0220
Filed:	May 9, 2023	Granted:	
Purposes:	Municipal, Industrial, and Agricultural	Counties:	Colorado, Wharton, Travis, Bastrop, Fayette and Matagorda
Watercourse:	Spicer Creek, tributary of the Colorado River; Cedar Creek, tributary of the Colorado River, Moores Branch of the Colorado River, tributary of the Colorado River and the Colorado River	Watersheds:	Colorado River Basin, Lavaca River Basin, Guadalupe River Basin, Colorado-Lavaca Coastal Basin, and the Brazos-Colorado Coastal Basin

WHEREAS, the Lower Colorado River Authority (LCRA) owns a portion of Certificate of Adjudication No. 14-5434, issued as 14-5434C, as amended (14-5434E), which authorizes the Owner to maintain an overflow type structure and a reservoir on the Colorado River, Colorado River Basin, and temporarily impound therein not to exceed 86 acre-feet of water in Colorado County; and

WHEREAS, Certificate of Adjudication No. 14-5434C, as amended, also authorizes the LCRA to divert and use not to exceed 133,000 acre-feet of water per year from multiple points on the Colorado River, Lake Travis, Lake Austin, and Lady Bird Lake for municipal, industrial, and agricultural purposes in Colorado, Wharton, Travis, Bastrop, Fayette, and Matagorda counties within the Colorado River Basin, Lavaca River Basin, Guadalupe River Basin, Colorado-Lavaca Coastal Basin, and the Brazos-Colorado Coastal Basin at a maximum rate of 600.00 cfs (269,400 gpm); and

WHEREAS, multiple special conditions apply; and

WHEREAS, the time priority of the Owner's right is November 1, 1900; and

WHEREAS, an application was received from LCRA to amend Certificate of Adjudication No. 14-5434C, as amended, to add a diversion reach from the existing diversion point on Lady Bird Lake to Bay City Dam; and

WHEREAS, LCRA indicates that, 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, LCRA agrees to certain limitations on the right to divert water pursuant to this amendment from locations that are authorized in both this amendment and Certificate of Adjudication No. 14-5437, as amended; and

WHEREAS, the Conservation provision was agreed to by LCRA as part of a settlement agreement prior to issuance of Certificate of Adjudication No. 14-5434E, and it may not reflect TCEQ's interpretation of applicable requirements and is not intended to set a precedent for future special conditions; and

WHEREAS, the LCRA diversion and use of water from anywhere on the perimeter of Lady Bird Lake (formerly known as Town Lake) and Lake Austin, authorized by Certificate of Adjudication No. 14-5471, as amended, and Lake Travis, authorized by Certificate of Adjudication No. 14-5482 will not be diverted from storage in the reservoirs; and

WHEREAS, the amendment the applicant is requesting does not represent a new appropriation of water nor an increase in the amount of water authorized to be stored, taken, or diverted; therefore, Texas Water Code § 11.1471(d) does not apply to this application; and

WHEREAS, LCRA requests that Certificate of Adjudication No. 14-5434E be replaced with a new amendment that includes all of the authorizations from Certificate of Adjudication No. 14-5434E and the requested diversion reach; and

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

WHEREAS, the Executive Director recommends special conditions be included; and

WHEREAS, in March 1998, the staffs of LCRA and the Colorado River Municipal Water District ("CRMWD") entered into an agreement in principle that, among other things, this amendment would "not require CRMWD to pass through any more inflows than would have been required had the 133,000 acre-feet per year Garwood irrigation right remained at its original diversion point and been used for irrigation purposes to the full extent possible"; 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. 14-5434, designated Certificate of Adjudication No. 14-5434G, is issued to Lower Colorado River Authority, subject to the following terms and conditions:

1. DIVERSION

In addition to the previous authorization in 14-5434C and in lieu of the previous authorization in Paragraph 1. DIVERSION, 14-5434E, Owner is authorized to divert at:

- A. Any point on the perimeter of Lake Travis, authorized by Certificate of Adjudication No. 14-5482.
- B. Any point on the perimeter of Lady Bird Lake (formerly known as Town Lake) and Lake Austin, authorized by Certificate of Adjudication No. 14-5471, as amended.

- C. Two diversion points authorized in Certificate of Adjudication No. 14-5473:
- (1) At a point on the Colorado River, Colorado River Basin in the Isaac Harris Grant, Abstract 38, Bastrop County, Texas, located at 30.15240° N Latitude, 97.34650° W Longitude.
 - (2) On the perimeter of Lake Bastrop on Spicer Creek, tributary of the Colorado River, Bastrop County, Texas, located at 30.15475° N Latitude, 97.29339° W Longitude.
- D. Two diversion points authorized in Certificate of Adjudication No. 14-5474:
- (1) At a point on the east bank of the Colorado River in the J.M. Hensley Survey, Abstract 54, Fayette County, Texas, located at 29.86770° N Latitude, 96.77560° W Longitude.
 - (2) On the perimeter of Cedar Creek Reservoir on Cedar Creek, tributary of the Colorado River in the J.M. Hensley Survey, Abstract 54, Fayette County, Texas, located at 29.91920° N Latitude, 96.75110° W Longitude.
- E. Three diversion points authorized in Certificate of Adjudication No. 14-5476:
- (1) At a point on the east bank of a reservoir, known as Lane City Dam, on the Colorado River in the Sylvenus Castleman Grant, Abstract 11, Wharton County, Texas, located at 29.1936° N Latitude, 96.07210° W Longitude.
 - (2) At a point on the east bank of a reservoir, known as Bay City Dam, on the Colorado River in the John F. Bowman and Henry Williams Grant, Abstract 9, Matagorda County, Texas, located at 28.98400° N Latitude, 96.00020° W Longitude.
 - (3) At a point on the west bank of a reservoir, known as Bay City Dam, on the Colorado River in the Thomas Cayce Grant, Abstract 14, Matagorda County, Texas, located at 28.98060° N Latitude, 96.01150° W Longitude.
- F. Two diversion points authorized in Certificate of Adjudication No. 14-5475:
- (1) At a point on the east bank of the Colorado River in the A.W. McLain and James McNair Grant, Abstract 33, Colorado County, Texas, located at 29.56990° N Latitude, 96.40200° W Longitude.
 - (2) At a point located on the perimeter of Eagle Lake on Moores Branch of the Colorado River in Colorado County, Texas, located at 29.55830° N Latitude, 96.33410° W Longitude.
- G. The diversion point authorized in Certificate of Adjudication No. 14-5477, which is at a point on the south bank of the Colorado River in the Robert Kuykendall Grant, Abstract 39, Wharton County, Texas, located at 29.30727° N Latitude, 96.13401° W Longitude.
- H. The diversion point authorized in Section 3.A. (DIVERSION) of Certificate of Adjudication No. 14-5437, as amended, which is at a point on the west bank of the Colorado River in the Cornelius H. Vanderveer Grant, Abstract 95, Matagorda County, Texas, located at 28.77580° N Latitude, 95.99700° W Longitude.

- I. Owner is authorized to divert at any point along the Colorado River from Longhorn Dam, Latitude 30.250484° N, Longitude 97.713573° W to Bay City Dam, located on the Colorado River in the Thomas Cayce Grant, Abstract 14, Matagorda County, Texas, located at 28.977167° N Latitude, 96.012254° W Longitude.
- J. A maximum combined diversion rate of 600 cfs (269,400 gpm), inclusive of all diversions under this amendment and all diversions previously authorized under Certificate of Adjudication No. 14-5434C.

2. PRIORITY DATE

The time priority of the Owner's right under this Certificate of Adjudication No. 14-5434G is November 1, 1900.

3. CONSERVATION

In lieu of Paragraph 3. CONSERVATION, in Certificate of Adjudication No. 14-5434E, Owner is subject to the following:

Owner shall implement a water conservation plan that continues to provide for the utilization of reasonable practices, techniques and technologies, for each category of authorized use, that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, improve efficiency in the use of water, and increase the recycling and reuse of water, so that a water supply is made available for future or alternative uses. The practices and technologies used shall be designed to achieve a level of efficiency of use for each category of authorized use that is equal to or greater than the level provided for in Owner's most recent water conservation plan on file with the Commission as of the date of the issuance of this amendment. In selecting practices, techniques, and technologies to be used, Owner shall consider any appropriate best management practices that are identified in the most recent version of the Water Conservation Best Management Practices Guide produced by the Texas Water Development Board or any successor document. In every wholesale water contact or contract extension or renewal entered into on or after this amendment is issued, Owner shall continue to include a requirement that each successive wholesale customer develop and implement conservation measures consistent with the requirements of this provision. 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 is required to implement water conservation measures consistent with the requirements of this provision. Those requirements include insuring that each successive wholesale customer will have a publicly accessible water conservation plan with specific, quantified 5- year and 10- year targets for water savings and will provide publicly accessible reports to the Owner at five-year intervals summarizing the progress toward meeting those targets.

4. SPECIAL CONDITIONS

In lieu of Paragraph 4. SPECIAL CONDITIONS, in Certificate of Adjudication No. 14-5434E, the following special conditions apply:

- A. Diversion of water from the perimeter of Lake Travis, Lake Austin, Lady Bird Lake (formerly known as Town Lake), or from the Colorado River between Longhorn Dam and USGS Gage No. 08158000, Colorado River at Austin, Texas, shall not occur when the flow of water is below 50 cfs at USGS Gage No. 08158000, Colorado River at Austin, Texas, or when flow at the USGS Gage No. 08159200, Colorado River at Bastrop, Texas is

below the applicable instream flow requirement for the Bastrop reach as further defined in Paragraphs B.- C. below.

- B. Diversions of water from the Colorado River downstream of USGS Gage No. 08158000, Colorado River at Austin, Texas, and upstream of the existing diversion point authorized under Certificate of Adjudication No. 14-5434C shall not occur when streamflow is below the applicable instream flow requirement at the gage immediately downstream of the diversion, as set forth in Paragraphs C.- E. below, which shall apply as follows:

- (1) At times when diversions within the volume limits established under Special Condition 4.H.(1) and occurring at diversion points located upstream of the existing diversion point authorized under Certificate of Adjudication No. 14-5434C do not exceed a total combined diversion rate of 150 cfs, Owner has the option of determining the applicable instream flow requirement as either:
- a. the monthly instream flow requirement that would otherwise apply pursuant to Special Condition 4.B.(2); or
 - b. the limitation on an instantaneous basis of the diversion rate within each individual reach to no more than 50% of the amount by which flow in the individual reach, as calculated on a daily-average basis without any diversions occurring under this Amendment in the reach, would exceed the Subsistence flow for the month and reach at the relevant gage.

For purposes of this Provision 4.B.(1), individual reaches are defined as follows: the reach upstream of the Bastrop gage starting at Lake Travis, using USGS Gage No. 08159200 as the relevant gage with the subsistence flow values set out in Special Condition 4.C.; the reach and subsistence flow values described in Special Condition 4.D., using USGS Gage No. 08161000 as the relevant gage; and the reach and subsistence flow values defined in Special Condition 4.E., using USGS Gage No. 08162000 as the relevant gage.

- (2) At all other times, the applicable monthly instream flow requirement for diversions within a reach under Special Conditions 4.C.-E. during the relevant Seasonal Period is based on the combined storage in lakes Buchanan and Travis as determined on the Measurement Date, as follows:

Seasonal Period	Measurement Date
March - June	Last day of February
July - October	June 30
November - February	October 31

Storage on Measurement Date (acre-feet)	Applicable Instream Flow Requirement
< 1,103,700	Subsistence
≥ 1,103,700 and ≤ 1,737,460	Base-Dry
> 1,737,460	Base-Average

- C. Diversion of water in the Bastrop reach, between USGS Gage No. 08158000, Colorado River at Austin, Texas and USGS Gage No. 08159200, Colorado River at Bastrop, Texas, shall not occur when streamflow in the Bastrop reach is below the applicable

requirements as determined pursuant to Special Condition 4.B. and measured at USGS Gage No. 08159200, Colorado River at Bastrop, Texas:

Cfs	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Subsistence	208	274	274	184	275	202	137	123	123	127	180	186
Base-Dry	313	317	274	287	579	418	347	194	236	245	283	311
Base-Average	433	497	497	635	824	733	610	381	423	433	424	450

D. Diversion of water in the Columbus (Eagle Lake) reach, between USGS Gage No. 08159200, Colorado River at Bastrop, Texas and USGS Gage No. 08161000, Colorado River at Columbus, Texas, shall not occur when streamflow in the Columbus reach is below the applicable requirements as determined pursuant to Special Condition 4.B. and measured at USGS Gage No. 08161000, Colorado River at Columbus, Texas:

Cfs	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Subsistence	340	375	375	299	425	534	342	190	279	190	202	301
Base-Dry	487	590	525	554	966	967	570	310	405	356	480	464
Base-Average	828	895	1,020	977	1,316	1,440	895	516	610	741	755	737

E. Diversion of water in the Wharton (Egypt) reach, between USGS Gage No. 08161000, Colorado River at Columbus, Texas and USGS Gage No. 08162000, Colorado River at Wharton, Texas, shall not occur when streamflow in the Wharton reach is below the applicable requirements as determined pursuant to Special Condition 4.B. and measured at USGS Gage No. 08162000, Colorado River at Wharton, Texas:

Cfs	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Subsistence	315	303	204	270	304	371	212	107	188	147	173	202
Base-Dry	492	597	531	561	985	984	577	314	410	360	486	470
Base-Average	838	906	1,036	1,011	1,397	1,152	906	522	617	749	764	746

F. Diversion of water from Lake Bastrop, Cedar Creek Reservoir, or Eagle Lake as set forth in this amendment, which is diverted from natural inflows into these reservoirs from the Spicer Creek, Cedar Creek, or Eagle Lake watersheds, shall be limited to times when the applicable instream flow requirements for the corresponding main stem reach are met. Further, such diversions shall not result in the complete cessation of flow downstream of any of the respective impoundments.

G. INTAKE STRUCTURES

- (1) If Owner makes significant modifications to an existing intake structure that it solely owns and operates at diversion points that authorize diversion of water under this amendment, Owner shall implement reasonable measures to minimize potential adverse impacts due to entrainment and impingement of fishery resources. This requirement shall not apply to routine maintenance or replacement of existing intake facilities that do not result in any increase in the diversion rates or intake velocities of the existing facilities. Regardless of whether Owner subsequently conveys a portion of its ownership or operational responsibility in an intake structure that was solely owned and operated by Owner at the time of issuance of this amendment, each such existing intake structure remains subject to this requirement if it is used to divert water under this amendment.

- (2) If Owner intends to construct new intake facilities that it will own and operate at the authorized diversion points below Longhorn Dam for purposes of diverting water authorized under this amendment, Owner shall seek and obtain an amendment to this certificate prior to commencing construction of such facilities for the purpose of establishing special conditions, if any, needed to address any specific adverse impacts due to entrainment and impingement of fishery resources from the proposed new intake facilities.
- (3) Notwithstanding that the STP Nuclear Operating Company, on behalf of the STP Owners, is a joint owner with LCRA of Certificate of Adjudication No. 14-5437, as amended, the provisions of subparagraphs (1) or (2) above do not apply to existing or new structures and facilities that are solely owned and operated by the STP Nuclear Operating Company, on behalf of the STP Owners, at points of diversions also authorized in Certificate of Adjudication No. 14-5437, as amended.

H. DIVERSION LIMITS

- (1) Except as set forth in subparagraphs (2), (3) and (4) the maximum amount of water available for annual diversion at the additional points authorized in Paragraph 1. DIVERSION is as follows:

Location	Maximum Annual Diversion Amount (acre-feet)
DIVERSION Paragraph 1.A.	79,733
DIVERSION Paragraph 1.B.	91,925
DIVERSION Paragraph 1.C.	104,776
DIVERSION Paragraph 1.D.	128,241
DIVERSION Paragraphs 1.E.,F.,G. and H.	133,000

For purposes of DIVERSION Paragraph 1.1, the maximum annual diversion amount specified for DIVERSION Paragraph 1.B. also applies to diversions located between the diversion points authorized DIVERSION Paragraphs 1.B. and 1.C. The maximum annual diversion amount specified for DIVERSION Paragraph 1.C. also applies to diversions located between the diversion points authorized DIVERSION Paragraphs 1.C. and 1.D. The maximum annual diversion amount specified for DIVERSION Paragraph 1.D. also applies to diversions located between the diversion points authorized DIVERSION Paragraphs 1.D. and the point of diversion authorized under Certificate of Adjudication No. 14-5434C. The maximum annual diversion amount at or below the point of diversion authorized under Certificate of Adjudication No. 14-5434C is 133,000 acre-feet.

- (2) In addition, at the additional points authorized in Paragraph 1. DIVERSION 1.A. through 1.D. and 1.I. of this amendment, Owner may divert amounts in excess of those amounts specified in subparagraph (1), up to a maximum amount of 133,000 acre-feet per year at any additional point of diversion to the extent that such water is available at the additional diversion point(s) without the Owner exercising a priority call on junior water rights to support the excess diversion.
- (3) Nothing in subparagraphs (1) or (2) allows Owner to divert water to the extent that diversion would reduce the availability of water under any other water right, including water for meeting instream flow requirements under any other water

rights, beyond the reduction that would have otherwise occurred with the full, legal exercise of this water right before the changes authorized in this amendment. Further, in accordance with the March 26, 1998 Agreement between LCRA and CRMWD, LCRA shall not require CRMWD to pass through any more inflows than would have been required had the 133,000 acre-feet per year Garwood irrigation right remained at its original diversion point and been used for irrigation purposes to the full extent possible.

- (4) In no event may Owner divert more than 133,000 acre-feet per year, at any diversion point or combination of diversion points, pursuant to this certificate as amended.
- I. To the extent that diversions occur at upstream point(s) of diversion, the amount available at downstream points is reduced accordingly based on run of the river flows at those locations. Owner shall document diversions of water authorized by Certificate of Adjudication No. 14-5434 at each diversion point and include the volume of water diverted at each point in Owner's annual Water Use Report.
- J. Diversion of water appropriated under this certificate at any point in Lake Travis is limited to Lake Travis inflows.
- K. Diversion of water appropriated under this certificate in the reach downstream of Lake Travis and upstream of USGS Gage No. 08158000, Colorado River at Austin, Texas is limited to run of the river flows.
- L. Owner shall only divert and use water pursuant to this amended certificate in accordance with the most recent approved *Accounting Procedures Water Rights Application No. 14-5434G*. Owner shall maintain the accounting plan and supporting information in electronic format and make the data available to the Executive Director and the public upon request. If Owner seeks to modify its accounting plan, Owner shall submit a request to the Executive Director for a determination of whether such modification requires an amendment to this certificate, along with copies of the appropriate documents reflecting such a modification. Any modifications to *Accounting Procedures Water Rights Application No. 14-5434G* that the Executive Director determines would change the certificate terms must be submitted in the form of an application to amend the certificate. If an amendment is required, Owner shall not make any diversions pursuant to the modified accounting plan until an amendment is issued. Should Owner fail to maintain the accounting plan or timely notify the Executive Director of any modifications to the accounting plan, Owner shall immediately cease diversion pursuant to Paragraph 1. DIVERSION, and either apply to amend the certificate or forfeit the additional diversion points. If Owner fails to amend the certificate or forfeit the additional diversion points, then TCEQ may begin proceedings to cancel authorization to use the point. Owner shall immediately notify the Commission upon modification of the accounting plan and provide copies of the appropriate documents effectuating such changes.
- M. 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, diversions pursuant to this amendment from locations that are authorized in both this amendment and Certificate of Adjudication No. 14-5437, as amended, are limited by the following conditions, except to the extent STP Nuclear Operating Company provides prior and specific written consent:

- (1) Diversions pursuant to this amendment at the location authorized in Paragraph 1.H. DIVERSION of this amendment shall not diminish the amount of water otherwise available for diversion at that time and location pursuant to Certificate of Adjudication No. 14-5437, as amended, and may be 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; and
- (2) Diversions pursuant to this amendment at the location authorized in Paragraph 1.E.(3) DIVERSION of this amendment for the purpose of supplying water to STP Nuclear Operating Company shall not diminish the amount of water otherwise available for diversion at that time and location pursuant to Certificate of Adjudication No. 14-5437, as amended, and shall be consistent with Contractual Permit No. 327A.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 14-5434, 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:

Sarah Henderson

From: Leonard Oliver [REDACTED]
Sent: Wednesday, October 18, 2023 9:57 AM
To: Sarah Henderson
Cc: Humberto Galvan; Monica Masters; Greg Graml
Subject: RE: Lower Colorado River Authority ADJ No. 14-5434G
Attachments: Notice_Review_letter_14_5434G.pdf

Sarah,

Please find the attached letter, it is LCRA's response to your request for review of the 14-5434G draft notice and amendment.

Thank you,

Leonard Oliver

From: Sarah Henderson <sarah.henderson@tceq.texas.gov>
Sent: Thursday, October 05, 2023 5:17 PM
To: Leonard Oliver [REDACTED]
Cc: Humberto Galvan <Humberto.Galvan@tceq.texas.gov>
Subject: Lower Colorado River Authority ADJ No. 14-5434G

CAUTION - EXTERNAL EMAIL
Phishing? **Click the fish** in Outlook

Hi Leonard,
Please find the attached draft notice and amendment for your review.
Comments are requested by October 19, 2023.

Feel free to contact me with any questions.
Sincerely,
Sarah

Sarah Henderson
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
P.O. Box 13087/MC-160
Austin, TX 78711-3087
(P) 512.239.2535
(F) 512.239.4770



October 17, 2023

VIA E-MAIL

Ms. Sarah Henderson, MC-160
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

Re: Lower Colorado River Authority
CN600253637
Application to Amend Water Rights Permit No.5434
Colorado River, Colorado River Basin

Dear Ms. Henderson:

Lower Colorado River Authority (LCRA) has reviewed the draft Amendment and Notice for proposed certificate of adjudication 14-5434G. LCRA has no comments or suggested changes.

Please do not hesitate to contact Leonard Oliver at 512-578-4088 or [REDACTED] if you have any questions.

Sincerely,

Monica P. Masters

Monica Masters, P.E.
Vice President, Water Resources

Sarah Henderson

From: Sarah Henderson
Sent: Thursday, October 5, 2023 5:17 PM
To: Leonard Oliver
Cc: Humberto Galvan
Subject: Lower Colorado River Authority ADJ No. 14-5434G
Attachments: LCRA_14-5434G_Draft Notice_Amendment_5Oct2023.pdf

Hi Leonard,
Please find the attached draft notice and amendment for your review.
Comments are requested by October 19, 2023.

Feel free to contact me with any questions.

Sincerely,

Sarah

Sarah Henderson
Water Rights Permitting Team
Water Availability Division
Texas Commission on Environmental Quality
P.O. Box 13087/MC-160
Austin, TX 78711-3087
(P) 512.239.2535
(F) 512.239.4770

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 5, 2023

Mr. Leonard Oliver
Lower Colorado River Authority
P.O. Box 220, L200
Austin, Texas 78703

VIA E-MAIL

RE: Lower Colorado River Authority
ADJ 5434
CN600253637, RN104090089
Application No. 14-5434G to Amend Certificate of Adjudication No. 14-5434
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Colorado River, Colorado River Basin
Travis County

Dear Mr. Oliver:

Drafts, subject to revision, of the public notice, proposed amendment to Certificate of Adjudication No. 14-5434 and the related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the attached drafts. Please review the drafts and contact me no later than October 19, 2023 with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date.

Please note this application requires a two-week comment period and once the comment period has closed, the proposed amendment to Certificate of Adjudication No. 14-5434 may be issued as drafted given no hearing requests are received.

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

Sincerely,

Sarah Henderson

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

Attachments

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 14-5434G

The Lower Colorado River Authority (Owner/Applicant) seeks to amend its portion of Certificate of Adjudication No. 14-5434 to add a diversion reach along the Colorado River, Colorado River Basin from the existing diversion point on Lady Bird Lake to Bay City Dam, Matagorda County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. The Lower Colorado River Authority, P.O. Box 220, Austin, TX, 78767-0220 has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to Texas Water Code (TWC) § 11.122 and TCEQ Rules Title 30 Texas Administrative Code (TAC) § 295.1, *et seq.* Notice is being mailed to the interjacent water right holders of record in the Colorado River Basin pursuant to Title 30 TAC § 295.158(c)(3)(D).

The Lower Colorado River Authority (LCRA) owns a portion of Certificate of Adjudication No. 14-5434, issued as 14-5434C, as amended (14-5434E), which authorizes the Owner to maintain an overflow type structure and a reservoir on the Colorado River, Colorado River Basin, and temporarily impound therein not to exceed 86 acre-feet of water in Colorado County.

Certificate of Adjudication No. 14-5434C, as amended, also authorizes the LCRA to divert and use not to exceed 133,000 acre-feet of water per year from multiple points on the Colorado River, Lake Travis, Lake Austin, and Lady Bird Lake for municipal, industrial, and agricultural purposes in Colorado, Wharton, Travis, Bastrop, Fayette, and Matagorda counties within the Colorado River Basin, Lavaca River Basin, Guadalupe River Basin, Colorado-Lavaca Coastal Basin, and the Brazos-Colorado Coastal Basin at a maximum rate of 600.00 cfs (269,400 gpm).

Multiple special conditions apply and the time priority of the Owner's right is November 1, 1900.

An application was received from LCRA to amend Certificate of Adjudication No. 14-5434C, as amended, to add a diversion reach from the existing diversion point on Lady Bird Lake, ZIP Code 78741 to Bay City Dam, ZIP Code 77414.

LCRA indicates that, 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, LCRA agrees to certain limitations on the right to divert water pursuant to this amendment from locations that are authorized in both this amendment and Certificate of Adjudication No. 14-5437, as amended.

The LCRA diversion and use of water from anywhere on the perimeter of Lady Bird Lake (formerly known as Town Lake) and Lake Austin, authorized by Certificate of Adjudication No. 14-5471, as amended, and Lake Travis, authorized by Certificate of Adjudication No. 14-5482 will not be diverted from storage in the reservoirs.

LCRA requests that Certificate of Adjudication No. 14-5434E be replaced with a new amendment that includes all of the authorizations from Certificate of Adjudication No. 14-5434E and the requested diversion reach.

In March 1998, the staffs of LCRA and the Colorado River Municipal Water District (“CRMWD”) entered into an agreement in principle that, among other things, this amendment would “not require CRMWD to pass through any more inflows than would have been required had the 133,000 acre-feet per year Garwood irrigation right remained at its original diversion point and been used for irrigation purposes to the full extent possible”.

The application and partial fees were received on January 3, 2023. Additional information and fees were received April 26, 2023. The application was declared administratively complete and filed with the Office of the Chief Clerk on May 9, 2023.

The Executive Director completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would contain special conditions including, but not limited to, streamflow requirements and diversion limitations. The application, technical memoranda, and Executive Director’s draft amendment are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by [redacted] 2023. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by [redacted] 2023. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by [redacted] 2023.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 5434 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at <http://www.tceq.texas.gov/>. Si desea información en Español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

Issued:

DRAFT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-5434G		TYPE: §§ 11.122, 11.085
Owner:	Lower Colorado River Authority	Address: P.O. Box 220 Austin, Texas 78767-0220
Filed:	May 9, 2023	Granted:
Purposes:	Municipal, Industrial, and Agricultural	Counties: Colorado, Wharton, Travis, Bastrop, Fayette and Matagorda
Watercourse:	Spicer Creek, tributary of the Colorado River; Cedar Creek, tributary of the Colorado River, Moores Branch of the Colorado River, tributary of the Colorado River and the Colorado River	Watersheds: Colorado River Basin, Lavaca River Basin, Guadalupe River Basin, Colorado-Lavaca Coastal Basin, and the Brazos-Colorado Coastal Basin

WHEREAS, the Lower Colorado River Authority (LCRA) owns a portion of Certificate of Adjudication No. 14-5434, issued as 14-5434C, as amended (14-5434E), which authorizes the Owner to maintain an overflow type structure and a reservoir on the Colorado River, Colorado River Basin, and temporarily impound therein not to exceed 86 acre-feet of water in Colorado County; and

WHEREAS, Certificate of Adjudication No. 14-5434C, as amended, also authorizes the LCRA to divert and use not to exceed 133,000 acre-feet of water per year from multiple points on the Colorado River, Lake Travis, Lake Austin, and Lady Bird Lake for municipal, industrial, and agricultural purposes in Colorado, Wharton, Travis, Bastrop, Fayette, and Matagorda counties within the Colorado River Basin, Lavaca River Basin, Guadalupe River Basin, Colorado-Lavaca Coastal Basin, and the Brazos-Colorado Coastal Basin at a maximum rate of 600.00 cfs (269,400 gpm); and

WHEREAS, multiple special conditions apply; and

WHEREAS, the time priority of the Owner's right is November 1, 1900; and

WHEREAS, an application was received from LCRA to amend Certificate of Adjudication No. 14-5434C, as amended, to add a diversion reach from the existing diversion point on Lady Bird Lake to Bay City Dam; and

WHEREAS, LCRA indicates that, 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, LCRA agrees to certain limitations on the right to divert water pursuant to this amendment from locations that are authorized in both this amendment and Certificate of Adjudication No. 14-5437, as amended; and

WHEREAS, the Conservation provision was agreed to by LCRA as part of a settlement agreement prior to issuance of Certificate of Adjudication No. 14-5434E, and it may not reflect TCEQ's interpretation of applicable requirements and is not intended to set a precedent for future special conditions; and

WHEREAS, the LCRA diversion and use of water from anywhere on the perimeter of Lady Bird Lake (formerly known as Town Lake) and Lake Austin, authorized by Certificate of Adjudication No. 14-5471, as amended, and Lake Travis, authorized by Certificate of Adjudication No. 14-5482 will not be diverted from storage in the reservoirs; and

WHEREAS, the amendment the applicant is requesting does not represent a new appropriation of water nor an increase in the amount of water authorized to be stored, taken, or diverted; therefore, Texas Water Code § 11.1471(d) does not apply to this application; and

WHEREAS, LCRA requests that Certificate of Adjudication No. 14-5434E be replaced with a new amendment that includes all of the authorizations from Certificate of Adjudication No. 14-5434E and the requested diversion reach; and

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

WHEREAS, the Executive Director recommends special conditions be included; and

WHEREAS, in March 1998, the staffs of LCRA and the Colorado River Municipal Water District ("CRMWD") entered into an agreement in principle that, among other things, this amendment would "not require CRMWD to pass through any more inflows than would have been required had the 133,000 acre-feet per year Garwood irrigation right remained at its original diversion point and been used for irrigation purposes to the full extent possible"; 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. 14-5434, designated Certificate of Adjudication No. 14-5434G, is issued to Lower Colorado River Authority, subject to the following terms and conditions:

1. DIVERSION

In addition to the previous authorization in 14-5434C and in lieu of the previous authorization in Paragraph 1. DIVERSION, 14-5434E, Owner is authorized to divert at:

- A. Any point on the perimeter of Lake Travis, authorized by Certificate of Adjudication No. 14-5482.
- B. Any point on the perimeter of Lady Bird Lake (formerly known as Town Lake) and Lake Austin, authorized by Certificate of Adjudication No. 14-5471, as amended.

- C. Two diversion points authorized in Certificate of Adjudication No. 14-5473:
- (1) At a point on the Colorado River, Colorado River Basin in the Isaac Harris Grant, Abstract 38, Bastrop County, Texas, located at 30.15240° N Latitude, 97.34650° W Longitude.
 - (2) On the perimeter of Lake Bastrop on Spicer Creek, tributary of the Colorado River, Bastrop County, Texas, located at 30.15475° N Latitude, 97.29339° W Longitude.
- D. Two diversion points authorized in Certificate of Adjudication No. 14-5474:
- (1) At a point on the east bank of the Colorado River in the J.M. Hensley Survey, Abstract 54, Fayette County, Texas, located at 29.86770° N Latitude, 96.77560° W Longitude.
 - (2) On the perimeter of Cedar Creek Reservoir on Cedar Creek, tributary of the Colorado River in the J.M. Hensley Survey, Abstract 54, Fayette County, Texas, located at 29.91920° N Latitude, 96.75110° W Longitude.
- E. Three diversion points authorized in Certificate of Adjudication No. 14-5476:
- (1) At a point on the east bank of a reservoir, known as Lane City Dam, on the Colorado River in the Sylvenus Castleman Grant, Abstract 11, Wharton County, Texas, located at 29.1936° N Latitude, 96.07210° W Longitude.
 - (2) At a point on the east bank of a reservoir, known as Bay City Dam, on the Colorado River in the John F. Bowman and Henry Williams Grant, Abstract 9, Matagorda County, Texas, located at 28.98400° N Latitude, 96.00020° W Longitude.
 - (3) At a point on the west bank of a reservoir, known as Bay City Dam, on the Colorado River in the Thomas Cayce Grant, Abstract 14, Matagorda County, Texas, located at 28.98060° N Latitude, 96.01150° W Longitude.
- F. Two diversion points authorized in Certificate of Adjudication No. 14-5475:
- (1) At a point on the east bank of the Colorado River in the A.W. McLain and James McNair Grant, Abstract 33, Colorado County, Texas, located at 29.56990° N Latitude, 96.40200° W Longitude.
 - (2) At a point located on the perimeter of Eagle Lake on Moores Branch of the Colorado River in Colorado County, Texas, located at 29.55830° N Latitude, 96.33410° W Longitude.
- G. The diversion point authorized in Certificate of Adjudication No. 14-5477, which is at a point on the south bank of the Colorado River in the Robert Kuykendall Grant, Abstract 39, Wharton County, Texas, located at 29.30727° N Latitude, 96.13401° W Longitude.
- H. The diversion point authorized in Section 3.A. (DIVERSION) of Certificate of Adjudication No. 14-5437, as amended, which is at a point on the west bank of the Colorado River in the Cornelius H. Vanderveer Grant, Abstract 95, Matagorda County, Texas, located at 28.77580° N Latitude, 95.99700° W Longitude.

- I. Owner is authorized to divert at any point along the Colorado River from Longhorn Dam, Latitude 30.250484° N, Longitude 97.713573° W to Bay City Dam, located on the Colorado River in the Thomas Cayce Grant, Abstract 14, Matagorda County, Texas, located at 28.977167° N Latitude, 96.012254° W Longitude.
- J. A maximum combined diversion rate of 600 cfs (269,400 gpm), inclusive of all diversions under this amendment and all diversions previously authorized under Certificate of Adjudication No. 14-5434C.

2. PRIORITY DATE

The time priority of the Owner's right under this Certificate of Adjudication No. 14-5434G is November 1, 1900.

3. CONSERVATION

In lieu of Paragraph 3. CONSERVATION, in Certificate of Adjudication No. 14-5434E, Owner is subject to the following:

Owner shall implement a water conservation plan that continues to provide for the utilization of reasonable practices, techniques and technologies, for each category of authorized use, that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, improve efficiency in the use of water, and increase the recycling and reuse of water, so that a water supply is made available for future or alternative uses. The practices and technologies used shall be designed to achieve a level of efficiency of use for each category of authorized use that is equal to or greater than the level provided for in Owner's most recent water conservation plan on file with the Commission as of the date of the issuance of this amendment. In selecting practices, techniques, and technologies to be used, Owner shall consider any appropriate best management practices that are identified in the most recent version of the Water Conservation Best Management Practices Guide produced by the Texas Water Development Board or any successor document. In every wholesale water contact or contract extension or renewal entered into on or after this amendment is issued, Owner shall continue to include a requirement that each successive wholesale customer develop and implement conservation measures consistent with the requirements of this provision. 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 is required to implement water conservation measures consistent with the requirements of this provision. Those requirements include insuring that each successive wholesale customer will have a publicly accessible water conservation plan with specific, quantified 5- year and 10- year targets for water savings and will provide publicly accessible reports to the Owner at five-year intervals summarizing the progress toward meeting those targets.

4. SPECIAL CONDITIONS

In lieu of Paragraph 4. SPECIAL CONDITIONS, in Certificate of Adjudication No. 14-5434E, the following special conditions apply:

- A. Diversion of water from the perimeter of Lake Travis, Lake Austin, Lady Bird Lake (formerly known as Town Lake), or from the Colorado River between Longhorn Dam and USGS Gage No. 08158000, Colorado River at Austin, Texas, shall not occur when the flow of water is below 50 cfs at USGS Gage No. 08158000, Colorado River at Austin, Texas, or when flow at the USGS Gage No. 08159200, Colorado River at Bastrop, Texas is

below the applicable instream flow requirement for the Bastrop reach as further defined in Paragraphs B.- C. below.

- B. Diversions of water from the Colorado River downstream of USGS Gage No. 08158000, Colorado River at Austin, Texas, and upstream of the existing diversion point authorized under Certificate of Adjudication No. 14-5434C shall not occur when streamflow is below the applicable instream flow requirement at the gage immediately downstream of the diversion, as set forth in Paragraphs C.- E. below, which shall apply as follows:

- (1) At times when diversions within the volume limits established under Special Condition 4.H.(1) and occurring at diversion points located upstream of the existing diversion point authorized under Certificate of Adjudication No. 14-5434C do not exceed a total combined diversion rate of 150 cfs, Owner has the option of determining the applicable instream flow requirement as either:
- a. the monthly instream flow requirement that would otherwise apply pursuant to Special Condition 4.B.(2); or
 - b. the limitation on an instantaneous basis of the diversion rate within each individual reach to no more than 50% of the amount by which flow in the individual reach, as calculated on a daily-average basis without any diversions occurring under this Amendment in the reach, would exceed the Subsistence flow for the month and reach at the relevant gage.

For purposes of this Provision 4.B.(1), individual reaches are defined as follows: the reach upstream of the Bastrop gage starting at Lake Travis, using USGS Gage No. 08159200 as the relevant gage with the subsistence flow values set out in Special Condition 4.C.; the reach and subsistence flow values described in Special Condition 4.D., using USGS Gage No. 08161000 as the relevant gage; and the reach and subsistence flow values defined in Special Condition 4.E., using USGS Gage No. 08162000 as the relevant gage.

- (2) At all other times, the applicable monthly instream flow requirement for diversions within a reach under Special Conditions 4.C.-E. during the relevant Seasonal Period is based on the combined storage in lakes Buchanan and Travis as determined on the Measurement Date, as follows:

Seasonal Period	Measurement Date
March - June	Last day of February
July - October	June 30
November - February	October 31

Storage on Measurement Date (acre-feet)	Applicable Instream Flow Requirement
< 1,103,700	Subsistence
≥ 1,103,700 and ≤ 1,737,460	Base-Dry
> 1,737,460	Base-Average

- C. Diversion of water in the Bastrop reach, between USGS Gage No. 08158000, Colorado River at Austin, Texas and USGS Gage No. 08159200, Colorado River at Bastrop, Texas, shall not occur when streamflow in the Bastrop reach is below the applicable

requirements as determined pursuant to Special Condition 4.B. and measured at USGS Gage No. 08159200, Colorado River at Bastrop, Texas:

Cfs	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Subsistence	208	274	274	184	275	202	137	123	123	127	180	186
Base-Dry	313	317	274	287	579	418	347	194	236	245	283	311
Base-Average	433	497	497	635	824	733	610	381	423	433	424	450

D. Diversion of water in the Columbus (Eagle Lake) reach, between USGS Gage No. 08159200, Colorado River at Bastrop, Texas and USGS Gage No. 08161000, Colorado River at Columbus, Texas, shall not occur when streamflow in the Columbus reach is below the applicable requirements as determined pursuant to Special Condition 4.B. and measured at USGS Gage No. 08161000, Colorado River at Columbus, Texas:

Cfs	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Subsistence	340	375	375	299	425	534	342	190	279	190	202	301
Base-Dry	487	590	525	554	966	967	570	310	405	356	480	464
Base-Average	828	895	1,020	977	1,316	1,440	895	516	610	741	755	737

E. Diversion of water in the Wharton (Egypt) reach, between USGS Gage No. 08161000, Colorado River at Columbus, Texas and USGS Gage No. 08162000, Colorado River at Wharton, Texas, shall not occur when streamflow in the Wharton reach is below the applicable requirements as determined pursuant to Special Condition 4.B. and measured at USGS Gage No. 08162000, Colorado River at Wharton, Texas:

Cfs	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Subsistence	315	303	204	270	304	371	212	107	188	147	173	202
Base-Dry	492	597	531	561	985	984	577	314	410	360	486	470
Base-Average	838	906	1,036	1,011	1,397	1,152	906	522	617	749	764	746

F. Diversion of water from Lake Bastrop, Cedar Creek Reservoir, or Eagle Lake as set forth in this amendment, which is diverted from natural inflows into these reservoirs from the Spicer Creek, Cedar Creek, or Eagle Lake watersheds, shall be limited to times when the applicable instream flow requirements for the corresponding main stem reach are met. Further, such diversions shall not result in the complete cessation of flow downstream of any of the respective impoundments.

G. INTAKE STRUCTURES

- (1) If Owner makes significant modifications to an existing intake structure that it solely owns and operates at diversion points that authorize diversion of water under this amendment, Owner shall implement reasonable measures to minimize potential adverse impacts due to entrainment and impingement of fishery resources. This requirement shall not apply to routine maintenance or replacement of existing intake facilities that do not result in any increase in the diversion rates or intake velocities of the existing facilities. Regardless of whether Owner subsequently conveys a portion of its ownership or operational responsibility in an intake structure that was solely owned and operated by Owner at the time of issuance of this amendment, each such existing intake structure remains subject to this requirement if it is used to divert water under this amendment.

- (2) If Owner intends to construct new intake facilities that it will own and operate at the authorized diversion points below Longhorn Dam for purposes of diverting water authorized under this amendment, Owner shall seek and obtain an amendment to this certificate prior to commencing construction of such facilities for the purpose of establishing special conditions, if any, needed to address any specific adverse impacts due to entrainment and impingement of fishery resources from the proposed new intake facilities.
- (3) Notwithstanding that the STP Nuclear Operating Company, on behalf of the STP Owners, is a joint owner with LCRA of Certificate of Adjudication No. 14-5437, as amended, the provisions of subparagraphs (1) or (2) above do not apply to existing or new structures and facilities that are solely owned and operated by the STP Nuclear Operating Company, on behalf of the STP Owners, at points of diversions also authorized in Certificate of Adjudication No. 14-5437, as amended.

H. DIVERSION LIMITS

- (1) Except as set forth in subparagraphs (2), (3) and (4) the maximum amount of water available for annual diversion at the additional points authorized in Paragraph 1. DIVERSION is as follows:

Location	Maximum Annual Diversion Amount (acre-feet)
DIVERSION Paragraph 1.A.	79,733
DIVERSION Paragraph 1.B.	91,925
DIVERSION Paragraph 1.C.	104,776
DIVERSION Paragraph 1.D.	128,241
DIVERSION Paragraphs 1.E.,F.,G. and H.	133,000

For purposes of DIVERSION Paragraph 1.1, the maximum annual diversion amount specified for DIVERSION Paragraph 1.B. also applies to diversions located between the diversion points authorized DIVERSION Paragraphs 1.B. and 1.C. The maximum annual diversion amount specified for DIVERSION Paragraph 1.C. also applies to diversions located between the diversion points authorized DIVERSION Paragraphs 1.C. and 1.D. The maximum annual diversion amount specified for DIVERSION Paragraph 1.D. also applies to diversions located between the diversion points authorized DIVERSION Paragraphs 1.D. and the point of diversion authorized under Certificate of Adjudication No. 14-5434C. The maximum annual diversion amount at or below the point of diversion authorized under Certificate of Adjudication No. 14-5434C is 133,000 acre-feet.

- (2) In addition, at the additional points authorized in Paragraph 1. DIVERSION 1.A. through 1.D. and 1.I. of this amendment, Owner may divert amounts in excess of those amounts specified in subparagraph (1), up to a maximum amount of 133,000 acre-feet per year at any additional point of diversion to the extent that such water is available at the additional diversion point(s) without the Owner exercising a priority call on junior water rights to support the excess diversion.
- (3) Nothing in subparagraphs (1) or (2) allows Owner to divert water to the extent that diversion would reduce the availability of water under any other water right, including water for meeting instream flow requirements under any other water

rights, beyond the reduction that would have otherwise occurred with the full, legal exercise of this water right before the changes authorized in this amendment. Further, in accordance with the March 26, 1998 Agreement between LCRA and CRMWD, LCRA shall not require CRMWD to pass through any more inflows than would have been required had the 133,000 acre-feet per year Garwood irrigation right remained at its original diversion point and been used for irrigation purposes to the full extent possible.

- (4) In no event may Owner divert more than 133,000 acre-feet per year, at any diversion point or combination of diversion points, pursuant to this certificate as amended.
- I. To the extent that diversions occur at upstream point(s) of diversion, the amount available at downstream points is reduced accordingly based on run of the river flows at those locations. Owner shall document diversions of water authorized by Certificate of Adjudication No. 14-5434 at each diversion point and include the volume of water diverted at each point in Owner's annual Water Use Report.
- J. Diversion of water appropriated under this certificate at any point in Lake Travis is limited to Lake Travis inflows.
- K. Diversion of water appropriated under this certificate in the reach downstream of Lake Travis and upstream of USGS Gage No. 08158000, Colorado River at Austin, Texas is limited to run of the river flows.
- L. Owner shall only divert and use water pursuant to this amended certificate in accordance with the most recent approved *Accounting Procedures Water Rights Application No. 14-5434G*. Owner shall maintain the accounting plan and supporting information in electronic format and make the data available to the Executive Director and the public upon request. If Owner seeks to modify its accounting plan, Owner shall submit a request to the Executive Director for a determination of whether such modification requires an amendment to this certificate, along with copies of the appropriate documents reflecting such a modification. Any modifications to *Accounting Procedures Water Rights Application No. 14-5434G* that the Executive Director determines would change the certificate terms must be submitted in the form of an application to amend the certificate. If an amendment is required, Owner shall not make any diversions pursuant to the modified accounting plan until an amendment is issued. Should Owner fail to maintain the accounting plan or timely notify the Executive Director of any modifications to the accounting plan, Owner shall immediately cease diversion pursuant to Paragraph 1. DIVERSION, and either apply to amend the certificate or forfeit the additional diversion points. If Owner fails to amend the certificate or forfeit the additional diversion points, then TCEQ may begin proceedings to cancel authorization to use the point. Owner shall immediately notify the Commission upon modification of the accounting plan and provide copies of the appropriate documents effectuating such changes.
- M. 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, diversions pursuant to this amendment from locations that are authorized in both this amendment and Certificate of Adjudication No. 14-5437, as amended, are limited by the following conditions, except to the extent STP Nuclear Operating Company provides prior and specific written consent:

- (1) Diversions pursuant to this amendment at the location authorized in Paragraph 1.H. DIVERSION of this amendment shall not diminish the amount of water otherwise available for diversion at that time and location pursuant to Certificate of Adjudication No. 14-5437, as amended, and may be 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; and
- (2) Diversions pursuant to this amendment at the location authorized in Paragraph 1.E.(3) DIVERSION of this amendment for the purpose of supplying water to STP Nuclear Operating Company shall not diminish the amount of water otherwise available for diversion at that time and location pursuant to Certificate of Adjudication No. 14-5437, as amended, and shall be consistent with Contractual Permit No. 327A.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 14-5434, 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:

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Sarah Henderson, Project Manager
Water Rights Permitting Team

Date: June 29, 2023

Through: Leslie Patterson, Team Leader 
Resource Protection Team

From: Kristin Wang, Senior Water Conservation Specialist
Resource Protection Team

Subject: Lower Colorado River Authority
ADJ 5434
CN600253637
Colorado River, Colorado River Basin
Travis County

APPLICATION SUMMARY

A portion of Certificate of Adjudication No. 14-5434 (Certificate), as amended, authorizes the Lower Colorado River Authority (LCRA), among other things, to maintain a dam and reservoir on the Colorado River, Colorado River Basin, and temporarily impound 86 acre-feet of water in Colorado County.

The Certificate also authorizes LCRA to divert 133,000 acre-feet of water per year, at a maximum combined diversion rate of 600 cfs (269,400 gpm), from multiple diversion points on the Colorado River, Lake Travis, Lake Austin, and Lady Bird Lake for municipal, industrial, and agricultural purposes in Matagorda, Wharton, Colorado, Fayette, Bastrop, and Travis counties in the Colorado River Basin, Lavaca River Basin, Guadalupe River Basin, Colorado-Lavaca Coastal Basin, and Brazos-Colorado Coastal Basin. The Certificate includes special conditions that impose limitations on LCRA's annual diversions and include instream flow restrictions at multiple points.

LCRA requests to amend the Certificate to add a diversion reach on the Colorado River extending from Lady Bird Lake to Bay City Dam. LCRA also requests that the existing diversion limitations and instream flow restrictions apply at the same locations identified in Certificate of Adjudication No. 14-5434E and apply within applicable segments of the proposed diversion reach.

WATER CONSERVATION REVIEW

Pursuant to Title 30 Texas Administrative Code §295.9, water conservation and drought contingency plans are not required to be submitted for this application. However, LCRA requested the amendment include Paragraph 3, CONSERVATION, in Certificate No. 14-5434E in the proposed amendment.

The application is consistent with the 2021 Region K Water Plan and the 2022 State Water Plan because there is nothing in the water plans that conflicts with issuing this proposed amendment.

RECOMMENDATIONS

Resource Protection Staff recommend Paragraph 3, CONSERVATION, in Certificate No. 14-5434E be included in the proposed amendment, if granted.




Kristin Wang, Senior Water Conservation Specialist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Sarah Henderson, Project Manager
Water Rights Permitting Team

Date: June 29, 2023

Through: Leslie Patterson, Team Leader 
Resource Protection Team

From: George Gable, Aquatic Scientist
Resource Protection Team

Subject: Lower Colorado River Authority
ADJ 5434
CN600253637
Colorado River, Colorado River Basin
Matagorda, Wharton, Colorado, Fayette, Bastrop, and Travis Counties

Environmental reviews of water right applications are conducted in accordance with applicable provisions of the Texas Water Code (TWC) and the administrative rules of the Texas Commission on Environmental Quality (TCEQ). The provisions applicable to environmental reviews can vary according to the type and the location of the authorization requested.

APPLICATION SUMMARY

A portion of Certificate of Adjudication No. 14-5434 (Certificate), as amended, authorizes the Lower Colorado River Authority (LCRA), among other things, to maintain a dam and reservoir on the Colorado River, Colorado River Basin, and temporarily impound 86 acre-feet of water in Colorado County. The Certificate also authorizes LCRA to divert 133,000 acre-feet of water per year, at a maximum combined diversion rate of 600 cfs (269,400 gpm), from multiple diversion points on the Colorado River, Lake Travis, Lake Austin, and Lady Bird Lake for municipal, industrial, and agricultural purposes in Matagorda, Wharton, Colorado, Fayette, Bastrop, and Travis counties in the Colorado River Basin, Lavaca River Basin, Guadalupe River Basin, Colorado-Lavaca Coastal Basin, and the Brazos-Colorado Coastal Basin. The Certificate includes special conditions that impose limitations on LCRA's annual diversions and include instream flow restrictions at multiple points.

LCRA requests to amend the Certificate to add a diversion reach on the Colorado River extending from Lady Bird Lake to the Bay City Dam. LCRA also requests that the existing diversion limitations and instream flow restrictions apply at the same locations identified in Certificate of Adjudication No. 14-5434E and apply within applicable segments of the proposed diversion reach.

ENVIRONMENTAL ANALYSIS

Aquatic and Riparian Habitats: LCRA's diversion reach is located on the Colorado River, a perennial water course, in the Northern Blackland Prairie and Floodplain and Low Terraces ecoregions (Griffith et. al. 2007).

The checklist for the Colorado River Basin identified 108 species of ichthyofauna occurring within Austin-Travis Lakes, Lower Colorado-Cummins, and Lower Colorado hydrologic units (United States Geologic Survey codes 12090205, 12090301, and 12090302) (Hendrickson and Cohen 2015). The Guadalupe bass (*Micropterus treculii*), blue sucker (*Cycleptus elongatus*), saltmarsh topminnow (*Fundulus jenkinsi*), false spike (*Fusconaia mitchelli*), Texas fatmucket (*Lampsilis bracteate*), Texas fawnsfoot (*Truncilla macrodon*), Texas pimpleback (*Cyclonaias petrina*), Neotrichia juani, *Xiphocentron messapus*, and Houston toad (*Anaxyrus houstonensis*), high-interest, aquatic and aquatic-dependent species, are known to occur in Travis, Bastrop, Fayette, Colorado, Wharton, and Matagorda counties (TPWD 2015). This amendment is not expected to have an effect on any high interest, aquatic and aquatic-dependent species, because no additional state water will be taken.

LCRA has indicated it will take measures to minimize impingement and entrainment of aquatic organisms. Specifically, those provisions as outlined in Paragraph 4.G. SPECIAL CONDITIONS in Certificate of Adjudication No. 5434E, apply to the proposed diversion reach.

On August 8, 2012, the TCEQ adopted environmental flow standards for the Colorado and Lavaca Rivers and Matagorda and Lavaca Bays (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter D). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC § 298.310). LCRA does not request a new appropriation of water or an amendment that increases the amount of water stored, taken, or diverted; therefore, the environmental flow standards do not apply. Resource Protection staff are recommending that the existing diversion limitations and instream flow restrictions that apply at the locations identified in Certificate of Adjudication No. 14-5434E, also apply within applicable segments of the proposed diversion reach. LCRA's request is not expected to adversely impact aquatic and riparian habitats in the area.

Recreational Uses: The Colorado River (Segment Nos. 1434, 1428 1402) have a designated primary contact recreation 1 use (TCEQ 2022a). LCRA's request should not adversely impact recreational uses.

Water Quality: The Colorado River (Segment Nos. 1434 and 1428) have designated exceptional aquatic life and public water supply uses. The Colorado River (Segment No. 1402) has designated high aquatic life and public water supply uses (TCEQ 2022a).

Assessment Unit Nos. 1434_01, 1434_02, 1434_03, 1428_01, 1428_02, 1402_01, 1402_02, 1402_05, 1402_06, and 1402_07 are identified in the Texas Integrated Report with concern for screening levels for nitrate in water. Assessment Unit Nos. 1434_01, 1434_02, 1434_03, 1428_01, and 1428_02 are identified in the Texas Integrated Report with concern for screening levels for total phosphorous in water. Assessment Unit Nos. 1402_01, 1402_02, 1402_05, and 1402_06 are identified in the Texas Integrated Report with concern for screening levels for chlorophyll-*a*. Assessment Unit No. 1428_01 is identified in the Texas Integrated Report with concern for non-attainment for fish and benthic macroinvertebrate communities (TCEQ 2022b). LCRA's request should not adversely impact water quality.

Freshwater Inflows: Freshwater inflows are critical for maintaining the historical productivity of bays and estuaries along the Gulf Coast. The application does not request a new appropriation of water. Therefore, the LCRA's request should not have any impact to Matagorda Bay.

RECOMMENDATIONS

Resource Protection staff recommends the following Special Conditions be included in the proposed amendment, if granted:

1. In lieu of Paragraph 4.A.- 4.F. SPECIAL CONDITIONS, in Certificate of Adjudication No. 14-5434E, the following special conditions apply:
 - A. Diversion of water from the perimeter of Lake Travis, Lake Austin, Lady Bird Lake (formerly known as Town Lake), or from the Colorado River between Longhorn Dam and USGS Gage No. 08158000, Colorado River at Austin, Texas, shall not occur when the flow of water is below 50 cfs at USGS Gage No. 08158000, Colorado River at Austin, Texas, or when flow at the USGS Gage No. 08159200, Colorado River at Bastrop, Texas, is below the applicable instream flow requirement for the Bastrop reach as further defined in Paragraphs B.- C. below.
 - B. Diversions of water from the Colorado River downstream of USGS Gage No. 08158000, Colorado River at Austin, Texas, and upstream of the existing diversion point authorized under Certificate of Adjudication No. 14-5434C shall not occur when streamflow is below the applicable instream flow requirement at the gage immediately downstream of the diversion, as set forth in Paragraphs C.- E. below, which shall apply as follows:
 1. At times when diversions within the volume limits established under Paragraph H.(1) SPECIAL CONDITIONS and occurring at diversion points

located upstream of the existing diversion point authorized under Certificate of Adjudication No. 14-5434C do not exceed a total combined diversion rate of 150 cfs, Owner has the option of determining the applicable instream flow requirement as either:

- a. The monthly instream flow requirement that would otherwise apply pursuant to Special Condition 1.B.2; or
- b. The limitation on an instantaneous basis of the diversion rate within each individual reach to no more than 50% of the amount by which flow in the individual reach, as calculated on a daily average basis without any diversions occurring under this Amendment in the reach, would exceed the Subsistence flow for the month and reach at the relevant gage.

For purposes of this Provision 1.B.1, individual reaches are defined as follows: the reach upstream of the Bastrop gage starting at Lake Travis, using USGS Gage No. 08159200 as the relevant gage with the subsistence flow values set out in Special Condition 1.C.; the reach and subsistence flow values described in Special Condition 1.D., using USGS Gage No. 08161000 as the relevant gage; and the reach and subsistence flow values defined in Special Condition 1.E., using USGS Gage No. 08162000 as the relevant gage.

2. At all other times, the applicable monthly instream flow requirement for diversions within a reach under Special Conditions 1.C.- E. during the relevant Seasonal Period is based on the combined storage in lakes Buchanan and Travis as determined on the Measurement Date, as follows:

Seasonal Period	Measurement Date
March – June	Last day of February
July – October	June 30
November – February	October 31

Storage on Measurement Date (acre-feet)	Applicable Instream Flow Requirement
<1,103,700	Subsistence
≥1,103,700 and ≤1,737,460	Base-Dry
>1,737,460	Base-Average

C. Diversion of water in the Bastrop reach, between USGS Gage No. 08158000, Colorado River at Austin, Texas, and USGS Gage No. 08159200, Colorado River at Bastrop, Texas, shall not occur when streamflow in the Bastrop reach is below the applicable requirements as determined pursuant to Special Condition 1.B. and measured at USGS Gage No. 08159200, Colorado River at Bastrop, Texas:

cfs	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Subsistence	208	274	274	184	275	202	137	123	123	127	180	186
Base-Dry	313	317	274	287	579	418	347	194	236	245	283	311
Base-Average	433	497	497	635	824	733	610	381	423	433	424	450

D. Diversion of water in the Columbus (Eagle Lake) reach, between USGS Gage No. 08159200, Colorado River at Bastrop, Texas, and USGS Gage No, 08161000, Colorado River at Columbus, Texas, shall not occur when streamflow in the Columbus reach is below the applicable requirements as determined pursuant to Special Condition 1.B. and measured at USGS Gage No. 08161000, Colorado River at Columbus, Texas:

cfs	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Subsistence	340	375	375	299	425	534	342	190	279	190	202	301

Base-Dry	487	590	525	554	966	967	570	310	405	356	480	464
Base-Average	828	895	1,020	977	1,316	1,440	895	516	610	741	755	737

E. Diversion of water in the Wharton (Egypt) reach, between USGS Gage No. 08161000, Colorado River at Columbus, Texas, and USGS Gage No. 08162000, Colorado River at Wharton, Texas, shall not occur when streamflow in the Wharton reach is below the applicable requirements as determined pursuant to Special Condition 1.B. and measured at USGS Gage No. 08162000, Colorado River at Wharton, Texas:

cfs	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Subsistence	315	303	204	270	304	371	212	107	188	147	173	202
Base-Dry	492	597	531	561	985	984	577	314	410	360	486	470
Base-Average	838	906	1,036	1,011	1,397	1,152	906	522	617	749	764	746

F. Diversion of water from Lake Bastrop, Cedar Creek Reservoir, or Eagle Lake as set forth in this amendment, which is diverted from natural inflows into these reservoirs from the Spicer Creek, Cedar Creek, or Eagle Lake watersheds, shall be limited to times when the applicable instream flow requirements for the corresponding main stem reach are met. Further, such diversions shall not result in the complete cessation of flow downstream of any of the respective impoundments.

LITERATURE CITED

Griffith GE, Bryce SA, Omernik JM, Rogers AC. 2007. Ecoregions of Texas - Project Report to Texas Commission on Environmental Quality. Reston (VA): U.S. Geological Survey. Report No.: AS-199. 125p.

Hendrickson DA, Cohen AE. 2015. Fishes of Texas Project Database [Internet]. [cited 2023 June 14]; Version 2.0. Available from <http://www.fishesoftexas.org/home/> doi:10.17603/C3WC70

TCEQ. 2022a. Texas Surface Water Quality Standards §§307.1-307.10. Austin (TX): Texas Commission on Environmental Quality.

TCEQ. 2022b. Texas Integrated Report of Surface Water Quality. Austin (TX): Texas Commission on Environmental Quality.

TPWD. 2015. Texas Parks and Wildlife Department, Wildlife Division, Diversity and Habitat Programs. TPWD County Lists of Protected Species and Species of Greatest Conservation Need [Internet]. Austin (TX): Matagorda, Wharton, Colorado, Fayette, Bastrop, and Travis counties, revised January 4, 2023. [cited 2023 June 14]. Available from <http://tpwd.texas.gov/gis/rtest/>.

George M Gable IV

George Gable, Aquatic Scientist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Sarah Henderson, Project Manager
Water Rights Permitting Team

Date: July 20, 2023

Through ~~K~~ ^A Kathy Alexander, Ph.D., Policy and Technical Analyst
Water Availability Division

TG Trent Gay, Team Leader
Surface Water Availability Team

From: Andrew Garcia, Hydrologist
Surface Water Availability Team

Subject: Lower Colorado River Authority
ADJ 5434
CN600253637
Colorado River, Colorado River Basin
Matagorda, Wharton, Colorado, Fayette, Bastrop, and Travis Counties

HYDROLOGY REVIEW

Application Summary

A portion of Certificate of Adjudication No. 14-5434 (Certificate), as amended, authorizes the Lower Colorado River Authority (LCRA), among other things, to maintain a dam and reservoir on the Colorado River, Colorado River Basin, and temporarily impound 86 acre-feet of water in Colorado County. The Certificate also authorizes LCRA to divert 133,000 acre-feet of water per year, at a maximum combined diversion rate of 600 cfs (269,400 gpm), from multiple diversion points on the Colorado River, Lake Travis, Lake Austin, and Lady Bird Lake for municipal, industrial, and agricultural purposes in Matagorda, Wharton, Colorado, Fayette, Bastrop, and Travis counties in the Colorado River Basin, Lavaca River Basin, Guadalupe River Basin, Colorado-Lavaca Coastal Basin, and the Brazos-Colorado Coastal Basin. The Certificate includes special conditions that impose limitations on LCRA's annual diversions and include instream flow restrictions at multiple points.

LCRA requests to amend the Certificate to add a diversion reach on the Colorado River extending from Lady Bird Lake to the Bay City Dam. LCRA also requests that the existing diversion limitations and instream flow restrictions apply at the same locations identified in Certificate of Adjudication No. 14-5434E and apply within applicable segments of the proposed diversion reach.

LCRA submitted an accounting plan (Accounting Procedures Water Rights Application No. 14-5434G) on May 25, 2023. The accounting plan was subsequently revised, and a final version was submitted on July 19, 2023.

The application was declared administratively complete on May 9, 2023.

Hydrology Review

Resource Protection staff recommended instream flow requirements for this application. See the Resource Protection memo dated June 29, 2023.

The application does not request a new appropriation of water; therefore, a water availability analysis is not necessary. However, the application must be reviewed to ensure no water rights are affected by the request.

The request to add the diversion reach cannot affect other water rights because the requested diversion reach is between the diversion points authorized under the Certificate and the application does not change the authorized diversion amounts or the authorized rate of diversion.

LCRA submitted an accounting plan (*Accounting Procedures Water Rights Application No. 14-5434G*). The accounting plan tracks all authorized diversions, special conditions, and instream requirements under the Certificate. Staff reviewed the accounting plan and determined that maintenance of the data in the accounting plan and supporting records on a daily basis would ensure no impacts to other water rights in the basin will occur and demonstrate compliance with the Resource Protection staff's streamflow recommendations at any new points within the requested diversion reach.

Conclusion

Hydrology staff can support granting the application as requested provided that the amendment granted includes the following special conditions:

1. In lieu of Paragraph 4.H.1. - 4.H.4. SPECIAL CONDITIONS, in Certificate of Adjudication No. 14-5434E, the following special conditions apply:

- (1) Except as set forth in subparagraphs (2), (3) and (4) the maximum amount of water available for annual diversion at the additional points authorized in Paragraph 1. DIVERSION is as follows:

Location	Maximum Annual Diversion Amount (ac-ft)
DIVERSION Paragraph 1.A.	79,733
DIVERSION Paragraph 1.B.	91,925

DIVERSION Paragraph 1.C.	104,776
DIVERSION Paragraph 1.D.	128,241
DIVERSION Paragraphs 1.E.,F.,G. and H.	133,000

For purposes of DIVERSION Paragraph 1.1, the maximum annual diversion amount specified for DIVERSION Paragraph 1.B also applies to diversions located between the diversion points authorized DIVERSION Paragraphs 1.B and 1.C. The maximum annual diversion amount specified for DIVERSION Paragraph 1.C. also applies to diversions located between the diversion points authorized DIVERSION Paragraphs 1.C. and 1.D. The maximum annual diversion amount specified for DIVERSION Paragraph 1.D. also applies to diversions located between the diversion points authorized DIVERSION Paragraphs 1.D. and the point of diversion authorized under Certificate of Adjudication 14-5434C. The maximum annual diversion amount at or below the point of diversion authorized under Certificate of Adjudication 14-5434C is 133,000 acre-feet.

- (2) In addition, at the additional points authorized in Paragraph 1. DIVERSION 1.A. through 1.D. and 1.I of this amendment, Owner may divert amounts in excess of those amounts specified in subparagraph (1), up to a maximum amount of 133,000 acre-feet per year at any additional point of diversion to the extent that such water is available at the additional diversion point(s) without the Owner exercising a priority call on junior water rights to support the excess diversion.
 - (3) Nothing in subparagraphs (1) or (2) allows Owner to divert water to the extent that diversion would reduce the availability of water under any other water right, including water for meeting instream flow requirements under any other water rights, beyond the reduction that would have otherwise occurred with the full, legal exercise of this water right before the changes authorized in this amendment. Further, in accordance with the March 26, 1998 Agreement between LCRA and CRMWD, LCRA shall not require CRMWD to pass through any more inflows than would have been required had the 133,000 acre-feet per year Garwood irrigation right remained at its original diversion point and been used for irrigation purposes to the full extent possible.
 - (4) In no event may Owner divert more than 133,000 acre-feet per year, at any diversion point or combination of diversion points, pursuant to this certificate as amended.
2. Owner shall only divert and use water pursuant to this amended certificate in accordance with the most recent approved *Accounting*

Procedures Water Rights Application No. 14-5434G. Owner shall maintain the accounting plan and supporting information in electronic format and make the data available to the Executive Director and the public upon request. If Owner seeks to modify its accounting plan, Owner shall submit a request to the Executive Director for a determination of whether such modification requires an amendment to this certificate, along with copies of the appropriate documents reflecting such a modification. Any modifications to the *Accounting Procedures Water Rights Application No. 14-5434G* that the Executive Director determines would change the certificate terms must be submitted in the form of an application to amend the certificate. If an amendment is required, Owner shall not make any diversions pursuant to the modified accounting plan until an amendment is issued. Should Owner fail to maintain the accounting plan or timely notify the Executive Director of any modifications to the accounting plan, Owner shall immediately cease diversion pursuant to Paragraph 1. DIVERSION, and either apply to amend the certificate or forfeit the additional diversion points. If Owner fails to amend the certificate or forfeit the additional diversion points, then TCEQ may begin proceedings to cancel authorization to use the point. Owner shall immediately notify the Commission upon modification of the accounting plan and provide copies of the appropriate documents effectuating such changes.



Andrew Garcia, Hydrologist

Sarah Henderson

From: Kathy Alexander
Sent: Wednesday, July 19, 2023 2:32 PM
To: Andrew Garcia; Sarah Henderson; Trent Gay; Humberto Galvan
Subject: Fwd: Garwood Accounting Plan 14-5434G
Attachments: 2023_July_19_14-5434G_GarwoodAccountingPlanDescription.CLEAN.docx; 2023_July_19_revision_14-5434G_GarwoodAccountingPlan-WithExamplez.xlsx

Kathy Alexander, PhD
Water Availability Division

Begin forwarded message:

From: Leonard Oliver <[REDACTED]>
Date: July 19, 2023 at 2:07:00 PM CDT
To: Kathy Alexander <kathy.alexander@tceq.texas.gov>
Cc: Richard Brown <[REDACTED]>
Subject: Garwood Accounting Plan 14-5434G

Kathy,

See the attached updated to the Garwood G application accounting plan. I revised the notes on worksheet 2 to the correct ranges ("column 32 to 56" and "62 to 86"). I have updated the revision date to July 19 th 2023. The only change I made to the word document is to change the revision date from May to July.

-Leonard

From: Kathy Alexander <kathy.alexander@tceq.texas.gov>
Sent: Wednesday, July 19, 2023 1:24 PM
To: Leonard Oliver <[REDACTED]>
Subject: AP screenshot.docx

CAUTION - EXTERNAL EMAIL
Phishing? Click the fish in Outlook

Can you make sure all the notes are correct?
TY and have a good vacation

**LCRA GARWOOD WATER RIGHT
SUPPLEMENTAL STATEMENT Re: ACCOUNTING PROCEDURES
WATER RIGHT APPLICATION No. 14-5434G (revised July 19, 2023)**

LCRA owns Certificate of Adjudication No. 14-5434C. LCRA is authorized to divert 133,000 ac-ft of water per year from the Colorado River for irrigation, municipal and industrial purposes within the boundaries of the Garwood Service Area in Colorado and Wharton Counties, both in the Colorado River Basin and in the Lavaca River Basin from a point on the Colorado River in Colorado County, Texas. In addition, LCRA is authorized to use the water outside of the Garwood Service Area anywhere within Travis, Bastrop, Fayette, Colorado, Wharton, and Matagorda Counties. The maximum diversion rate is 600 cubic feet per second (cfs) and the priority date of this authorization is November 1, 1900.

LCRA amended Certificate of Adjudication No. 14-5434C to authorize additional diversion points on three tributaries and on the Colorado River both upstream and downstream of the original authorized diversion point in Colorado County, that Amendment is known as 14-5434E. The additional diversion points include any diversion point currently authorized under the following water rights: Certificates of Adjudication 14-5482C (LCRA, Lake Travis on Colorado River), 14-5471A (City of Austin, Lake Austin on Colorado River and Lady Bird Lake on Colorado River), 14-5473 (LCRA Lake Bastrop, Colorado River and Spicer Creek), 14-5474 (LCRA Cedar Creek Reservoir, Colorado River and Cedar Creek), 14-5475 (LCRA Lakeside, Colorado River and Moores Branch), 14-5477 (LCRA Pierce Ranch, Colorado River), 14-5476A (LCRA Gulf Coast, Colorado River), and 14-5437A (STP Nuclear Operating Company and LCRA, Colorado River). Under the proposed amendment, 14-5434G, LCRA is adding a diversion reach from Longhorn Dam (which forms Lady Bird Lake) to Bay City Dam.

An accounting plan was developed in accordance with special condition L of 14-5434E and submitted to TCEQ in March of 2020. The accounting plan was revised to include the new diversion reach proposed in application 14-5434G, in January of 2023. The modified accounting plan simply added reporting columns and made adjustments to aggregation so that diversions under 14-5434G are routed to the correct diversion limit segments and if applicable the correct eflow segment. The multiple potential combinations of diversion limit segments and eflow segments resulted in the need for ten new reporting diversion columns, and ten associated 14-5434G-run-of-river availability columns. Some other minor changes were made to the narrative and spreadsheet to improve clarity in purpose and function.

**GARWOOD (LCRA) ACCOUNTING PLAN
CERTIFICATE OF ADJUDICATION NO. 14-5434G**

Purpose of the Accounting Plan

The purpose of the Accounting Plan is to track and to demonstrate compliance with terms of this amendment for diversions made pursuant to the LCRA Certificate of Adjudication No. 14-5434G. The accounting procedures described in detail below will be implemented at such times when water is diverted at any of the additional diversion locations authorized pursuant to Certificate of Adjudication No. 14-5434G. These procedures are implemented to demonstrate, for days and at locations that could be influenced by any diversion at the additional locations authorized pursuant to Certificate of Adjudication No. 14-5434G, that (a) no adverse impact to other water rights has

occurred as a result of any diversion at the additional locations authorized pursuant to Certificate of Adjudication No. 14-5434G, and (b) instream flow restrictions in the appropriate reaches of the Colorado River above the original authorized diversion point in Colorado County are fully satisfied according to the terms of the amendment.

LCRA has many sources of water available to it to meet its customers' demands, including stored water released from Lakes Buchanan and Travis, as well as other downstream run-of-river water rights. On a daily basis, LCRA's River Operations Center assesses water availability for each of these water supplies after considering measurements of rainfall and water levels in streams and reservoirs; flow ratings for streams, canals, hydroelectric turbines, spillways, floodgates, and pumps; elevation/area/capacity ratings for reservoirs; model results for predicted storm runoff and ungauged gains or losses of flow along the Colorado River; simulated routing and attenuation of flows along channels and through reservoirs; effluent discharge as reported by wastewater treatment plant operators; and scheduled and actual pumping as reported by major diverters. If this assessment indicates that the applicable instream flow criteria in this Certificate of Adjudication No. 14-5434G cannot be satisfied at any particular downstream point of diversion authorized under this amendment, LCRA will rely on its other available sources of supply to satisfy demands at that location.

Overview of the Accounting Plan Procedures

The accounting plan consists of an Excel spreadsheet that is used to demonstrate compliance with terms of this amendment. Data is entered into the Excel spreadsheet to track diversions, check for compliance with instream flow requirements, and to demonstrate that there was no impact to other water rights.

There are two categories of water rights tracked in the spreadsheet:

a) Major water rights consisting of ten water rights listed below, all Certificates of Adjudication, that each authorizes consumptive use of at least 10,000 acre-feet per year. These are considered here to be major diverters and are tracked separately:

- 14-5482 LCRA - Lake Travis,
- 14-5471 City of Austin - Lake Austin and Lady Bird Lake,
- 14-5489 City of Austin to Lake Walter E. Long,
- 14-5473 LCRA to Lake Bastrop,
- 14-5474 LCRA to Cedar Creek Reservoir (FPP),
- 14-5475 LCRA - Lakeside,
- 14-5477 LCRA - Pierce Ranch,
- 14-5476 LCRA - Gulf Coast,
- 14-5437 LCRA and STPNOC, and
- 14-5434B City of Corpus Christi (formerly Garwood); and,

b) Minor water rights representing small diversions from the lower Colorado River below Lake Travis. There are about 26 other water rights on the lower Colorado River that are considered here to be minor diverters. The combined authorized consumptive use of these rights is about 3,200 acre-feet per year, with the vast majority of that for irrigation use. About 20 of these water rights are located between Mansfield Dam (Lake Travis) and the Bastrop streamflow gauge. One of these, 14-5396A, which is owned by Bastrop Energy Partners, has a diversion point located near the Travis-Bastrop County line, and has a priority date of November 12, 1913. This location and priority date are used to represent the combination of all known diversions by these minor water rights. This information is used to determine that no adverse impact to these water rights has occurred as a result of any diversion at the additional locations authorized pursuant to Certificate of Adjudication No. 14-5434E. Daily data for actual diversion amounts are not available for these water rights, therefore the values for expected diversions from LCRA's Daily Release Model are used here for all water rights.

An adverse impact to instream flow is indicated if expected diversions within a reach of the Colorado River above the original authorized Garwood diversion point cause the streamflow for the gauge at the downstream end of the reach to be less than the restrictions in this amendment.

An adverse impact to another water right is indicated if (a) run-of-river water that is available to that water right while Garwood is operated as expected under authorization by the amended certificate of adjudication 14-5434G is less than (b) run-of-river water that is available to that water right while Garwood is fully operated as authorized by the original certificate of adjudication 14-5434C. The above terms (a) and (b) are defined below.

(a) “Run-of-River water that is available to a water right while Garwood is operated as expected under authorization by the amended certificate of adjudication 14-5434G” is the amount of water allocated by priority to each known diversion by a water right located on either Lake Travis or the Colorado River downstream. The calculation of these amounts includes the effects of all expected diversions at all locations, including those authorized under this amendment. These values will be evaluated in a daily timestep simulation using LCRA’s Daily Release Model after the expected diversions and actual streamflow gauge measurements are known. This model is not directly included as a component of this Accounting Plan. Data used in this determination include:

- Actual streamflow measured at all relevant gauges.
- For all water rights other than for Garwood (LCRA), expected diversions at all authorized diversion points and with their related priorities.
- For Garwood (LCRA), expected diversions at all locations authorized pursuant to this amendment. The diversion at the original authorized point of diversion in Colorado County has a priority date of November 1, 1900. The priority date for all other Garwood (LCRA) diversion locations depends on the sum of year-to-date diversions that have occurred under this amendment, as follows:
 - Under the “priority call” scenario, all other Garwood (LCRA) diversion locations will also have a priority date of November 1, 1900. The “priority call” scenario is in effect from the beginning of each calendar year as long as Garwood (LCRA) year-to-date diversions at all locations, remain under each of the individual reach annual diversion limits as specified in Special Conditions Paragraph 4. H. (1) of the amendment.
 - Under the “no-priority call” scenario, all other Garwood (LCRA) diversion locations will have a priority date equal to February 5, 2003 the filing date of amendment 14-5434E at specifically authorized location, or the filing date of amendment 14-5434G if otherwise diverted from the diversion reach between Lady Bird Lake and Bay City Dam. The “no priority call” scenario, described in Special Conditions Paragraph 4. H. (2) of the amendment, would be in effect when Garwood (LCRA) year-to-date diversions are greater than those individual reach annual diversion limits as specified in the amendment. This scenario would be effective for the remainder of that calendar year.

(b) “Run-of-River water that is available to a water right while Garwood is fully operated as authorized by the original certificate of adjudication 14-5434C” is the amount of water allocated by priority to each known diversion by water rights located on either Lake Travis or the Colorado River downstream. The calculation of these amounts includes the effect of an assumed Garwood (LCRA) diversion at the original diversion point. These will also be evaluated in a daily timestep simulation using LCRA’s Daily Release Model after the expected diversions and actual stream flow gauge measurements are known. This model is not directly included as a component of this Accounting Plan. Data used in this determination include:

- Actual streamflow measured at all relevant gauges.
- For all water rights other than for Garwood (LCRA), expected diversions at all authorized diversion points and with their related priorities.
- For Garwood (LCRA), the only diversion is an assumed value at the original authorized point of diversion in Colorado County with a priority date of November 1, 1900. The amount of the assumed diversion depends on the sum of year-to-date diversions that have occurred under this amendment.
 - Under the “priority call” scenario, the assumption is that Garwood (LCRA) diverted at the original authorized point of diversion at the maximum authorized diversion rate of 600 cfs.
 - Under the “no priority call” scenario, the assumption is that Garwood (LCRA) diverted at the original authorized point of diversion at the rate that actually occurred.

DESCRIPTION OF WORKSHEETS AND DATA FIELDS IN THE ACCOUNTING PLAN

All cells with green background (various shades) are user input values.

WORKSHEET: 2 of 7-ROR with Garwood@actual

This worksheet contains ROR AVAILABLE HERE WHILE GARWOOD @ ACTUAL which is also called “Run-of-River water that is available to a water right while Garwood is operated as expected under authorization by the amended certificate of adjudication 14-5434G” for all water rights located on either Lake Travis or the lower Colorado River. The amount of expected diversions made by these water rights, including all diversions made under this amendment, are also entered here.

RELEASE DATE - Column (1)

This is date on which pass through of inflow would occur at Mansfield Dam on Lake Travis to honor a diversion by a downstream senior water right. LCRA’s Daily Release Model shifts all downstream activities in time to this common reference date. For example, water passing Mansfield Dam takes four days to reach the Colorado River diversion point of the Lakeside water right, so a diversion at Lakeside on January 5 would be entered on the row for Release Date January 1. Diversions under this amendment on a single calendar day but at multiple diversion locations could require multiple Release Date rows to be used.

Column (2) is left blank.

EXPECTED DIVERSION and ROR AVAILABLE HERE WHILE GARWOOD @ ACTUAL - Columns (3)-(30)

For each water right, the operator enters the expected diversion and the corresponding value of ROR AVAILABLE HERE WHILE GARWOOD @ ACTUAL from LCRA’s Daily Release Model.

- Column (21) is not an entry but is calculated as the sum of diversions by Garwood (LCRA) at all diversions entered in columns (32) through (56) for each location authorized pursuant to Certificate of Adjudication No. 14-5434E & segments of the diversion reach authorized in 14-5434G that exist between the location authorized in 14-5434E .
- Column (22) is not an entry but is calculated as the sum of the values of ROR AVAILABLE HERE under GARWOOD amendment 'E' and ‘G’ from LCRA’s Daily Release Model in columns (62) through (85).

All values here have units of cfs.

Column (31) is left blank.

Diversion for all Garwood (LCRA) locations - Columns (32)-(56)

The operator enters expected diversions for all Garwood (LCRA) diversion locations authorized pursuant to Certificate of Adjudication No. 14-5434G in columns (32) through (56). All values here have units of cfs.

Columns (57) to (61) are left blank.

ROR AVILABLE HERE under Garwood amendment 'E' - Columns (62)-(86)

The operator enters the values of ROR AVAILABLE HERE under GARWOOD amendment 'E' from LCRA’s Daily Release Model corresponding to diversions for all Garwood (LCRA) diversion

locations authorized pursuant to Certificate of Adjudication No. 14-5434E in columns (32) through (56). All values here have units of cfs.

WORKSHEET: 3 of 7-ROR with Garwood@M.D.R. (Maximum Diversion Rate)

This worksheet contains ROR AVAILABLE HERE WHILE GARWOOD @ FULL M.D.R. which is also called “Run-of-River water that is available to a water right while Garwood is fully operated as authorized by the original certificate of adjudication 14-5434C” for all water rights located on either Lake Travis or the lower Colorado River. Information from the “7 of 7-Acct Diversion Limits” worksheet to specify the current scenario (either “priority call” or “no priority call”) also appears here.

RELEASE DATE - Column (1)

The operator enters the date on which pass through of inflow would occur at Mansfield Dam on Lake Travis to honor a diversion by a downstream senior water right.

SCENARIO - Column (2)

Indicates the scenario based on a calculated value for the previous date from the “Final Accounting Diversion Ltds” worksheet.

“left blank” and ROR AVAILABLE HERE WHILE GARWOOD @ FULL M.D.R. - Columns (3)-(20), (23)-(30)

The operator enters values of ROR AVAILABLE HERE WHILE GARWOOD @ FULL M.D.R. as determined by LCRA’s Daily Release Model for all other water rights. All values here have units of cfs.

ASSUMED DIVERSION RATE and ROR AVAILABLE HERE WHILE GARWOOD @ FULL M.D.R. for Garwood (LCRA) - Columns (21)-(22)

- Column (21) is either 600 cfs if SCENARIO is “priority call”, or the expected diversion rate for Garwood (LCRA) at the original diversion location if SCENARIO is “no-priority call”.
- Column (22) is the value of ROR Available as determined by LCRA’s Daily Release Model corresponding to the diversion in Column (21).

All values here have units of cfs.

WORKSHEET: 4 of 7-Actual Streamflows

This worksheet contains actual streamflow measurement at locations needed to ensure that instream flow restrictions in the appropriate reaches of the Colorado River above the original authorized point of diversion in Colorado County are fully satisfied per amendment terms and the TCEQ approved LCRA Water Management Plan (WMP).

RELEASE DATE - Column (1)

This is date on which pass through of inflow would occur at Mansfield Dam on Lake Travis to honor a diversion by a downstream senior water right.

Column (2) is left blank.

ACTUAL MEASURED STREAMFLOWS - Columns (3)-(6)

Daily streamflow measurements from appropriate streamflow gauge stations are entered for Local Date in Columns (13) to (16). All values here have units of cfs.

Column (7) is left blank.

Travel Times from Mansfield Dam to – Columns(8)-(11)

User enters travel time from Mansfield Dam to the gauge indicated in Row 12. All values here have units of whole days.

Column (12) is left blank.

Local Dates – Columns(13)-(16)

These are calculated using each daily value of Travel Time from Mansfield Dam to the gauge indicated in Row 12.

WORKSHEET: 5 of 7- Acct of Instream Flows

This worksheet demonstrates compliance with instream flow requirements.

RELEASE DATE - Column (1)

This is date on which pass through of inflow would occur at Mansfield Dam on Lake Travis to honor a diversion by a downstream senior water right.

Instream Flows Condition - Column (2)

The operator will enter the appropriate instream flow condition, either Subsistence, Base – Dry, or Base – Average. This is the only entry column on the worksheet.

Local Dates – Columns(3)-(6)

These are calculated using each daily value of Travel Time from Mansfield Dam to the gauge indicated in Row 12.

INSTREAM FLOW REQUIREMENT - Columns (7)- (10)

The spreadsheet logic then looks up the appropriate instream flow from a table and populates the required flow for each river segment.

Is there an Adverse Impact to Instream Flow Under Option 1; when Diversions are Greater than 150 cfs ?- Columns (11.1)-(14)

These cells are a final check to determine if instream flow requirements were violated. A “n/a” will be displayed on days when no diversion occurred under amendment “E” or “G”. A “-” displayed in the appropriate cell indicates that the instream flow requirement was not violated. “YES” displayed in the appropriate cell indicates that the instream flow requirement was violated.

Column (15) is left blank.

Instream Flow Criteria Tables- Columns (16)-(21)

Rows 15 to 63 has Tables for each of the criteria: Subsistence, Base – Dry, and Base – Average. Rows 65 to 82 are instructions, from the amendment, for user to determine which Criteria Condition to specify in column (2).

Columns (27) to (57) were added to determine if instream flow requirements described in section 4. B. (1) of the amendment are satisfied. No additional input from the operator is required here.

In columns (45) to (47) considers section 4. B. (1) of the amendment. A “n/a” will be displayed on days when either (a) no diversion occurred under the amendment, or (b) sums of all diversions at points located upstream of the existing diversion point authorized under Certificate 14-5434C exceed a total combined diversion rate of 150 cfs under the amendment. A “-” displayed in the appropriate cell indicates that the instream flow requirement was not violated. “YES” displayed in the appropriate cell indicates that the instream flow requirement was violated.

In columns (49) to (52) considers the combination of section 4. B. (1) and the remainder of sections 4. A. to 4. E. of the amendment. A “n/a” will be displayed if “n/a” occurs for the same date and location in both the group of columns (11) to (14) and the group of columns (44) to (47). A “-” will be displayed if “-” occurs for the same date and location in either the group of columns (11) to (14) or the group of columns (44) to (47). “YES” displayed in a cell indicates that a diversion occurred under the amendment and the instream flow requirement was violated for that date and location.

In columns (54) to (57), if diversions under this amendment are allowed, the section of the amendment that applies, concerning instream flow, is listed.

WORKSHEET: 6 of 7-Acct Other Rights

This worksheet identifies if any impact to other water rights has occurred.

RELEASE DATE - Column (1)

This is date on which pass through of inflow would occur at Mansfield Dam on Lake Travis to honor a diversion by a downstream senior water right.

Column (2) is left blank.

Is there an Adverse Impact to Other Water Rights? – Odd Column Numbers (3)-(19) and (23)-(29)

Each column verifies if an adverse impact occurred to a water right as a result of diversions by Garwood (LCRA) under this amendment. “n/a” will be displayed on days when no diversion occurred under the amendment, thus “n/a” indicates that no harm could have taken place. On days when diversions occurred, the logic will indicate whether an impact occurred. A “-” displayed in the appropriate cell indicates that the specified “other” water right’s **ROR AVAILABLE WHILE GARWOOD @ ACTUAL** was not less than the specified “other” water right’s **ROR AVAILABLE WHILE GARWOOD @ FULL M.D.R.** and therefore was not adversely impacted by the Garwood (LCRA) diversions under the amendment. “YES” displayed in the appropriate cell indicates that the water right was adversely impacted by the Garwood (LCRA) diversions under the amendment, and thus the specified other water right’s **ROR AVAILABLE WHILE GARWOOD @ ACTUAL** was less than the specified other water right’s **ROR AVAILABLE WHILE GARWOOD @ FULL M.D.R.**

Impact to Garwood (LCRA) - Column Number (21)

The 14-5434E is listed on sheet 6, to aid the operator in the upstream and downstream orientation of water rights, but it is always set to “N/A” for all days. .

Even Column Numbers (4)-(30) are left blank.

WORKSHEET: 7 of 7- Acct Diversion Limits

This worksheet tracks all diversions under the amendment and verifies compliance with all diversion limitations stated in the amendment.

RELEASE DATE - Column (1)

This is date on which pass through of inflow would occur at Mansfield Dam on Lake Travis to honor a diversion by a downstream senior water right.

Year-to-Date EXPECTED DIVERSION BY REACH UNDER Garwood amendment "E" and "G" - Columns (2)-(7)

The diversions for Garwood (LCRA) at all diversion locations, entered in columns (32) through (56) on the "Expected Diversion, ROR Used" worksheet, are summed by river segment and aggregated year-to-date. These values have been converted to units of acre-feet.

Year-to-Date EXPECTED DIVERSION BY REACH and Accumulated with Upstream Reaches, HAS REACH LIMIT BEEN EXCEEDED? - Columns (8)-(12)

Year-to-Date EXPECTED Garwood (LCRA) Diversions by Reach values in Columns (2) through (7) are accumulated with upstream reaches and compared to the table of individual reach annual limits, shown in row 14, as specified in amendment "G". A "no" is returned in this cell if the reach limit has not been exceeded, otherwise "YES" is displayed.

Year-to-Date EXPECTED DIVERSION for Sum of all Diversion Points, HAS OVERALL ANNUAL LIMIT BEEN EXCEEDED? - Column (13)

Year-to-Date EXPECTED DIVERSION Accumulated for all Diversion Points value in Column (7) is compared to the overall annual limit in amendment "G". A "no" is returned in this cell if the reach limit has not been exceeded, otherwise "YES" is displayed.

Still under all Reach Limits (permit limit 1.A through 1.D)? - Column (14)

This Column checks to see if all individual reach limits have not been exceeded. "YES" is returned if all Columns 8 through 12 are "NO". "NO" is returned to Column (13) if any of Columns (8) through (12) are "YES". The value in these cells is used on worksheet "ROR while Garwood @ full M.D.R." Column (2).

Sarah Henderson

From: Jennifer Bassett [REDACTED]
Sent: Thursday, May 25, 2023 10:25 AM
To: Sarah Henderson
Cc: Leonard Oliver; Monica Masters
Subject: Revised: Garwood 14-5434G Accounting Plan Package for TCEQ
Attachments: EMAIL_NO_LINKS_2023_May_24_revision_14-5434G_GarwoodAccountingPlan-
WithExamplez.xlsx; 2023_May_24_
14-5434G_GarwoodAccountingPlanDescription.CLEAN.docx;
Accounting_Plan_Cover_letter.mm.docx

Dear Ms. Henderson:

We are pleased to submit a modified LCRA Garwood water right accounting plan that incorporates the diversion reach requested in application 14-5434G. The accounting plan retains the previous logic and continues to use that logic to ensure proper accounting in the diversion limit segments (A-H), protection of the eflow standards at the 4 applicable gages (Colorado River at Austin, Bastrop, Columbus, and Wharton), and protection of other water rights by comparing availability with and without the amendment (600 cfs demand at original location).

The modified accounting plan simply added reporting columns and made adjustments to aggregation so that diversions under 14-5434G are routed to the correct diversion limit segments and if applicable the correct eflow segment. The multiple potential combinations of diversion limit segments and eflow segments resulted in the need for ten new reporting diversion columns, and ten associated 14-5434G run-of-river availability columns. Some other minor changes were made to the narrative and spreadsheet to improve clarity in purpose and function.

Please do not hesitate to contact Leonard Oliver at 512-578-4088 or [REDACTED] if you have any questions.

Sincerely,

Monica Masters

Monica Masters, P.E., PMP

Lower Colorado River Authority | Vice President, Water Resources

O 512-578-3541 **M** 512-694-0568
[REDACTED]



May 24, 2023

VIA E-MAIL

Ms. Sarah Henderson, MC-160
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

Re: Lower Colorado River Authority
CN600253637
Application to Amend Water Rights Permit No.5434
Colorado River, Colorado River Basin

Dear Ms. Henderson:

We are pleased to submit a modified LCRA Garwood water right accounting plan that incorporates the diversion reach requested in application 14-5434G. The accounting plan retains the previous logic and continues to use that logic to ensure proper accounting in the diversion limit segments (A-H), protection of the eflow standards at the 4 applicable gages (Colorado River at Austin, Bastrop, Columbus, and Wharton), and protection of other water rights by comparing availability with and without the amendment (600 cfs demand at original location).

The modified accounting plan simply added reporting columns and made adjustments to aggregation so that diversions under 14-5434G are routed to the correct diversion limit segments and if applicable the correct eflow segment. The multiple potential combinations of diversion limit segments and eflow segments resulted in the need for ten new reporting diversion columns, and ten associated 14-5434G run-of-river availability columns. Some other minor changes were made to the narrative and spreadsheet to improve clarity in purpose and function.

Please do not hesitate to contact Leonard Oliver at 512-578-4088 or [REDACTED] if you have any questions.

Sincerely,

Monica P. Masters

Monica Masters, P.E.
Vice President, Water Resources

**LCRA GARWOOD WATER RIGHT
SUPPLEMENTAL STATEMENT Re: ACCOUNTING PROCEDURES
WATER RIGHT APPLICATION No. 14-5434G (revised May 24, 2023)**

LCRA owns Certificate of Adjudication No. 14-5434C. LCRA is authorized to divert 133,000 ac-ft of water per year from the Colorado River for irrigation, municipal and industrial purposes within the boundaries of the Garwood Service Area in Colorado and Wharton Counties, both in the Colorado River Basin and in the Lavaca River Basin from a point on the Colorado River in Colorado County, Texas. In addition, LCRA is authorized to use the water outside of the Garwood Service Area anywhere within Travis, Bastrop, Fayette, Colorado, Wharton, and Matagorda Counties. The maximum diversion rate is 600 cubic feet per second (cfs) and the priority date of this authorization is November 1, 1900.

LCRA amended Certificate of Adjudication No. 14-5434C to authorize additional diversion points on three tributaries and on the Colorado River both upstream and downstream of the original authorized diversion point in Colorado County, that Amendment is known as 14-5434E. The additional diversion points include any diversion point currently authorized under the following water rights: Certificates of Adjudication 14-5482C (LCRA, Lake Travis on Colorado River), 14-5471A (City of Austin, Lake Austin on Colorado River and Lady Bird Lake on Colorado River), 14-5473 (LCRA Lake Bastrop, Colorado River and Spicer Creek), 14-5474 (LCRA Cedar Creek Reservoir, Colorado River and Cedar Creek), 14-5475 (LCRA Lakeside, Colorado River and Moores Branch), 14-5477 (LCRA Pierce Ranch, Colorado River), 14-5476A (LCRA Gulf Coast, Colorado River), and 14-5437A (STP Nuclear Operating Company and LCRA, Colorado River). Under the proposed amendment, 14-5434G, LCRA is adding a diversion reach from Longhorn Dam (which forms Lady Bird Lake) to Bay City Dam.

An accounting plan was developed in accordance with special condition L of 14-5434E and submitted to TCEQ in March of 2020. The accounting plan was revised to include the new diversion reach proposed in application 14-5434G, in January of 2023. The modified accounting plan simply added reporting columns and made adjustments to aggregation so that diversions under 14-5434G are routed to the correct diversion limit segments and if applicable the correct eflow segment. The multiple potential combinations of diversion limit segments and eflow segments resulted in the need for ten new reporting diversion columns, and ten associated 14-5434G-run-of-river availability columns. Some other minor changes were made to the narrative and spreadsheet to improve clarity in purpose and function.

**GARWOOD (LCRA) ACCOUNTING PLAN
CERTIFICATE OF ADJUDICATION NO. 14-5434G**

Purpose of the Accounting Plan

The purpose of the Accounting Plan is to track and to demonstrate compliance with terms of this amendment for diversions made pursuant to the LCRA Certificate of Adjudication No. 14-5434G. The accounting procedures described in detail below will be implemented at such times when water is diverted at any of the additional diversion locations authorized pursuant to Certificate of Adjudication No. 14-5434G. These procedures are implemented to demonstrate, for days and at locations that could be influenced by any diversion at the additional locations authorized pursuant to Certificate of Adjudication No. 14-5434G, that (a) no adverse impact to other water rights has

occurred as a result of any diversion at the additional locations authorized pursuant to Certificate of Adjudication No. 14-5434G, and (b) instream flow restrictions in the appropriate reaches of the Colorado River above the original authorized diversion point in Colorado County are fully satisfied according to the terms of the amendment.

LCRA has many sources of water available to it to meet its customers' demands, including stored water released from Lakes Buchanan and Travis, as well as other downstream run-of-river water rights. On a daily basis, LCRA's River Operations Center assesses water availability for each of these water supplies after considering measurements of rainfall and water levels in streams and reservoirs; flow ratings for streams, canals, hydroelectric turbines, spillways, floodgates, and pumps; elevation/area/capacity ratings for reservoirs; model results for predicted storm runoff and ungauged gains or losses of flow along the Colorado River; simulated routing and attenuation of flows along channels and through reservoirs; effluent discharge as reported by wastewater treatment plant operators; and scheduled and actual pumping as reported by major diverters. If this assessment indicates that the applicable instream flow criteria in this Certificate of Adjudication No. 14-5434G cannot be satisfied at any particular downstream point of diversion authorized under this amendment, LCRA will rely on its other available sources of supply to satisfy demands at that location.

Overview of the Accounting Plan Procedures

The accounting plan consists of an Excel spreadsheet that is used to demonstrate compliance with terms of this amendment. Data is entered into the Excel spreadsheet to track diversions, check for compliance with instream flow requirements, and to demonstrate that there was no impact to other water rights.

There are two categories of water rights tracked in the spreadsheet:

a) Major water rights consisting of ten water rights listed below, all Certificates of Adjudication, that each authorizes consumptive use of at least 10,000 acre-feet per year. These are considered here to be major diverters and are tracked separately:

- 14-5482 LCRA - Lake Travis,
- 14-5471 City of Austin - Lake Austin and Lady Bird Lake,
- 14-5489 City of Austin to Lake Walter E. Long,
- 14-5473 LCRA to Lake Bastrop,
- 14-5474 LCRA to Cedar Creek Reservoir (FPP),
- 14-5475 LCRA - Lakeside,
- 14-5477 LCRA - Pierce Ranch,
- 14-5476 LCRA - Gulf Coast,
- 14-5437 LCRA and STPNOC, and
- 14-5434B City of Corpus Christi (formerly Garwood); and,

b) Minor water rights representing small diversions from the lower Colorado River below Lake Travis. There are about 26 other water rights on the lower Colorado River that are considered here to be minor diverters. The combined authorized consumptive use of these rights is about 3,200 acre-feet per year, with the vast majority of that for irrigation use. About 20 of these water rights are located between Mansfield Dam (Lake Travis) and the Bastrop streamflow gauge. One of these, 14-5396A, which is owned by Bastrop Energy Partners, has a diversion point located near the Travis-Bastrop County line, and has a priority date of November 12, 1913. This location and priority date are used to represent the combination of all known diversions by these minor water rights. This information is used to determine that no adverse impact to these water rights has occurred as a result of any diversion at the additional locations authorized pursuant to Certificate of Adjudication No. 14-5434E. Daily data for actual diversion amounts are not available for these water rights, therefore the values for expected diversions from LCRA's Daily Release Model are used here for all water rights.

An adverse impact to instream flow is indicated if expected diversions within a reach of the Colorado River above the original authorized Garwood diversion point cause the streamflow for the gauge at the downstream end of the reach to be less than the restrictions in this amendment.

An adverse impact to another water right is indicated if (a) run-of-river water that is available to that water right while Garwood is operated as expected under authorization by the amended certificate of adjudication 14-5434G is less than (b) run-of-river water that is available to that water right while Garwood is fully operated as authorized by the original certificate of adjudication 14-5434C. The above terms (a) and (b) are defined below.

(a) “Run-of-River water that is available to a water right while Garwood is operated as expected under authorization by the amended certificate of adjudication 14-5434G” is the amount of water allocated by priority to each known diversion by a water right located on either Lake Travis or the Colorado River downstream. The calculation of these amounts includes the effects of all expected diversions at all locations, including those authorized under this amendment. These values will be evaluated in a daily timestep simulation using LCRA’s Daily Release Model after the expected diversions and actual streamflow gauge measurements are known. This model is not directly included as a component of this Accounting Plan. Data used in this determination include:

- Actual streamflow measured at all relevant gauges.
- For all water rights other than for Garwood (LCRA), expected diversions at all authorized diversion points and with their related priorities.
- For Garwood (LCRA), expected diversions at all locations authorized pursuant to this amendment. The diversion at the original authorized point of diversion in Colorado County has a priority date of November 1, 1900. The priority date for all other Garwood (LCRA) diversion locations depends on the sum of year-to-date diversions that have occurred under this amendment, as follows:
 - Under the “priority call” scenario, all other Garwood (LCRA) diversion locations will also have a priority date of November 1, 1900. The “priority call” scenario is in effect from the beginning of each calendar year as long as Garwood (LCRA) year-to-date diversions at all locations, remain under each of the individual reach annual diversion limits as specified in Special Conditions Paragraph 4. H. (1) of the amendment.
 - Under the “no-priority call” scenario, all other Garwood (LCRA) diversion locations will have a priority date equal to February 5, 2003 the filing date of amendment 14-5434E at specifically authorized location, or the filing date of amendment 14-5434G if otherwise diverted from the diversion reach between Lady Bird Lake and Bay City Dam. The “no priority call” scenario, described in Special Conditions Paragraph 4. H. (2) of the amendment, would be in effect when Garwood (LCRA) year-to-date diversions are greater than those individual reach annual diversion limits as specified in the amendment. This scenario would be effective for the remainder of that calendar year.

(b) “Run-of-River water that is available to a water right while Garwood is fully operated as authorized by the original certificate of adjudication 14-5434C” is the amount of water allocated by priority to each known diversion by water rights located on either Lake Travis or the Colorado River downstream. The calculation of these amounts includes the effect of an assumed Garwood (LCRA) diversion at the original diversion point. These will also be evaluated in a daily timestep simulation using LCRA’s Daily Release Model after the expected diversions and actual stream flow gauge measurements are known. This model is not directly included as a component of this Accounting Plan. Data used in this determination include:

- Actual streamflow measured at all relevant gauges.
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- For Garwood (LCRA), the only diversion is an assumed value at the original authorized point of diversion in Colorado County with a priority date of November 1, 1900. The amount of the assumed diversion depends on the sum of year-to-date diversions that have occurred under this amendment.
 - Under the “priority call” scenario, the assumption is that Garwood (LCRA) diverted at the original authorized point of diversion at the maximum authorized diversion rate of 600 cfs.
 - Under the “no priority call” scenario, the assumption is that Garwood (LCRA) diverted at the original authorized point of diversion at the rate that actually occurred.

DESCRIPTION OF WORKSHEETS AND DATA FIELDS IN THE ACCOUNTING PLAN

All cells with green background (various shades) are user input values.

WORKSHEET: 2 of 7-ROR with Garwood@actual

This worksheet contains ROR AVAILABLE HERE WHILE GARWOOD @ ACTUAL which is also called “Run-of-River water that is available to a water right while Garwood is operated as expected under authorization by the amended certificate of adjudication 14-5434G” for all water rights located on either Lake Travis or the lower Colorado River. The amount of expected diversions made by these water rights, including all diversions made under this amendment, are also entered here.

RELEASE DATE - Column (1)

This is date on which pass through of inflow would occur at Mansfield Dam on Lake Travis to honor a diversion by a downstream senior water right. LCRA’s Daily Release Model shifts all downstream activities in time to this common reference date. For example, water passing Mansfield Dam takes four days to reach the Colorado River diversion point of the Lakeside water right, so a diversion at Lakeside on January 5 would be entered on the row for Release Date January 1. Diversions under this amendment on a single calendar day but at multiple diversion locations could require multiple Release Date rows to be used.

Column (2) is left blank.

EXPECTED DIVERSION and ROR AVAILABLE HERE WHILE GARWOOD @ ACTUAL - Columns (3)-(30)

For each water right, the operator enters the expected diversion and the corresponding value of ROR AVAILABLE HERE WHILE GARWOOD @ ACTUAL from LCRA’s Daily Release Model.

- Column (21) is not an entry but is calculated as the sum of diversions by Garwood (LCRA) at all diversions entered in columns (32) through (56) for each location authorized pursuant to Certificate of Adjudication No. 14-5434E & segments of the diversion reach authorized in 14-5434G that exist between the location authorized in 14-5434E .
- Column (22) is not an entry but is calculated as the sum of the values of ROR AVAILABLE HERE under GARWOOD amendment 'E' and ‘G’ from LCRA’s Daily Release Model in columns (62) through (85).

All values here have units of cfs.

Column (31) is left blank.

Diversion for all Garwood (LCRA) locations - Columns (32)-(56)

The operator enters expected diversions for all Garwood (LCRA) diversion locations authorized pursuant to Certificate of Adjudication No. 14-5434G in columns (32) through (56). All values here have units of cfs.

Columns (57) to (61) are left blank.

ROR AVILABLE HERE under Garwood amendment 'E' - Columns (62)-(86)

The operator enters the values of ROR AVAILABLE HERE under GARWOOD amendment 'E' from LCRA’s Daily Release Model corresponding to diversions for all Garwood (LCRA) diversion

locations authorized pursuant to Certificate of Adjudication No. 14-5434E in columns (32) through (56). All values here have units of cfs.

WORKSHEET: 3 of 7-ROR with Garwood@M.D.R. (Maximum Diversion Rate)

This worksheet contains ROR AVAILABLE HERE WHILE GARWOOD @ FULL M.D.R. which is also called “Run-of-River water that is available to a water right while Garwood is fully operated as authorized by the original certificate of adjudication 14-5434C” for all water rights located on either Lake Travis or the lower Colorado River. Information from the “7 of 7-Acct Diversion Limits” worksheet to specify the current scenario (either “priority call” or “no priority call”) also appears here.

RELEASE DATE - Column (1)

The operator enters the date on which pass through of inflow would occur at Mansfield Dam on Lake Travis to honor a diversion by a downstream senior water right.

SCENARIO - Column (2)

Indicates the scenario based on a calculated value for the previous date from the “Final Accounting Diversion Lts” worksheet.

“left blank” and ROR AVAILABLE HERE WHILE GARWOOD @ FULL M.D.R. - Columns (3)-(20), (23)-(30)

The operator enters values of ROR AVAILABLE HERE WHILE GARWOOD @ FULL M.D.R. as determined by LCRA’s Daily Release Model for all other water rights. All values here have units of cfs.

ASSUMED DIVERSION RATE and ROR AVAILABLE HERE WHILE GARWOOD @ FULL M.D.R. for Garwood (LCRA) - Columns (21)-(22)

- Column (21) is either 600 cfs if SCENARIO is “priority call”, or the expected diversion rate for Garwood (LCRA) at the original diversion location if SCENARIO is “no-priority call”.
- Column (22) is the value of ROR Available as determined by LCRA’s Daily Release Model corresponding to the diversion in Column (21).

All values here have units of cfs.

WORKSHEET: 4 of 7-Actual Streamflows

This worksheet contains actual streamflow measurement at locations needed to ensure that instream flow restrictions in the appropriate reaches of the Colorado River above the original authorized point of diversion in Colorado County are fully satisfied per amendment terms and the TCEQ approved LCRA Water Management Plan (WMP).

RELEASE DATE - Column (1)

This is date on which pass through of inflow would occur at Mansfield Dam on Lake Travis to honor a diversion by a downstream senior water right.

Column (2) is left blank.

ACTUAL MEASURED STREAMFLOWS - Columns (3)-(6)

Daily streamflow measurements from appropriate streamflow gauge stations are entered for Local Date in Columns (13) to (16). All values here have units of cfs.

Column (7) is left blank.

Travel Times from Mansfield Dam to – Columns(8)-(11)

User enters travel time from Mansfield Dam to the gauge indicated in Row 12. All values here have units of whole days.

Column (12) is left blank.

Local Dates – Columns(13)-(16)

These are calculated using each daily value of Travel Time from Mansfield Dam to the gauge indicated in Row 12.

WORKSHEET: 5 of 7- Acct of Instream Flows

This worksheet demonstrates compliance with instream flow requirements.

RELEASE DATE - Column (1)

This is date on which pass through of inflow would occur at Mansfield Dam on Lake Travis to honor a diversion by a downstream senior water right.

Instream Flows Condition - Column (2)

The operator will enter the appropriate instream flow condition, either Subsistence, Base – Dry, or Base – Average. This is the only entry column on the worksheet.

Local Dates – Columns(3)-(6)

These are calculated using each daily value of Travel Time from Mansfield Dam to the gauge indicated in Row 12.

INSTREAM FLOW REQUIREMENT - Columns (7)- (10)

The spreadsheet logic then looks up the appropriate instream flow from a table and populates the required flow for each river segment.

Is there an Adverse Impact to Instream Flow Under Option 1; when Diversions are Greater than 150 cfs ?- Columns (11.1)-(14)

These cells are a final check to determine if instream flow requirements were violated. A “n/a” will be displayed on days when no diversion occurred under amendment “E” or “G”. A “-” displayed in the appropriate cell indicates that the instream flow requirement was not violated. “YES” displayed in the appropriate cell indicates that the instream flow requirement was violated.

Column (15) is left blank.

Instream Flow Criteria Tables- Columns (16)-(21)

Rows 15 to 63 has Tables for each of the criteria: Subsistence, Base – Dry, and Base – Average. Rows 65 to 82 are instructions, from the amendment, for user to determine which Criteria Condition to specify in column (2).

Columns (27) to (57) were added to determine if instream flow requirements described in section 4. B. (1) of the amendment are satisfied. No additional input from the operator is required here.

In columns (45) to (47) considers section 4. B. (1) of the amendment. A “n/a” will be displayed on days when either (a) no diversion occurred under the amendment, or (b) sums of all diversions at points located upstream of the existing diversion point authorized under Certificate 14-5434C exceed a total combined diversion rate of 150 cfs under the amendment. A “-” displayed in the appropriate cell indicates that the instream flow requirement was not violated. “YES” displayed in the appropriate cell indicates that the instream flow requirement was violated.

In columns (49) to (52) considers the combination of section 4. B. (1) and the remainder of sections 4. A. to 4. E. of the amendment. A “n/a” will be displayed if “n/a” occurs for the same date and location in both the group of columns (11) to (14) and the group of columns (44) to (47). A “-” will be displayed if “-” occurs for the same date and location in either the group of columns (11) to (14) or the group of columns (44) to (47). “YES” displayed in a cell indicates that a diversion occurred under the amendment and the instream flow requirement was violated for that date and location.

In columns (54) to (57), if diversions under this amendment are allowed, the section of the amendment that applies, concerning instream flow, is listed.

WORKSHEET: 6 of 7-Acct Other Rights

This worksheet identifies if any impact to other water rights has occurred.

RELEASE DATE - Column (1)

This is date on which pass through of inflow would occur at Mansfield Dam on Lake Travis to honor a diversion by a downstream senior water right.

Column (2) is left blank.

Is there an Adverse Impact to Other Water Rights? – Odd Column Numbers (3)-(19) and (23)-(29)

Each column verifies if an adverse impact occurred to a water right as a result of diversions by Garwood (LCRA) under this amendment. “n/a” will be displayed on days when no diversion occurred under the amendment, thus “n/a” indicates that no harm could have taken place. On days when diversions occurred, the logic will indicate whether an impact occurred. A “-” displayed in the appropriate cell indicates that the specified “other” water right’s **ROR AVAILABLE WHILE GARWOOD @ ACTUAL** was not less than the specified “other” water right’s **ROR AVAILABLE WHILE GARWOOD @ FULL M.D.R.** and therefore was not adversely impacted by the Garwood (LCRA) diversions under the amendment. “YES” displayed in the appropriate cell indicates that the water right was adversely impacted by the Garwood (LCRA) diversions under the amendment, and thus the specified other water right’s **ROR AVAILABLE WHILE GARWOOD @ ACTUAL** was less than the specified other water right’s **ROR AVAILABLE WHILE GARWOOD @ FULL M.D.R.**

Impact to Garwood (LCRA) - Column Number (21)

The 14-5434E is listed on sheet 6, to aid the operator in the upstream and downstream orientation of water rights, but it is always set to “N/A” for all days. .

Even Column Numbers (4)-(30) are left blank.

WORKSHEET: 7 of 7- Acct Diversion Limits

This worksheet tracks all diversions under the amendment and verifies compliance with all diversion limitations stated in the amendment.

RELEASE DATE - Column (1)

This is date on which pass through of inflow would occur at Mansfield Dam on Lake Travis to honor a diversion by a downstream senior water right.

Year-to-Date EXPECTED DIVERSION BY REACH UNDER Garwood amendment “E” and “G” - Columns (2)-(7)

The diversions for Garwood (LCRA) at all diversion locations, entered in columns (32) through (56) on the “Expected Diversion, ROR Used” worksheet, are summed by river segment and aggregated year-to-date. These values have been converted to units of acre-feet.

Year-to-Date EXPECTED DIVERSION BY REACH and Accumulated with Upstream Reaches, HAS REACH LIMIT BEEN EXCEEDED? - Columns (8)-(12)

Year-to-Date EXPECTED Garwood (LCRA) Diversions by Reach values in Columns (2) through (7) are accumulated with upstream reaches and compared to the table of individual reach annual limits, shown in row 14, as specified in amendment “G”. A “no” is returned in this cell if the reach limit has not been exceeded, otherwise “YES” is displayed.

Year-to-Date EXPECTED DIVERSION for Sum of all Diversion Points, HAS OVERALL ANNUAL LIMIT BEEN EXCEEDED? - Column (13)

Year-to-Date EXPECTED DIVERSION Accumulated for all Diversion Points value in Column (7) is compared to the overall annual limit in amendment “G”. A “no” is returned in this cell if the reach limit has not been exceeded, otherwise “YES” is displayed.

Still under all Reach Limits (permit limit 1.A through 1.D)? - Column (14)

This Column checks to see if all individual reach limits have not been exceeded. “YES” is returned if all Columns 8 through 12 are “NO”. “NO” is returned to Column (13) if any of Columns (8) through (12) are “YES”. The value in these cells is used on worksheet “ROR while Garwood @ full M.D.R.” Column (2).

Lower Colorado River Authority
Certificate of Adjudication No. 14-5434G

Accounting Plan Excel files available upon request

Contact Mr. Chris Kozlowski at (512) 239-1801

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 9, 2023

SUBJECT: Lower Colorado River Authority
ADJ 5434
CN600253637, RN104090089
Application No. 14-5434G to Amend Certificate of Adjudication No. 14-5434
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Colorado River, Colorado River Basin
Travis County

The application and partial fees were received on January 3, 2023. Additional information and fees were received on April 26 and April 28, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 9, 2023. Limited mailed notice to the interjacent water right holders of record in the Colorado River Basin is required pursuant to Title 30 Texas Administrative Code § 295.158(c)(3)(D).

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

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 9, 2023

Mr. Leonard Oliver
Lower Colorado River Authority
P.O. Box 220, L200
Austin, Texas 78703

VIA E-MAIL

RE: Lower Colorado River Authority
ADJ 5434
CN600253637, RN104090089
Application No. 14-5434G to Amend Certificate of Adjudication No. 14-5434
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Colorado River, Colorado River Basin
Travis County

Dear Mr. Oliver:

This acknowledges receipt, on April 26 and April 28, 2023, of additional information and fees in the amount of \$73.50 (Receipt No. M316038, copy attached).

The application was declared administratively complete and filed with the Office of the Chief Clerk on May 9, 2023. Staff will continue processing the application for consideration by the Executive Director.

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

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

Sincerely,

Sarah Henderson

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

Attachment



01-MAY-23 09:46 AM

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>Ref#3</u>	<u>Check Number</u>	<u>CC Type</u>	<u>Tran Code</u>	<u>Slip Key</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP			M316038			479815		N	BS00102775	01-MAY-23	-\$73.50
	WUP			ADJ145434			042823			D3802529		
			WATER USE PERMITS	LOWER			VHERNAND		CK			
				COLORADO								
				RIVER								
				AUTHORITY								

Total (Fee Code) : -\$73.50

RECEIVED
MAY 02 2023
Water Availability Division

RECEIVED
MAY 02 2023
Water Availability Division

Lower Colorado River Authority
P.O. Box 679000
Austin, Texas 78767

AP00002241420000479815

PAGE: 1 of 1

DATE: April 20, 2023

CHECK NUMBER: [REDACTED]
AMOUNT PAID: \$73.50

Inquiries To: INVOICE@LCRA.ORG

00727 10747 CKS ZA 23107 - 0000479815 NNNNNNNNNNN 1075100006502 X985A1 C
TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY
P O BOX 13089
AUSTIN TX 78711-3089

RECEIVED

MAY 02 2023

Water Availability Division



INVOICE DATE	INVOICE/CREDIT MEMO	DESCRIPTION	GROSS	DISCOUNT	NET
04/12/23	04 [REDACTED] 73.50	1LCRA 01217749	\$73.50	\$0.00	\$73.50
		TOTALS	\$73.50	\$0.00	\$73.50

WUP
Amend
Adj 145434

316038 4-28-23
STATE OF TEXAS
COMPTROLLER
GENERAL

PLEASE DETACH BEFORE DEPOSITING CHECK

Veronica Torrez

From: Laura Byrn <[REDACTED]>
Sent: Friday, April 28, 2023 2:20 PM
To: Veronica Torrez
Subject: Check [REDACTED] \$73.50

Description of Expense (Attach any supporting documentation)

Lower Colorado River Authority ADJ 5434 CN600253637, RN104090089 Application No. 14-5434G
to Amend Certificate of Adjudication No. 14-5434 Texas Water Code § 11.122, Requiring Limited
Mailed Notice, Colorado River, Colorado River Basin, Travis County

Laura Byrn
Accounts Payable Supervisor
Lower Colorado River Authority (LCRA)
o 512-578-2207
[REDACTED]



Enhancing the Lives of Texans

RECEIVED
MAY 02 2023
Water Availability Division

Sarah Henderson

From: Leonard Oliver <[REDACTED]>
Sent: Wednesday, April 26, 2023 3:36 PM
To: Sarah Henderson
Cc: Monica Masters; Greg Graml
Subject: Application 14-5434G: Response to RFI dated 4/10/2023
Attachments: RFI Response to TCEQ_5434G Amendment_04-12-2023.signed.pdf

Ms Sarah Henderson,

LCRA received your letter date April 10, 2023, seeking additional information and fees regarding LCRA's application to amend 14-5434 referred to as 14-5434G. Please find LCRA's response in the attached letter.

Cheers,

Leonard Oliver

Leonard L. Oliver Jr.
Lower Colorado River Authority | Supv, WRM
☎ 512-578-4088 | Red Bud R303 | [REDACTED]



April 26, 2023

VIA E-MAIL

Ms. Sarah Henderson, MC-160
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

Re: Lower Colorado River Authority
CN600253637
Application to Amend Water Rights Permit No.5434
Colorado River, Colorado River Basin

Dear Ms. Henderson:

This acknowledges receipt of your letter dated April 10, 2023, seeking additional information and fees regarding LCRA's application to amend 14-5434 referred to as 14-5434G. Responses to your requests 1 & 2 are provided below.

1. TCEQ: Confirm that the upstream limit for the proposed diversion reach is located within the Colorado River Survey, Abstract No. 2752, adjacent to the George J. Neil Survey, Abstract No. 586 in Travis County.

Response: LCRA Staff confirms that the upstream limit for the proposed diversion reach is located within the Colorado River Survey, Abstract No. 2752, adjacent to the George J. Neil Survey, Abstract No. 586 in Travis County.

2. Remit fees in the amount of \$73.50 as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Response: LCRA transmitted an electronic check for **\$73.50** for remittance of the above fees, via Chase Bank to TCEQ (identification number V00001[REDACTED]), on April 20, 2023. The reference number for the payment is 00004[REDACTED]

If you or your staff have any questions or would like additional information, I can be reached by phone at 512-578-3541, or email at [REDACTED]

Sincerely,

Monica P. Masters

Monica Masters, P.E.
Vice President, Water Resources

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 10, 2023

Mr. Leonard Oliver
Lower Colorado River Authority
P.O. Box 220, L200
Austin, Texas 78703

VIA E-MAIL

RE: Lower Colorado River Authority
ADJ 5434
CN600253637, RN104090089
Application No. 14-5434G to Amend Certificate of Adjudication No. 14-5434
Texas Water Code § 11.122, Requiring Limited Mailed Notice
Colorado River, Colorado River Basin
Travis County

Dear Mr. Oliver:

This acknowledges receipt, on January 3, 2023, of the referenced application and fees in the amount of \$112.50 (Receipt No. M308204, copy attached).

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

1. Confirm that the upstream limit for the proposed diversion reach is located within the Colorado River Survey, Abstract No. 2752, adjacent to the George J. Neil Survey, Abstract No. 586 in Travis County.
2. Remit fees in the amount of **\$73.50** as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality.

Filing Fee (Amendment)	\$ 100.00
Recording Fee	\$ 12.50
<u>Notice Fee (25 WR Holders x \$2.94)</u>	<u>\$ 73.50</u>
Total Fees	\$ 186.00
<u>Fees Received</u>	<u>\$ 112.50</u>
Fees Due	\$ 73.50

Please provide the requested information and fees by May 10, 2023, or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

Mr. Leonard Oliver
Application No. 14-5434G
April 10, 2023
Page 2 of 2

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

Sincerely,

Sarah Henderson

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

Attachment



04-JAN-23 08:55 AM

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>CC Type</u>	<u>Tran Code</u>	<u>Slip Key</u>	<u>Document#</u>	<u>Tran Date</u>	<u>Tran Amount</u>
WTR USE PERMITS	WUP			M308204			477770				BS00099940	04-JAN-23	- \$112.50
	WUP			5434			010323	N			D3801336		
WATER USE PERMITS				LOWER			RHDAVIS	CK					
				COLORADO									
				RIVER									
				AUTHORITY									
				M308205			2155653				BS00099940	04-JAN-23	- \$111.25
	WUP						010323	N			D3801336		
WATER USE PERMITS				ROGERS			RHDAVIS	CK					
				GROUP INC									

Total (Fee Code):

-\$223.75

RECEIVED
JAN 05 2023

Water Availability Division



LOWER COLORADO RIVER AUTHORITY
P.O. BOX 220
AUSTIN, TX 78767-0220

7019 1220 0002 2076 3584



US POSTAGE and PITNEY
ZIP 78703 \$ 009
02 4W
0000380114 DEC 28

RECEIVED

JAN 03 2023

TCEQ MAIL CENTER
JR

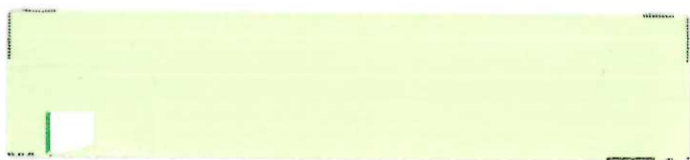
TCEQ

Ms. Sarah Henderson, MC-160
Water Availability Division
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED

JAN 03 2023

Water Availability Division



Lower Colorado River Authority
P.O. Box 679000
Austin, Texas 78767

AP00002120470000477770

PAGE: 1 of 1

DATE: December 13, 2022

CHECK NUMBER: 0000 [REDACTED]

AMOUNT PAID: \$112.50

Inquiries To: INVOICE@LCRA.ORG

00006 24296 CKS NE 22346 - 0000477770 NNNNNNNNNNN 3465100006210 X485A3 C
TEXAS COMMISSION ON ENVIRONMENTAL
QUALIT
P O BOX 13089
AUSTIN TX 78711-3089



INVOICE DATE	INVOICE/CREDIT MEMO	DESCRIPTION	GROSS	DISCOUNT	NET
12/08/22	[REDACTED] 112.50	1LCRA 01 [REDACTED]	\$112.50	\$0.00	\$112.50
		TOTALS	\$112.50	\$0.00	\$112.50

RECEIVED
JAN 03 2023
Water Availability Division

PLEASE DETACH BEFORE DEPOSITING CHECK



December 28, 2022

VIA CERTIFIED MAIL

Return Receipt Requested

7017 1120 0002 2076 3584

Ms. Sarah Henderson, MC-160
TCEQ
Water Availability Division
P.O. Box 13087
Austin, TX 78711-3087

Re: Lower Colorado River Authority
CN600253637
Application to amend Certificate of Adjudication No. 5434
Colorado River, Colorado River Basin

Dear Ms. Henderson:

Please find one (1) original copy of the Lower Colorado River Authority's application to amend the Certificate of Adjudication No. 5434. An electronic copy of the application has been sent to WRPT@tceq.texas.gov.

A check for **\$112.50** is included for filing and recording fees.

If you or your staff have any questions or would like additional information, I can be reached by phone at 512-578-3541, or email at [REDACTED]

Sincerely,

Monica Masters

Monica Masters, P.E.
Vice President, Water Resources

RECEIVED
JAN 03 2023
Water Availability Division

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ WATER RIGHTS PERMITTING APPLICATION

ADMINISTRATIVE INFORMATION CHECKLIST

Complete and submit this checklist for each application. See Instructions Page. 5.

APPLICANT(S): Lower Colorado River Authority

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).

<u>Y</u>	Administrative Information Report	<u>Y</u>	Worksheet 3.0
<u>N</u>	Additional Co-Applicant Information	<u>Y</u>	Additional W.S 3.0 for each Point
<u>N</u>	Additional Co-Applicant Signature Pages	<u>N</u>	Recorded Deeds for Diversion Points
<u>Y</u>	Written Evidence of Signature Authority	<u>N</u>	Consent For Diversion Access
<u>Y</u>	Technical Information Report	<u>N</u>	Worksheet 4.0
<u>Y</u>	USGS Map (or equivalent)	<u>N</u>	TPDES Permit(s)
<u>Y</u>	Map Showing Project Details	<u>N</u>	WWTP Discharge Data
<u>Y</u>	Original Photographs	<u>N</u>	Groundwater Well Permit
<u>N</u>	Water Availability Analysis	<u>N</u>	Signed Water Supply Contract
<u>N</u>	Worksheet 1.0	<u>N</u>	Worksheet 4.1
<u>N</u>	Recorded Deeds for Irrigated Land	<u>Y</u>	Worksheet 5.0
<u>N</u>	Consent For Irrigation Land	<u>N</u>	Addendum to Worksheet 5.0
<u>N</u>	Worksheet 1.1	<u>N</u>	Worksheet 6.0
<u>N</u>	Addendum to Worksheet 1.1	<u>N</u>	Water Conservation Plan(s)
<u>N</u>	Worksheet 1.2	<u>N</u>	Drought Contingency Plan(s)
<u>N</u>	Additional W.S 2.0 for Each Reservoir	<u>N</u>	Documentation of Adoption
<u>N</u>	Dam Safety Documents	To Be Submitted	Worksheet 7.0
<u>N</u>	Notice(s) to Governing Bodies	To Be Submitted	Accounting Plan
<u>N</u>	Recorded Deeds for Inundated Land	<u>Y</u>	Worksheet 8.0
<u>N</u>	Consent For Inundation Land	<u>Y</u>	Fees

RECEIVED
JAN 03 2023
Water Rights & Permitting Division

ADMINISTRATIVE INFORMATION REPORT

The following information is required for all new applications and amendments.

****Applicants are strongly encouraged 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 to schedule a meeting at (512) 239-4600.*

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

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

New Appropriation of State Water

Amendment to a Water Right *

Bed and Banks

**If you are seeking an amendment to an existing water rights authorization, you must be the owner of record of the authorization. If the name of the Applicant in Section 2, does not match the name of the current owner(s) of record for the permit or certificate or if any of the co-owners is not included as an applicant in this amendment request, your application could be returned. If you or a co-applicant are a new owner, but ownership is not reflected in the records of the TCEQ, submit a change of ownership request (Form TCEQ-10204) prior to submitting the application for an amendment. See Instructions page. 6. Please note that an amendment application may be returned, and the Applicant may resubmit once the change of ownership is complete.*

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

See attach narrative description entitled Summary of Request.

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

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

<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? Unless an application is signed by an individual applicant, the person or persons must submit written evidence that they meet the signatory requirements in 30 TAC § 295.14.

First/Last Name: John B. Hofmann

Title: Executive VP, Water

Have you provided written evidence meeting the signatory requirements in 30 TAC § 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

<https://tools.usps.com/go/ZipLookupAction!input.action>.

Name: Lower Colorado River Authority

Mailing Address: 3700 Lake Austin Blvd.

City: Austin State: Texas ZIP Code: 78703

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 _____ |
- River Authority

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For Corporations or Limited Partnerships, provide:

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

3. APPLICATION CONTACT INFORMATION (Instructions, Page. 9)

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: Water Resources Specialist

Organization Name: Lower Colorado River Authority

Mailing Address: P.O. Box 220, L 200

City: Austin State: Texas ZIP Code: 78703

Phone Number 512-5784088

Fax Number: _____

E-mail Address:  _____

4. WATER RIGHT CONSOLIDATED CONTACT INFORMATION (Instructions, Page. 9)

This section applies only if there are multiple Owners of the same authorization. Unless otherwise requested, Co-Owners will each receive future correspondence from the Commission regarding this water right (after a permit has been issued), such as notices and water use reports. Multiple copies will be sent to the same address if Co-Owners share the same address. Complete this section if there will be multiple owners and all owners agree to let one owner receive correspondence from the Commission. Leave this section blank if you would like all future notices to be sent to the address of each of the applicants listed in section 2 above.

I/We authorize all future notices be received on my/our behalf at the following:

First and Last Name: _____

Title: _____

Organization Name: _____

Mailing Address: _____

City: _____ State: _____ ZIP Code: _____

Phone Number: _____

Fax Number: _____

E-mail Address: _____

5. 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. Applicants may check their status with the Comptroller at <https://mycpa.cpa.state.tx.us/coa/>

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

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 §16.012(m) and 30 TAC § 297.41(a)(5). Applicants should check survey status on the TWDB website prior to filing:

https://www3.twdb.texas.gov/apps/reports/WU/SurveyStatus_PriorThreeYears

Applicant has submitted all required TWDB surveys of groundwater and surface water?
Yes / No Yes

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, John B Hofmann Exec VP, LCRA 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 §295.14 to sign and submit this document and I have submitted written evidence of my signature authority.

Signature: [Handwritten Signature] Date: 12/8/22
(Use blue ink)

Subscribed and Sworn to before me by the said

on this 8th day of December, 20 22.

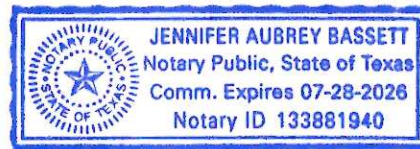
My commission expires on the 28th day of July, 20 26.

Jennifer Aubrey Bassett

Notary Public

Travis
County, Texas

[SEAL]



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

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LCRA Signature Authority:

LCRA Board Policy 102

LCRA Board Policy 501

LCRA Organizational Chart (12-14-2020)



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, Chapter 8503, Special District Local Laws Code
LCRA bylaws, sections 3.02, 6.01, 6.02

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LCRA BOARD POLICY

102 – AUTHORITY AND RESPONSIBILITIES

Sept. 21, 2016

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 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.

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.

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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.

SUMMARY OF REQUEST

LCRA'S APPLICATION TO AMEND CERTIFICATE 5434

[Attached to Administrative Information Report]

The Lower Colorado River Authority (LCRA) owns a portion of Certificate of Adjudication No. 14-5434, issued as 14-5434C which authorizes LCRA to maintain a dam and reservoir on the Colorado River, Colorado River Basin, and impound therein not to exceed 86 acre-feet of water in Colorado County. The Certificate also authorizes LCRA to divert and use not to exceed 133,000 acre-feet of water per year from a point on the Colorado River for municipal, industrial, and agricultural purposes in Colorado, Wharton, Travis, Bastrop, Fayette, and Matagorda Counties within the Colorado River Basin, Lavaca River Basin, Guadalupe River Basin, Colorado-Lavaca Coastal Basin, and the Brazos-Colorado Coastal Basin at a maximum rate of 600 cubic feet per second (269,400 gpm). Certificate 14-5434E authorizes the 133,000 ac-ft of water to be diverted from additional diversion points ranging from Lake Travis in Travis County to the STP Nuclear Operating Company intake located on the Colorado River below Bay City Dam in Matagorda County. Several special conditions apply. The existing diversion points are reflected in XYZ MAP.

LCRA is seeking to amend the certificate by adding a diversion reach from Longhorn Dam (which impounds Lady Bird Lake) to Bay City Dam to allow LCRA to meet water needs in the Basin in a more efficient manner, relying on its various water rights.

Certificate 14-5434E includes special conditions that impose limitations on diversions that are at locations upstream of the diversion point authorized in Certificate 14-5434C. This includes annual diversions limits applicable to LCRA's ability to impose its priority on more junior water rights, as well as instream flow conditions. LCRA requests that the special conditions be modified to impose similar limitations and criteria on the ability to divert water at the additional diversion locations sought in this permit. With the modified special conditions, LCRA diversions at the additional locations would have no greater impact on other water rights or the environment than diversions that would occur under the existing authorization.

LCRA had included with this application a proposed draft permit reflecting its requested diversion reach and appropriate changes to the Special Conditions (see attached Draft 14-5434G). LCRA will submit an amended accounting plan during technical review.

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-5434GE TYPE: § 11.122
Owner: Lower Colorado River Authority Address: P.O. Box 220
Austin, Texas 78767-0220
Filed: February 5, 2003 Granted:
Purpose: Municipal, Industrial, Counties: Colorado, Wharton, Travis
and Agricultural Bastrop, Fayette and
Matagorda
Watercourse: Spicer Creek, tributary of the Watershed: Colorado River Basin,
Colorado River; Cedar Creek, Lavaca River Basin,
tributary of the Colorado River, Guadalupe River Basin,
Moores Branch of the Colorado Colorado-Lavaca Coastal
River, tributary of the Colorado Basin, and Brazos-
and the Colorado River Colorado Coastal Basin

WHEREAS, The Lower Colorado River Authority (LCRA) owns a portion of Certificate of Adjudication No. 14-5434, issued as 14-5434C, as amended (14-5434E), which authorizes the Owner to maintain an overflow type structure and a reservoir on the Colorado River, Colorado River Basin, and temporarily impound therein not to exceed 86 acre-feet of water in Colorado County; and

WHEREAS, Certificate of Adjudication No. 14-5434C, as amended, also authorizes the LCRA to divert and use not to exceed 133,000 acre-feet of water per year from a multiple points on the Colorado River, Lake Travis, Lake Austin, and Lady Bird Lake for municipal, industrial, and agricultural purposes in Colorado, Wharton, Travis, Bastrop, Fayette, and Matagorda Counties within the Colorado River Basin, Lavaca River Basin, Guadalupe River Basin, Colorado-Lavaca Coastal Basin, and the Brazos-Colorado Coastal Basin at a maximum rate of 600.00 cfs (269,400 gpm); and

WHEREAS, multiple special conditions apply; and

WHEREAS, the time priority of the Owner's right is November 1, 1900; and

WHEREAS, an application was received from LCRA to amend Certificate of Adjudication No. 14-5434C, as amended, to add additional a diversion reach from the existing diversion point on Lady Bird Lake to Bay City Dam; points both upstream and downstream of the existing diversion point on the Colorado River and described as follows:

- ~~Two diversion points authorized in Certificate of Adjudication No. 14-5473:~~
 - A. ~~At a point on the Colorado River in the Isaac Harris Grant, Abstract 38, Bastrop County, Texas, and located at 30.15240° N Latitude, 97.34650° W Longitude.~~
 - B. ~~On the perimeter of Lake Bastrop on Spicer Creek, tributary of the Colorado River, in Bastrop County, Texas, and located at 30.15475° N Latitude, 97.29339° W Longitude.~~

- ~~Two diversion points authorized in Certificate of Adjudication No. 14-5474:~~
 - A. ~~At a point on the east bank of the Colorado River in the J.M. Hensley Survey, Abstract 54, Fayette County, Texas, and located at 29.86770° N Latitude, 96.77560° W Longitude.~~
 - B. ~~On the perimeter of Cedar Creek Reservoir on Cedar Creek, tributary of the Colorado River in the J.M. Hensley Survey, Abstract 54, Fayette County, Texas, and located at 29.91920° N Latitude, 96.75110° W Longitude.~~

- ~~Three diversion points authorized in Certificate of Adjudication No. 14-5476:~~
 - A. ~~At a point on the east bank of a reservoir (known as Lane City Dam), on the Colorado River in the Sylvanus Castleman Grant, Abstract 11, Wharton County, Texas, and located at 29.1936° N Latitude, 96.07210° W Longitude.~~
 - B. ~~At a point on the east bank of a reservoir (known as Bay City Dam), on the Colorado River in the John F. Bowman and Henry Williams Grant, Abstract 9, Matagorda County, Texas, and located at 28.98400° N Latitude, 96.00020° W Longitude.~~
 - C. ~~At a point on the west bank of a reservoir (known as Bay City Dam), on the Colorado River located in Thomas Cayce Grant, Abstract 14, Matagorda County, Texas, and located at 28.98060° N Latitude, 96.01150° W Longitude.~~

- ~~Two diversion points authorized in Certificate of Adjudication No. 14-5475:~~
 - A. ~~At a point on the east bank of the Colorado River in the A.W. McLain and James McNair Grant, Abstract 33, Colorado County, and located at 29.56990° N Latitude, 96.40200° W Longitude.~~
 - B. ~~At a point located on the perimeter of Eagle Lake on Moores Branch of the Colorado River in Colorado County, Texas, and located at 29.55830° N Latitude, 96.33410° W Longitude.~~

- ~~Diversion point authorized in Certificate of Adjudication No. 14-5477, on the south bank of the Colorado River, in the Robert Kuykendall Grant, Abstract 39, Wharton County, Texas, and located at 29.30727° N Latitude, 96.13401° W~~

Longitude.

~~— Diversion point authorized in Certificate of Adjudication No. 14-5437, on the west bank of the Colorado River, in the Cornelius H. Vanderveer Grant, Abstract 95, Matagorda County, Texas, located at 28.77580° N Latitude, 95.99700° W Longitude; and~~

WHEREAS, LCRA indicates that, 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, LCRA agrees to certain limitations on the right to divert water pursuant to this amendment from locations that are authorized in both this amendment and Certificate of Adjudication No. 14-5437, as amended; and

WHEREAS, the Conservation provision was ~~added~~ agreed to by LCRA as part of a settlement agreement prior to issuance of 14-5434E, and it may not reflect TCEQ's interpretation of applicable requirements and is not intended to set a precedent for future special conditions; and

WHEREAS, the LCRA ~~also seeks to divert~~ diversion and use the of water from anywhere on the perimeter of Lady Bird Lake (formerly known as Town Lake) and Lake Austin, authorized by Certificate of Adjudication No. 14-5471, as amended, and Lake Travis, authorized by Certificate of Adjudication No. 14-5482. Water diverted from these reservoirs will not be diverted from storage in the reservoirs; and

WHEREAS, the amendment the applicant is requesting does not represent a new appropriation of water nor an increase in the amount of water authorized to be stored, taken, or diverted; therefore, Texas Water Code § 11.1471(d) does not apply to this application; and

WHEREAS, LCRA requests that Certificate of Adjudication 14-5434E be replaced with a new amendment that includes all of the authorizations from 14-5434E and the requested diversion reach;

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

WHEREAS, the Executive Director recommends special conditions be included; and

WHEREAS, in March 1998, the staffs of LCRA and the Colorado River Municipal Water District ("CRMWD") entered into an agreement in principle that, among other things, this amendment would "not require CRMWD to pass through any more inflows than would have been required had the 133,000 acre-feet per year Garwood irrigation right remained at its original diversion point and been used for irrigation purposes to the full extent possible"; 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. 14-5434,

designated Certificate of Adjudication No. 14-5434GE, is issued to the Lower Colorado River Authority, subject to the following terms and conditions:

1. DIVERSION

In addition to the previous authorization in 14-5434C and in lieu of the previous authorization in Paragraph 1, DIVERSION, 14-5434E, Owner is also authorized to divert at:

- A. Any point on the perimeter of Lake Travis, authorized by Certificate of Adjudication No. 14-5482.
- B. Any point on the perimeter of Lady Bird Lake (formerly known as Town Lake) and Lake Austin, authorized by Certificate of Adjudication No. 14-5471, as amended.
- C. Two diversion points authorized in Certificate of Adjudication No. 14- 5473:
 - (1) At a point on the Colorado River, Colorado River Basin in the Isaac Harris Grant, Abstract 38, Bastrop County, Texas, located at 30.15240° N Latitude, 97.34650° W Longitude.
 - (2) On the perimeter of Lake Bastrop on Spicer Creek, tributary of the Colorado River, in Bastrop County, Texas, located at 30.15475° N Latitude, 97.29339° W Longitude.
- D. Two diversion points authorized in Certificate of Adjudication No. 14- 5474:
 - (1) At a point on the east bank of the Colorado River in the J.M. Hensley Survey, Abstract 54, Fayette County, Texas, located at 29.86770° N Latitude, 96.77560° W Longitude.
 - (2) On the perimeter of Cedar Creek Reservoir on Cedar Creek, tributary of the Colorado River in the J.M. Hensley Survey, Abstract 54, Fayette County, Texas, located at 29.91920° N Latitude, 96.75110° W Longitude.
- E. Three diversion points authorized in Certificate of Adjudication No. 14- 5476:
 - (1) At a point on the east bank of a reservoir, known as Lane City Dam, on the Colorado River in the Sylvanus Castleman Grant, Abstract 11, Wharton County, Texas, located at 29.1936° N Latitude, 96.07210° W Longitude.
 - (2) At a point on the east bank of a reservoir, known as Bay City Dam, on the Colorado River in John F. Bowman and Henry Williams Grant, Abstract 9, Matagorda County, Texas, located at 28.98400° N Latitude, 96.00020° W Longitude.

- (3) At a point on the west bank of a reservoir, known as Bay City Dam, on the Colorado River located in Thomas Cayce Grant, Abstract 14, Matagorda County, Texas, located at 28.98060° N Latitude, 96.01150° W Longitude.
- F. Two diversion points authorized in Certificate of Adjudication No. 14-5475:
 - (1) At a point on the east bank of the Colorado River in the A.W. McLain and James McNair Grant, Abstract 33, Colorado County, Texas, located at 29.56990° N Latitude, 96.40200° W Longitude.
 - (2) At a point located on the perimeter of Eagle Lake on Moores Branch of the Colorado River in Colorado County, Texas, located at 29.55830° N Latitude, 96.33410° W Longitude.
 - G. The diversion point authorized in Certificate of Adjudication No. 14-5477, which is at a point on the south bank of the Colorado River located in the Robert Kuykendall Grant, Abstract 39, Wharton County, Texas, located at 29.30727° N Latitude, 96.13401° W Longitude.
 - H. The diversion point authorized in Section 3.A (DIVERSION) of Certificate of Adjudication No. 14-5437, as amended, which is at a point on the west bank of the Colorado River in the Cornelius H. Vanderveer Grant, Abstract 95, Matagorda County, Texas and located at 28.77580° N Latitude, 95.99700° W Longitude; and
 - H.I. Owner is authorized to divert at any point along the Colorado River from Longhorn Dam, Latitude 30.250484, Longitude 97.713573 to Bay City Dam, located on the Colorado River located in Thomas Cayce Grant, Abstract 14, Matagorda County, Texas, located at 28.977167° N Latitude, 96.012254° W Longitude.
 - F.J. A maximum combined diversion rate of 600 cfs (269,400 gpm), inclusive of all diversions under this amendment and all diversions previously authorized under Certificate 14- 5434C.

2. PRIORITY DATE

The time priority of the Owner's right under this Certificate of Adjudication No. 14-5434GE is November 1, 1900.

3. CONSERVATION

In lieu of Paragraph 3, CONSERVATION, in 14-5434E, Owner is subject to the following:

Owner shall implement a water conservation plan that continues to provide for the utilization of reasonable practices, techniques and technologies, for each category of authorized use, that reduce or maintain the consumption of water,

prevent or reduce the loss or waste of water, improve efficiency in the use of water, and increase the recycling and reuse of water, so that a water supply is made available for future or alternative uses. The practices and technologies used shall be designed to achieve a level of efficiency of use for each category of authorized use that is equal to or greater than the level provided for in Owner's most recent water conservation plan on file with the Commission as of the date of the issuance of this amendment. In selecting practices, techniques, and technologies to be used, Owner shall consider any appropriate best management practices that are identified in the most recent version of the Water Conservation Best Management Practices Guide produced by the Texas Water Development Board or any successor document. In every wholesale water contract or contract extension or renewal entered into on or after this amendment is issued, Owner shall continue to include a requirement that each successive wholesale customer develop and implement conservation measures consistent with the requirements of this provision. 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 is required to implement water conservation measures consistent with the requirements of this provision. Those requirements include insuring that each successive wholesale customer will have a publicly accessible water conservation plan with specific, quantified 5- year and 10-year targets for water savings and will provide publicly accessible reports to the Owner at five-year intervals summarizing the progress toward meeting those targets.

4. SPECIAL CONDITIONS

In lieu of Paragraph 4, SPECIAL CONDITIONS, in 14-5434E, the following Special Conditions apply:

- A. Diversion of water from the perimeter of Lake Travis, Lake Austin, and Lady Bird Lake (formerly known as Town Lake), or from the Colorado River between Longhorn Dam and USGS Gage No. 08158000, Colorado River at Austin, Texas, shall not occur when the flow of water is below 50 cfs in the Austin reach of the Lower Colorado River below the Longhorn Dam and upstream of USGS Gage No. 08158000, Colorado River at Austin, Texas, as measured at such gage USGS Gage No. 08158000, Colorado River at Austin, Texas, or when flow at the USGS Gage No. 08159200, Colorado River at Bastrop, Texas is below the applicable instream flow requirement for the Bastrop reach as further defined in Paragraphs B-C below.
- B. Diversions of water from the Colorado River downstream of Lady Bird Lake-USGS Gage No. 08158000, Colorado River at Austin, Texas, and upstream of the existing diversion point authorized under Certificate of Adjudication No. 14-5434C shall not occur when streamflow is below the applicable instream flow requirement at the gage immediately downstream of the diversion, as set forth in Paragraphs C.- E. below, which shall apply as follows:
- (1) At times when diversions within the volume limits established under

Special Condition 4.H.(1) and occurring at diversion points located upstream of the existing diversion point authorized under Certificate 14-5434C do not exceed a total combined diversion rate of 150 cfs, Owner has the option of determining the applicable instream flow requirement as either:

- a. the monthly instream flow requirement that would otherwise apply pursuant to Special Condition 4.B.(2); or
- b. the limitation on an instantaneous basis of the diversion rate within each individual reach to no more than 50% of the amount by which flow in the individual reach, as calculated on a daily-average basis without any diversions occurring under this Amendment in the reach, would exceed the Subsistence flow for the month and reach at the relevant gage.

For purposes of this Provision 4.B.(1), individual reaches are defined as follows: the reach upstream of the Bastrop gage starting at Lake Travis, using USGS Gage No. 08159200 as the relevant gage with the subsistence flow values set out in Special Condition 4.C.; the reach and subsistence flow values described in Special Condition 4.D., using USGS Gage No. 08161000 as the relevant gage; and the reach and subsistence flow values defined in Special Condition 4.E., using USGS Gage No. 08162000 as the relevant gage.

- (2) At all other times, the applicable monthly instream flow requirement for diversions within a reach under Special Conditions 4.C.-E. during the relevant Seasonal Period is based on the combined storage in lakes Buchanan and Travis as determined on the Measurement Date, as follows:

Seasonal Period	Measurement Date
March - June	Last day of February
July - October	June 30
November - February	Oct. 31

Storage on Measurement Date (acre-feet)	Applicable Instream Flow Requirement
< 1,103,700	Subsistence
≥ 1,103,700 and ≤ 1,737,460	Base-Dry
> 1,737,460	Base-Average

- C. Diversion of water in the Bastrop reach, between USGS Gage No. 08158000, Colorado River at Austin, Texas and USGS Gage No. 08159200, Colorado River at Bastrop, Texas, shall not occur when streamflow in the Bastrop reach is below the applicable requirements as determined pursuant to Special Condition 4.B. and measured at USGS Gage No. 08159200, Colorado River at Bastrop, Texas:

Cfs	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Subsistence	208	274	274	184	275	202	137	123	123	127	180	186
Base-Dry	313	317	274	287	579	418	347	194	236	245	283	311
Base-Average	433	497	497	635	824	733	610	381	423	433	424	450

- D. Diversion of water in the Columbus (Eagle Lake) reach, between USGS Gage No. 08159200, Colorado River at Bastrop, Texas and USGS Gage No. 08161000, Colorado River at Columbus, Texas, shall not occur when streamflow in the Columbus reach is below the applicable requirements as determined pursuant to Special Condition 4.B. and measured at USGS Gage No. 08161000, Colorado River at Columbus, Texas:

Cfs	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Subsistence	340	375	375	299	425	534	342	190	279	190	202	301
Base-Dry	487	590	525	554	966	967	570	310	405	356	480	464
Base-Average	828	895	1,020	977	1,316	1,440	895	516	610	741	755	737

- E. Diversion of water in the Wharton (Egypt) reach, between USGS Gage No. 08161000, Colorado River at Columbus, Texas and USGS Gage No. 08162000, Colorado River at Wharton, Texas, shall not occur when streamflow in the Wharton reach is below the applicable requirements as determined pursuant to Special Condition 4.B. and measured at USGS Gage No. 08162000, Colorado River at Wharton, Texas:

Cfs	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Subsistence	315	303	204	270	304	371	212	107	188	147	173	202
Base-Dry	492	597	531	561	985	984	577	314	410	360	486	470
Base-Average	838	906	1,036	1,011	1,397	1,512	906	522	617	749	764	746

- F. Diversion of water from Lake Bastrop, Cedar Creek Reservoir, or Eagle Lake as set forth in this amendment, which is diverted from natural inflows into these reservoirs from the Spicer Creek, Cedar Creek, or Eagle Lake watersheds, shall be limited to times when the applicable instream flow requirements for the corresponding main stem reach are met. Further, such diversions shall not result in the complete cessation of flow downstream of any of the respective impoundments.

G. INTAKE STRUCTURES

- (1) If Owner makes significant modifications to an existing intake structure that it solely owns and operates at diversion points that authorize diversion of water under this amendment, Owner shall implement reasonable measures to minimize potential adverse impacts due to entrainment and impingement of fishery resources.

This requirement shall not apply to routine maintenance or replacement of existing intake facilities that do not result in any increase in the diversion rates or intake velocities of the existing facilities. Regardless of whether Owner subsequently conveys a portion of its ownership or operational responsibility in an intake structure that was solely owned and operated by Owner at the time of issuance of this amendment, each such existing intake structure remains subject to this requirement if it is used to divert water under this amendment.

- (2) If Owner intends to construct new intake facilities that it will own and operate at the authorized diversion points below Longhorn Dam for purposes of diverting water authorized under this amendment, Owner shall seek and obtain an amendment to this certificate prior to commencing construction of such facilities for the purpose of establishing special conditions, if any, needed to address any specific adverse impacts due to entrainment and impingement of fishery resources from the proposed new intake facilities.
- (3) Notwithstanding that the STP Nuclear Operating Company, on behalf of the STP Owners, is a joint owner with LCRA of Certificate of Adjudication No. 14-5437, as amended, the provisions of subparagraphs (1) or (2) above do not apply to existing or new structures and facilities that are solely owned and operated by the STP Nuclear Operating Company, on behalf of the STP Owners, at points of diversions also authorized in Certificate of Adjudication No. 14-5437, as amended.

H. DIVERSION LIMITS

- (1) Except as set forth in subparagraphs (2), (3) and (4) the maximum amount of water available for annual diversion at the additional points authorized in Paragraph 1. DIVERSION is as follows:

Location	Maximum Annual Diversion Amount (ac-ft)
DIVERSION Paragraph 1.A.	79,733
DIVERSION Paragraph 1.B.	91,925
DIVERSION Paragraph 1.C.	104,776
DIVERSION Paragraph 1. D.	128,241
DIVERSION Paragraphs 1. E., F., G. and H.	133,000

For purposes of DIVERSION Paragraph 1.I, the maximum annual diversion amount specified for DIVERSION Paragraph 1.B also applies to diversions located between the diversion points authorized DIVERSION Paragraphs 1.B and 1.C. The maximum annual diversion amount specified for DIVERSION Paragraph 1.C also applies to diversions located between the diversion points authorized DIVERSION Paragraphs 1.C. and 1.D. The maximum annual diversion amount specified for DIVERSION Paragraph 1.D also applies to diversions located between the diversion points authorized DIVERSION Paragraphs 1.D and the point of diversion

authorized under Certificate of Adjudication 14-5434C. The maximum annual diversion amount at or below the point of diversion authorized under Certificate of Adjudication 14-5434C is 133,000 acre-feet.

- (2) In addition, at the additional points authorized in Paragraph 1. DIVERSION 1.A. through 1.D. and 1.I. of this amendment, Owner may divert amounts in excess of those amounts specified in subparagraph (1), up to a maximum amount of 133,000 acre-feet per year at any additional point of diversion to the extent that such water is available at the additional diversion point(s) without the Owner exercising a priority call on junior water rights to support the excess diversion.
 - (3) Nothing in subparagraphs (1) or (2) allows Owner to divert water to the extent that diversion would reduce the availability of water under any other water right, including water for meeting instream flow requirements under any other water rights, beyond the reduction that would have otherwise occurred with the full, legal exercise of this water right before the changes authorized in this amendment. Further, in accordance with the March 26, 1998 Agreement between LCRA and CRMWD, LCRA shall not require CRMWD to pass through any more inflows than would have been required had the 133,000 acre-feet per year Garwood irrigation right remained at its original diversion point and been used for irrigation purposes to the full extent possible.
 - (4) In no event may Owner divert more than 133,000 acre-feet per year, at any diversion point or combination of diversion points, pursuant to this certificate as amended.
- I. To the extent that diversions occur at upstream point(s) of diversion, the amount available at downstream points is reduced accordingly based on run of the river flows at those locations. Owner shall document diversions of water authorized by Certificate of Adjudication No. 14-5434 at each diversion point and include the volume of water diverted at each point in Owner's annual Water Use Report.
 - J. Diversion of water appropriated under this certificate at any point in Lake Travis is limited to Lake Travis inflows.
 - K. Diversion of water appropriated under this certificate in the reach downstream of Lake Travis and upstream of USGS Gage No. 08158000, Colorado River at Austin, Texas is limited to run of the river flows.
 - L. Owner shall only divert and use water pursuant to this amended certificate in accordance with the most recent approved *Accounting Procedures Water Rights Application No. 14-5434GE*. Owner shall maintain the accounting plan and supporting information in electronic format and make the data available to the Executive Director and the public upon request. If Owner seeks to modify its accounting plan, Owner shall submit a request to the Executive Director for a determination of whether such modification requires an amendment to this certificate, along with copies of the appropriate documents reflecting such a modification. Any modifications to *Accounting*

Procedures Water Rights Application No. 14-5434GE that the Executive Director determines would change the certificate terms must be submitted in the form of an application to amend the certificate. If an amendment is required, Owner shall not make any diversions pursuant to the modified accounting plan until an amendment is issued. Should Owner fail to maintain the accounting plan or timely notify the Executive Director of any modifications to the accounting plan, Owner shall immediately cease diversion pursuant to Paragraph 1. DIVERSION, and either apply to amend the certificate or forfeit the additional diversion points. If Owner fails to amend the certificate or forfeit the additional diversion points, then TCEQ may begin proceedings to cancel authorization to use the point. Owner shall immediately notify the Commission upon modification of the accounting plan and provide copies of the appropriate documents effectuating such changes.

M. 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, diversions pursuant to this amendment from locations that are authorized in both this amendment and Certificate of Adjudication No. 14-5437, as amended, are limited by the following conditions, except to the extent STP Nuclear Operating Company provides prior and specific written consent:

- (1) Diversions pursuant to this amendment at the location authorized in Paragraph 1.H. DIVERSION of this amendment shall not diminish the amount of water otherwise available for diversion at that time and location pursuant to Certificate of Adjudication No. 14-5437, as amended, and 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; and
- (2) Diversions pursuant to this amendment at the location authorized in Paragraph 1.E.(3) DIVERSION of this amendment for the purpose of supplying water to STP Nuclear Operating Company shall not diminish the amount of water otherwise available for diversion at that time and location pursuant to Certificate of Adjudication No. 14-5437, as amended, and shall be consistent with Contractual Permit No. 327A.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 14-5434, 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:

DRAFT

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TECHNICAL INFORMATION REPORT WATER RIGHTS PERMITTING

Water Availability Division

This Report is required for applications for new or amended water rights. Based on the Applicant's responses below, Applicants are directed to submit additional Worksheets (provided herein). A completed Administrative Information Report is also required for each application.

Applicants are REQUIRED to schedule a pre-application meeting with TCEQ Permitting Staff to discuss Applicant's needs and to confirm information necessary for an application prior to submitting such application. Please contact the Water Availability Division at (512) 239-4600 or WRPT@tceq.texas.gov to schedule a meeting.

Date of pre-application meeting: November 3rd, 2022

I. New or Additional Appropriations of State Water. Texas Water Code (TWC) § 11.121 (Instructions, Page. 12)

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 § 11.021.*

- a. Applicant requests a new appropriation (diversion or impoundment) of State Water? Y / N N
- b. Applicant requests an amendment to an existing water right requesting an increase in the appropriation of State Water or an increase of the overall or maximum combined diversion rate? Y / N N (If yes, indicate the Certificate or Permit number: _____)

If Applicant answered yes to (a) or (b) above, does Applicant also wish to be considered for a term permit pursuant to TWC § 11.1381? Y / N

- c. Applicant requests to extend an existing Term authorization or to make the right permanent? Y / N N (If yes, indicate the Term Certificate or Permit number: _____)

If Applicant answered yes to (a), (b) or (c), the following worksheets and documents are required:

- Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet
- Worksheet 2.0 - Impoundment/Dam Information Worksheet (submit one worksheet for each impoundment or reservoir requested in the application)
- Worksheet 3.0 - 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 5.0 - Environmental Information Worksheet
- Worksheet 6.0 - Water Conservation Information Worksheet
- Worksheet 7.0 - Accounting Plan Information Worksheet
- Worksheet 8.0 - Calculation of Fees
- Fees calculated on Worksheet 8.0 - see instructions Page. 34.
- Maps - See instructions Page. 15.
- Photographs - See instructions Page. 30.

Additionally, if Applicant wishes to submit an alternate source of water for the project/authorization, see Section 3, Page 3 for Bed and Banks Authorizations (Alternate sources may include groundwater, imported water, contract water or other sources).

Additional Documents and Worksheets may be required (see within).

2. Amendments to Water Rights. TWC § 11.122 (Instructions, Page. 12)

This section should be completed if Applicant owns an existing water right and Applicant requests to amend the water right. *If Applicant is not currently the Owner of Record in the TCEQ Records, Applicant must submit a Change of Ownership Application (TCEQ-10204) prior to submitting the amendment Application or provide consent from the current owner to make the requested amendment. If the application does not contain consent from the current owner to make the requested amendment, TCEQ will not begin processing the amendment application until the Change of Ownership has been completed and will consider the Received Date for the application to be the date the Change of Ownership is completed. See instructions page. 6.*

Water Right (Certificate or Permit) number you are requesting to amend: 14-5434 C, E

Applicant requests to sever and combine existing water rights from one or more Permits or Certificates into another Permit or Certificate? Y / N N (if yes, complete chart below):

List of water rights to sever	Combine into this ONE water right

- a. Applicant requests an amendment to an existing water right to increase the amount of the appropriation of State Water (diversion and/or impoundment)? Y / N N

If yes, application is a new appropriation for the increased amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.

- b. Applicant requests to amend existing Term authorization to extend the term or make the water right permanent (remove conditions restricting water right to a term of years)? Y / N N

If yes, application is a new appropriation for the entire amount, complete Section 1 of this Report (PAGE. 1) regarding New or Additional Appropriations of State Water.

- c. Applicant requests an amendment to change the purpose or place of use or to add an additional purpose or place of use to an existing Permit or Certificate? Y / N N
If yes, submit:

- Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet
- Worksheet 1.2 - Notice: "Marshall Criteria"

- d. Applicant requests to change: diversion point(s); or reach(es); or diversion rate? Y / N Y
If yes, submit:

- Worksheet 3.0 - Diversion Point Information Worksheet (submit one worksheet for each diversion point or one worksheet for the upstream limit and one worksheet for the downstream limit of each diversion reach)
- Worksheet 5.0 - Environmental Information (Required for any new diversion points that are not already authorized in a water right)

- e. Applicant requests amendment to add or modify an impoundment, reservoir, or dam? Y / N N

If yes, submit: Worksheet 2.0 - Impoundment/Dam Information Worksheet (submit one worksheet for each impoundment or reservoir)

- f. Other - Applicant requests to change any provision of an authorization not mentioned above? Y / N *If yes, call the Water Availability Division at (512) 239-4600 to discuss.*

Additionally, all amendments require:

- Worksheet 8.0 - Calculation of Fees; and Fees calculated - see instructions Page. 34
- Maps - See instructions Page. 15.
- Additional Documents and Worksheets may be required (see within).

3. Bed and Banks. TWC § 11.042 (Instructions, Page 13)

- 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 § 11.042(a). Y/N

If yes, submit a signed copy of the Water Supply Contract pursuant to 30 TAC §§ 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 worksheets required under Section 1 above with the Contract Water identified as an alternate source; or*
2. *Seller must amend its underlying water right under Section 2.*

- b. Applicant requests to convey water imported into the state from a source located wholly outside the state using the bed and banks of a watercourse? TWC § 11.042(a-1). Y / N

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps and fees from the list below.

- c. 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

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.

- d. Applicant requests to convey Applicant's own return flows derived from surface water using the bed and banks of a watercourse? TWC § 11.042(c). Y / N

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, Maps, and fees from the list below.

**Please note, if Applicant requests the reuse of return flows belonging to others, the Applicant will need to submit the worksheets and documents under Section 1 above, as the application will be treated as a new appropriation subject to termination upon direct or indirect reuse by the return flow discharger/owner.*

- e. Applicant requests to convey water from any other source, other than (a)-(d) above, using the bed and banks of a watercourse? TWC § 11.042(c). Y / N

If yes, submit worksheets 1.0, 2.0, 3.0, 4.0, 5.0, 7.0, 8.0, Maps, and fees from the list below.

Worksheets and information:

- Worksheet 1.0 - Quantity, Purpose, and Place of Use Information Worksheet
- Worksheet 2.0 - Impoundment/Dam Information Worksheet (submit one worksheet for each impoundment or reservoir owned by the applicant through which water will be conveyed or diverted)
- Worksheet 3.0 - Diversion Point Information Worksheet (submit one worksheet for the downstream limit of each diversion reach for the proposed conveyances)

- Worksheet 4.0 – Discharge Information Worksheet (for each discharge point)
- Worksheet 5.0 – Environmental Information Worksheet
- Worksheet 6.0 – Water Conservation Information Worksheet
- Worksheet 7.0 – Accounting Plan Information Worksheet
- Worksheet 8.0 – Calculation of Fees; and Fees calculated – see instructions Page. 34
- Maps – See instructions Page. 15.
- Additional Documents and Worksheets may be required (see within).

4. General Information, Response Required for all Water Right Applications (Instructions, Page 15)

- a. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement (*not required for applications to use groundwater-based return flows*). Include citations or page numbers for the State and Regional Water Plans, if applicable. Provide the information in the space below or submit a supplemental sheet entitled “Addendum Regarding the State and Regional Water Plans”:

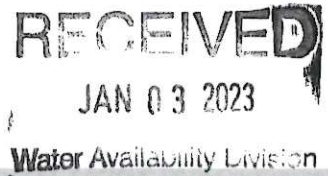
This application to amend the LCRA portion of the Garwood water right by adding a diversion reach between Lady Bird Lake and Bay City Dam is consistent with the state and regional water plan. Section 5.2.3.1.1 & 5.2.3.1.3 of the 2021 Region K water plan supports the requested amendment. Specifically, the Region K plan includes and LCRA management strategy that includes amending any and all of its run-of-river water rights and using such rights as part of a system with its other water rights to meet water demands that are presently met by stored water released from the Highland Lakes and to help meet future and changing water needs in the most efficient means possible.

- b. Did the Applicant perform its own Water Availability Analysis? Y / N N

If the Applicant performed its own Water Availability Analysis, provide electronic copies of any modeling files and reports.

- c. Does the application include required Maps? (Instructions Page. 15) Y / N Y

Not Applicable **WORKSHEET 1.0**
Quantity, Purpose and Place of Use



1. New Authorizations (Instructions, Page. 16)

Submit the following information regarding quantity, purpose and place of use for requests for new or additional appropriations of State Water or Bed and Banks authorizations:

Quantity (acre-feet) <i>(Include losses for Bed and Banks)</i>	State Water Source (River Basin) or Alternate Source <i>*each alternate source (and new appropriation based on return flows of others) also requires completion of Worksheet 4.0</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>

_____ Total amount of water (in acre-feet) to be used annually *(include losses for Bed and Banks applications)*

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

- a. Location Information Regarding the Lands to be Irrigated
 - i) 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.
 - ii) 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.

Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.

Not applicable **WORKSHEET 1.1**
INTERBASIN TRANSFERS, TWC § 11.085



Submit this worksheet for an application for a new or amended water right which requests to transfer State Water from its river basin of origin to use in a different river basin. A river basin is defined and designated by the Texas Water Development Board by rule pursuant to TWC § 16.051.

Applicant requests to transfer State Water to another river basin within the State? Y / N _____

1. Interbasin Transfer Request (Instructions, Page. 20)

- a. Provide the Basin of Origin. _____
- b. Provide the quantity of water to be transferred (acre-feet). _____
- c. Provide the Basin(s) and count(y/ies) where use will occur in the space below:

2. Exemptions (Instructions, Page. 20), TWC § 11.085(v)

Certain interbasin transfers are exempt from further requirements. Answer the following:

- a. 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__
- b. The proposed transfer is from a basin to an adjoining coastal basin? Y/N__
- c. 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 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__
- d. The proposed transfer is for water that is imported from a source located wholly outside the boundaries of Texas, except water that is imported from a source located in the United Mexican States? Y/N__

3. Interbasin Transfer Requirements (Instructions, Page. 20)

For each Interbasin Transfer request that is not exempt under any of the exemptions listed above Section 2, provide the following information in a supplemental attachment titled "Addendum to Worksheet 1.1, Interbasin Transfer":

- a. the contract price of the water to be transferred (if applicable) (also include a copy of the contract or adopted rate for contract water);
- b. a statement of each general category of proposed use of the water to be transferred and a detailed description of the proposed uses and users under each category;
- c. the cost of diverting, conveying, distributing, and supplying the water to, and treating the water for, the proposed users (example - expert plans and/or reports documents may be provided to show the cost);

2. Amendments - Purpose or Place of Use (Instructions, Page. 12)

- a. Complete this section for each requested amendment changing, adding, or removing Purpose(s) or Place(s) of Use, complete the following:

Quantity (acre-feet)	Existing Purpose(s) of Use	Proposed Purpose(s) of Use*	Existing Place(s) of Use	Proposed Place(s) of Use**

**If the request is to add additional purpose(s) of use, include the existing and new purposes of use under "Proposed Purpose(s) of Use."*

***If the request is to add additional place(s) of use, include the existing and new places of use under "Proposed Place(s) of Use."*

Changes to the purpose of use in the Rio Grande Basin may require conversion. 30 TAC § 303.43.

- b. For any request which adds Agricultural purpose of use or changes the place of use for Agricultural rights, provide the following location information regarding the lands to be irrigated:
- i. 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.
 - ii. Location of land to be irrigated: In the _____ Original Survey No. _____, Abstract No. _____.

A copy of the deed(s) 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 legal right for Applicant to use the land described.

Water Rights for Irrigation may be appurtenant to the land irrigated and convey with the land unless reserved in the conveyance. 30 TAC § 297.81.

- c. Submit Worksheet 1.1, Interbasin Transfers, for any request to change the place of use which moves State Water to another river basin.
- d. See Worksheet 1.2, Marshall Criteria, and submit if required.
- e. See Worksheet 6.0, Water Conservation/Drought Contingency, and submit if required.

- d. describe the need for the water in the basin of origin and in the proposed receiving basin based on the period for which the water supply is requested, but not to exceed 50 years (the need can be identified in the most recently approved regional water plans. The state and regional water plans are available for download at this website: (<http://www.twdb.texas.gov/waterplanning/swp/index.asp>);
- e. address the factors identified in the applicable most recently approved regional water plans which address the following:
 - (i) the availability of feasible and practicable alternative supplies in the receiving basin to the water proposed for transfer;
 - (ii) the amount and purposes of use in the receiving basin for which water is needed;
 - (iii) proposed methods and efforts by the receiving basin to avoid waste and implement water conservation and drought contingency measures;
 - (iv) proposed methods and efforts by the receiving basin to put the water proposed for transfer to beneficial use;
 - (v) the projected economic impact that is reasonably expected to occur in each basin as a result of the transfer; and
 - (vi) the projected impacts of the proposed transfer that are reasonably expected to occur on existing water rights, instream uses, water quality, aquatic and riparian habitat, and bays and estuaries that must be assessed under Sections 11.147, 11.150, and 11.152 in each basin (*if applicable*). If the water sought to be transferred is currently authorized to be used under an existing permit, certified filing, or certificate of adjudication, such impacts shall only be considered in relation to that portion of the permit, certified filing, or certificate of adjudication proposed for transfer and shall be based on historical uses of the permit, certified filing, or certificate of adjudication for which amendment is sought;
- f. proposed mitigation or compensation, if any, to the basin of origin by the applicant; and
- g. the continued need to use the water for the purposes authorized under the existing Permit, Certified Filing, or Certificate of Adjudication, if an amendment to an existing water right is sought.

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WORKSHEET 1.2
NOTICE. "THE MARSHALL CRITERIA"

This worksheet assists the Commission in determining notice required for certain amendments that do not already have a specific notice requirement in a rule for that type of amendment, and *that do not change the amount of water to be taken or the diversion rate.* The worksheet provides information that Applicant is required to submit for amendments such as certain amendments to special conditions or changes to off-channel storage. These criteria address whether the proposed amendment will impact other water right holders or the on-stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

This worksheet is not required for Applications in the Rio Grande Basin requesting changes in the purpose of use, rate of diversion, point of diversion, and place of use for water rights held in and transferred within and between the mainstems of the Lower Rio Grande, Middle Rio Grande, and Amistad Reservoir. See 30 TAC § 303.42.

This worksheet is not required for amendments which are only changing or adding diversion points, or request only a bed and banks authorization or an IBT authorization. However, Applicants may wish to submit the Marshall Criteria to ensure that the administrative record includes information supporting each of these criteria LCRA has submitted the Marshall Criteria see attached

1. The "Marshall Criteria" (Instructions, Page. 21)

Submit responses on a supplemental attachment titled "Marshall Criteria" in a manner that conforms to the paragraphs (a) - (g) below:

- a. **Administrative Requirements and Fees.** Confirm whether application meets the administrative requirements for an amendment to a water use permit pursuant to TWC Chapter 11 and Title 30 Texas Administrative Code (TAC) Chapters 281, 295, and 297. An amendment application should include, but is not limited to, a sworn application, maps, completed conservation plan, fees, etc.
- b. **Beneficial Use.** Discuss how proposed amendment is a beneficial use of the water as defined in TWC § 11.002 and listed in TWC § 11.023. Identify the specific proposed use of the water (e.g., road construction, hydrostatic testing, etc.) for which the amendment is requested.
- c. **Public Welfare.** Explain how proposed amendment is not detrimental to the public welfare. Consider any public welfare matters that might be relevant to a decision on the application. Examples could include concerns related to the well-being of humans and the environment.
- d. **Groundwater Effects.** Discuss effects of proposed amendment on groundwater or groundwater recharge.

- e. State Water Plan. Describe how proposed amendment addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement. The state and regional water plans are available for download at:
<http://www.twdb.texas.gov/waterplanning/swp/index.asp>.
- f. Waste Avoidance. Provide evidence that reasonable diligence will be used to avoid waste and achieve water conservation as defined in TWC § 11.002. Examples of evidence could include, but are not limited to, a water conservation plan or, if required, a drought contingency plan, meeting the requirements of 30 TAC Chapter 288.
- g. Impacts on Water Rights or On-stream Environment. Explain how the proposed amendment will not impact other water right holders or the on-stream environment beyond and irrespective of the fact that the water right can be used to its full authorized amount.

Marshall Criteria [Worksheet 1.2]

Administrative Requirements and Fees.

All administrative requirements contained in the TCEQ's administrative rules for amendment applications have been satisfied.

Beneficial Use.

Water diverted under this requested amendment, if approved, will be used for the same beneficial purposes already authorized under Certificate No. 5434C and E (municipal, industrial, and agricultural).

Public Welfare.

The requested amendment will improve the efficiency of LCRA's water supply operations, allowing for reduced conveyance losses to meet customer demands. This provides an overall benefit to the public welfare. LCRA is already authorized diversion points within, above and below the requested diversion reach. The proposed amendment would not change anything about the total amount authorized for diversion under the existing water right.

Groundwater Effects.

The requested amendment will have no greater effect on groundwater than diversions under the existing water right. The proposed amendment would not increase the amount of water that may be depleted from the stream nor would it reduce the applicable instream flow requirements as compared to the existing authorization.

State & Regional Water Plan.

This application to amend the LCRA portion of the Garwood water right by adding a diversion reach between Lady Bird Lake and Bay City Dam is consistent with the state and regional water plan. Sections 5.2.3.1.1 & 5.2.3.1.3 of the 2021 Region K water plan supports the requested amendment. Specifically, the Region K plan includes an LCRA management strategy that includes amending any and all of its run-of-river water rights and using such rights as part of a system with its other water rights to meet water demands that are presently met by stored water released from the Highland Lakes and to help meet future and changing water needs in the most efficient means possible.

Waste Avoidance.

The requested amendment will allow LCRA to more efficiently use water to meet customer demands with run-of-river supplies that would otherwise have to be met from releases of water from LCRA's upstream water supply reservoirs. This will conserve water for other needs and reduce conveyance losses. The requested amendment will thus avoid waste and achieve water conservation, entirely consistent with the terms and conditions of the existing water right, which already includes specific special conditions related to water conservation. See Paragraph 3 (Conservation). The LCRA Raw Water Conservation Plan has been previously provided to TCEQ and is available on LCRA's website: <https://www.lcra.org/wp-content/uploads/2020/01/LCRA-WCP-May2019.pdf>. Moreover, LCRA has drought contingency plans (DCPs) for its firm customers and for its interruptible agricultural customers. (The LCRA Firm Water DCP is currently included as Appendix F to the 2020 WMP, available at:

<https://www.lcra.org/download/appendix-f-lcra-firm-customer-dcp/?wpdmdl=11929>. LCRA's interruptible agricultural DCP is available at: <https://www.lcra.org/download/ag-drought-contingency-plan/?wpdmdl=26020>.

Impacts on Water Rights or On-stream Environment.

The requested amendment will have no greater effect on water rights or the in-stream environment than diversion from the diversion points currently authorized by the existing water right. LCRA is not seeking to change the amount of water that can be diverted at or above existing diversion locations as specified in 14-5434E. Further, LCRA is not seeking to reduce the applicable instream flow requirements as specified in 14-5434E.

The existing water right includes special conditions to protect other water rights. Specifically, the existing water right includes annual diversions limits at various points along the river. In the existing water right, these limits increase from upstream to downstream as the contributing drainage area increases. Under the requested amendment, for any diversions in the intervening portion of the river between the locations with specified annual diversion limits, the more restrictive upstream limit would apply. This approach would ensure that LCRA could not impact existing water rights any greater than under the full use of the existing water right.

The existing water right includes special conditions to protect instream flows. LCRA is not requesting to reduce these criteria. These conditions impose instream flow criteria, typically based on a single downstream USGS gage. Additionally, for diversions from Lake Travis, Lake Austin and Lady Bird Lake, the conditions call for meeting criteria at both the USGS Gage No. 08158000, Colorado River at Austin (the Austin gage) and the USGS Gage No. 08159200, Colorado River at Bastrop (the Bastrop gage). The existing water right does not include a diversion point between Lady Bird Lake and the Austin gage, and thus the existing special conditions do not impose the dual criteria (of both the Austin and Bastrop gage) at any locations downstream of Lady Bird Lake. The requested amendment would allow diversions between Lady Bird Lake and the Austin gage. Thus, it is appropriate to subject those diversions to the dual-criteria (of both the Austin gage and the Bastrop gage). Adding the dual-criteria for this stretch of the river, in combination with maintaining the existing eflow criteria for the remainder of the diversion reach would ensure that the requested amendment would have no greater effect on the instream environment than diversions under the full use of the existing water right.

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WORKSHEET 3.0a

DIVERSION POINT (OR DIVERSION REACH) INFORMATION

Water Availability Division

This worksheet is required for each diversion point or diversion reach. Submit one Worksheet 3.0 for each diversion point and two Worksheets for each diversion reach (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. 24)

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

- 1. Diversion Point
- 2. Upstream Limit of Diversion Reach No. 1 Longhorn Dam
- 3. Downstream Limit of Diversion Reach No.

b. Maximum Rate of Diversion for this new point 600 cfs (cubic feet per second) or _____ gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / N Y
If yes, submit Maximum Combined Rate of Diversion for all points/reaches 600 cfs or _____ gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? Y / N N

** An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.

e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
<input checked="" type="checkbox"/>	Directly from stream	Proposed
<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. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. Y / N N

If yes, the drainage area is _____ sq. miles.
(If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application)

2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Colorado River
- b. Zip Code: 78741
- c. Location of point: In the J. Burleson Original Survey No. 19, Abstract No. A-4, Travis 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 30.250484 °N, Longitude 97.713573 °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): GIS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15. See attached Map 1 and Map 3
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.

WORKSHEET 3.0_b

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DIVERSION POINT (OR DIVERSION REACH) INFORMATION

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This worksheet is required for each diversion point or diversion reach. Submit Worksheet 3.0 for each diversion point and two Worksheets for each diversion reach (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. 24)

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. 1 Bay City Dam

b. Maximum Rate of Diversion for this new point 600 cfs (cubic feet per second) or _____ gpm (gallons per minute)

c. Does this point share a diversion rate with other points? Y / N Y
If yes, submit Maximum Combined Rate of Diversion for all points/reaches 600 cfs or _____ gpm

d. For amendments, is Applicant seeking to increase combined diversion rate? Y / N N

*** An increase in diversion rate is considered a new appropriation and would require completion of Section 1, New or Additional Appropriation of State Water.*

e. Check (✓) the appropriate box to indicate diversion location and indicate whether the diversion location is existing or proposed):

Check one		Write: Existing or Proposed
✓	Directly from stream	Proposed
	From an on-channel reservoir	
	From a stream to an on-channel reservoir	
	Other method (explain fully, use additional sheets if necessary)	

f. Based on the Application information provided, Staff will calculate the drainage area above the diversion point (or reach limit). If Applicant wishes to also calculate the drainage area, you may do so at their option.

Applicant has calculated the drainage area. Y / N N

If yes, the drainage area is _____ sq. miles.
(If assistance is needed, call the Surface Water Availability Team at (512) 239-4600, prior to submitting application)

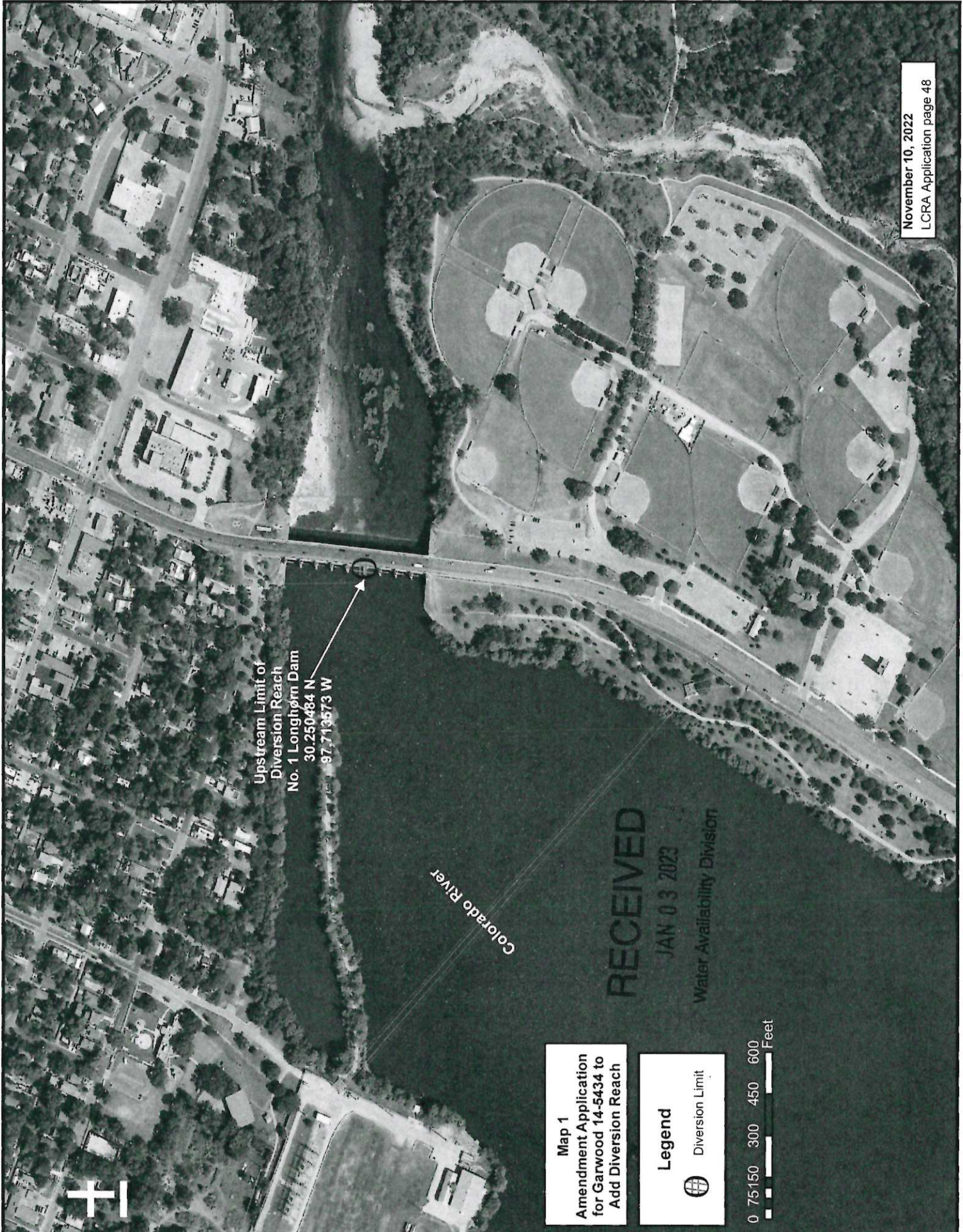
2. Diversion Location (Instructions, Page 25)

- a. On watercourse (USGS name): Colorado River
- b. Zip Code: 77414
- c. Location of point: In the Thomas Cayce Grant Original Survey No. 1, Abstract No. A-14, Matagorda 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 28.977167 °N, Longitude 96.012254 °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): GIS
- f. Map submitted must clearly identify each diversion point and/or reach. See instructions Page. 15. See attached Map 2 and 3
- g. If the Plan of Diversion is complicated and not readily discernable from looking at the map, attach additional sheets that fully explain the plan of diversion.



Upstream Limit of
Diversion Reach
No. 1 Longhorn Dam
30.250484 N
97.713573 W

Colorado River

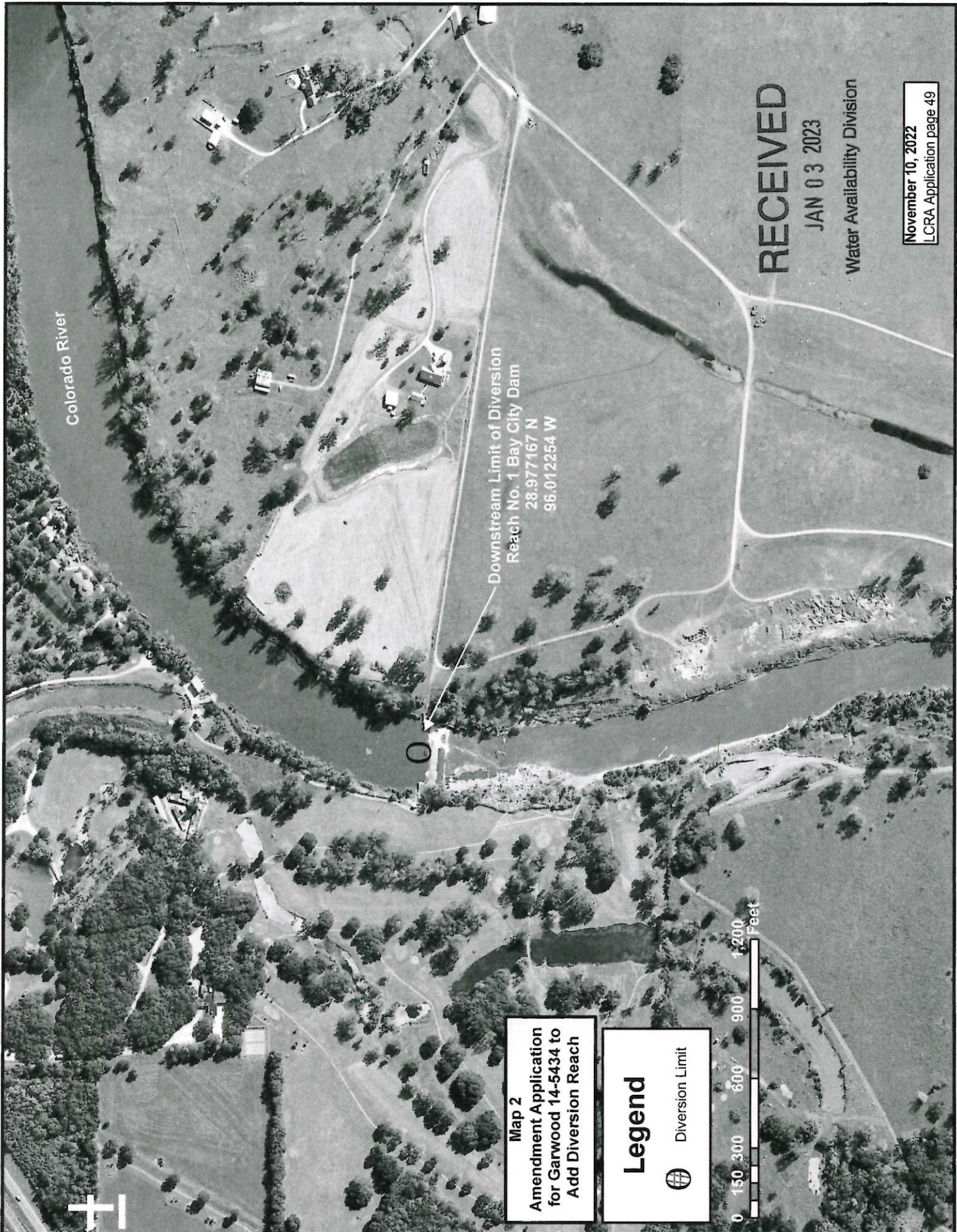
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Map 1
Amendment Application
for Garwood 14-5434 to
Add Diversion Reach

Legend
Diversion Limit

0 75 150 300 450 600
Feet





Colorado River

Downstream Limit of Diversion
Reach No. 1 Bay City Dam
28.977167 N
96.012254 W

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Map 2
Amendment Application
for Garwood 14-5434 to
Add Diversion Reach

Legend
Diversion Limit

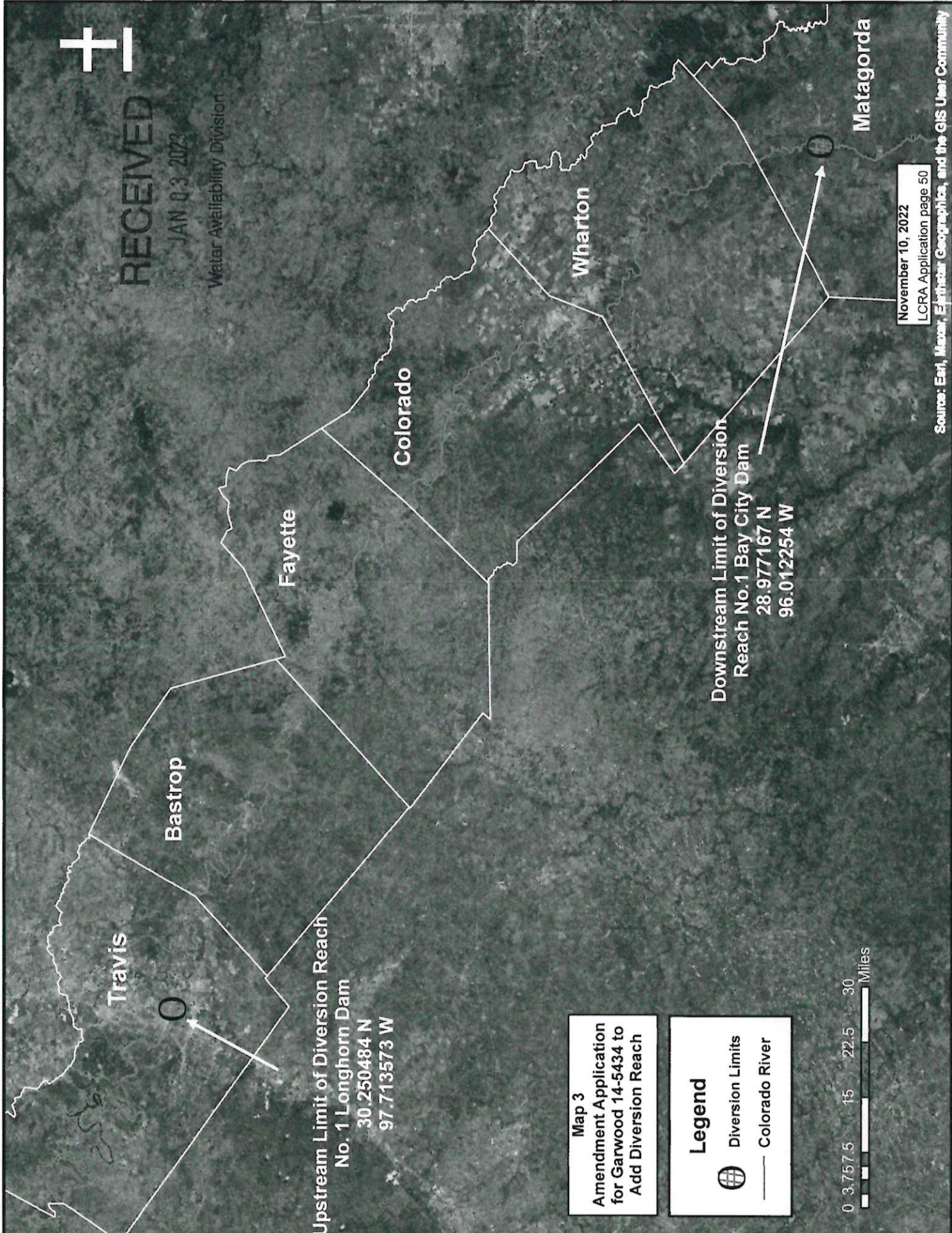




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Travis



Bastrop

Fayette

Colorado

Wharton

Matagorda

Upstream Limit of Diversion Reach
No. 1 Longhorn Dam
30.250484 N
97.713573 W

Downstream Limit of Diversion
Reach No. 1 Bay City Dam
28.977167 N
96.012254 W

Map 3
Amendment Application
for Garwood 14-5434 to
Add Diversion Reach

Legend

- Diversion Limits
- Colorado River



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Source: Esri, Navar, Earthstar Geographics, and the GIS User Community

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Not Applicable

WORKSHEET 4.0
DISCHARGE INFORMATION

This worksheet required for any requested authorization to discharge water into a State Watercourse for conveyance and later withdrawal or in-place use. Worksheet 4.1 is also required for each Discharge point location requested. Instructions Page. 26. *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) and explain the method of calculation: _____
- c. Is the source of the discharged water return flows? Y / N ____ If yes, provide the following information:
 - 1. The TPDES Permit Number(s). _____ (attach a copy of the current TPDES permit(s))
 - 2. Applicant is the owner/holder of each TPDES permit listed above? Y / N ____

PLEASE NOTE: If Applicant is not the discharger of the return flows, or the Applicant is not the water right owner of the underlying surface water right, or the Applicant does not have a contract with the discharger, the application should be submitted under Section 1, New or Additional Appropriation of State Water, as a request for a new appropriation of state water. If Applicant is the discharger, the surface water right holder, or the contract holder, then the application should be submitted under Section 3, Bed and Banks.

- 3. Monthly WWTP discharge data for the past 5 years in electronic format. (Attach and label as "Supplement to Worksheet 4.0").
- 4. The percentage of return flows from groundwater _____, surface water _____?
- 5. If any percentage is surface water, provide the base water right number(s) _____.
- d. 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 <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. 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.
- di. Is the source of the water being discharged a surface water supply contract? Y / N ____
If yes, provide the signed contract(s).
- dii. Identify any other source of the water _____

Not Applicable

WORKSHEET 4.1 DISCHARGE POINT INFORMATION

This worksheet is required for each discharge point. Submit one Worksheet 4.1 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 27.

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): _____

Map submitted must clearly identify each discharge point. See instructions Page. 15.

WORKSHEET 5.0a
ENVIRONMENTAL INFORMATION

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1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. 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 already authorized in a water right). Instructions, Page 28.

LCRA is not seeking to amend or remove special condition G of 14-5434E at this time, Which specifically addresses implementation of measures to minimize potential adverse impacts due to entrainment and impingement of fishery resources.

2. New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)

This section is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins and in all basins for requests to change a diversion point. Instructions, Page 30.

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location), Location: Upstream Limit of Diversion Reach No. 1 Longhorn Dam

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: _____

Other, specify: _____

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

Check the method used to characterize the area downstream of the new diversion location.

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: _____

c. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.

Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional

Natural Area: trees and/or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored

Common Setting: not offensive; developed but uncluttered; water may be colored or turbid

Offensive: stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

d. Waterbody Recreational Uses

Are there any known recreational uses of the stream segments affected by the application?

Primary contact recreation (swimming or direct contact with water)

Secondary contact recreation (fishing, canoeing, or limited contact with water)

Non-contact recreation

e. Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the maps submitted with the application indicating the location of the photograph and the direction of the shot.

See Photograph 1 and 2

2. If the application includes a proposed reservoir, also include:
 - i. A brief description of the area that will be inundated by the reservoir.
 - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
 - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

3. Alternate Sources of Water and/or Bed and Banks Applications

This section is required for applications using an alternate source of water and bed and banks applications in any basins. Instructions, page 31.

a. For all bed and banks applications:

- i. 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. For all alternate source applications:

- i. If the alternate source is treated return flows, provide the TPDES permit number _____
- ii. If groundwater is the alternate source, or groundwater 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.

- iii. If groundwater will be used, provide the depth of the well _____ and the name of the aquifer from which water is withdrawn _____.

WORKSHEET 5.0b
ENVIRONMENTAL INFORMATION

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1. Impingement and Entrainment

This section is required for any new diversion point that is not already authorized. 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 already authorized in a water right). Instructions, Page 28.

LCRA is not seeking to amend or remove special condition G of 14-5434E at this time, Which specifically addresses implementation of measures to minimize potential adverse impacts due to entrainment and impingement of fishery resources.

2. New Appropriations of Water (Canadian, Red, Sulphur, and Cypress Creek Basins only) and Changes in Diversion Point(s)

This section is required for new appropriations of water in the Canadian, Red, Sulphur, and Cypress Creek Basins and in all basins for requests to change a diversion point. Instructions, Page 30.

Description of the Water Body at each Diversion Point or Dam Location. (Provide an Environmental Information Sheet for each location), Location: Downstream Limit of Diversion Reach No. 1 Bay City Dam

a. Identify the appropriate description of the water body.

Stream

Reservoir

Average depth of the entire water body, in feet: _____

Other, specify: _____

b. Flow characteristics

If a stream, was checked above, provide the following. For new diversion locations, check one of the following that best characterize the area downstream of the diversion (check one).

Intermittent - dry for at least one week during most years

Intermittent with Perennial Pools - enduring pools

Perennial - normally flowing

Check the method used to characterize the area downstream of the new diversion location.

USGS flow records

Historical observation by adjacent landowners

Personal observation

Other, specify: _____

c. Waterbody aesthetics

Check one of the following that best describes the aesthetics of the stream segments affected by the application and the area surrounding those stream segments.

Wilderness: outstanding natural beauty; usually wooded or unpastured area; water clarity exceptional

Natural Area: trees and/or native vegetation common; some development evident (from fields, pastures, dwellings); water clarity discolored

Common Setting: not offensive; developed but uncluttered; water may be colored or turbid

Offensive: stream does not enhance aesthetics; cluttered; highly developed; dumping areas; water discolored

d. Waterbody Recreational Uses

Are there any known recreational uses of the stream segments affected by the application?

Primary contact recreation (swimming or direct contact with water)

Secondary contact recreation (fishing, canoeing, or limited contact with water)

Non-contact recreation

e. Submit the following information in a Supplemental Attachment, labeled Addendum to Worksheet 5.0:

1. Photographs of the stream at the diversion point or dam location. Photographs should be in color and show the proposed point or reservoir and upstream and downstream views of the stream, including riparian vegetation along the banks. Include a description of each photograph and reference the photograph to the maps submitted with the application indicating the location of the photograph and the direction of the shot.

See photograph 3 and 4

2. If the application includes a proposed reservoir, also include:
 - i. A brief description of the area that will be inundated by the reservoir.
 - ii. If a United States Army Corps of Engineers (USACE) 404 permit is required, provide the project number and USACE project manager.
 - iii. A description of how any impacts to wetland habitat, if any, will be mitigated if the reservoir is greater than 5,000 acre-feet.

3. Alternate Sources of Water and/or Bed and Banks Applications

This section is required for applications using an alternate source of water and bed and banks applications in any basins. Instructions, page 31.

a. For all bed and banks applications:

- i. 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. For all alternate source applications:

- i. If the alternate source is treated return flows, provide the TPDES permit number _____

- ii. If groundwater is the alternate source, or groundwater 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.

- iii. If groundwater will be used, provide the depth of the well _____ and the name of the aquifer from which water is withdrawn _____.

Photograph 1 and 2: Pictures of Upstream Limit, Longhorn Dam

Photograph 1: Looking downstream, just upstream of the Upstream Diversion Limit, Longhorn dam. Showing area upstream of the Upstream Diversion Limit.



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Photograph 2: Looking upstream, just downstream of the Upstream Diversion Limit, Longhorn dam. Showing area downstream of the Upstream Diversion Limit.

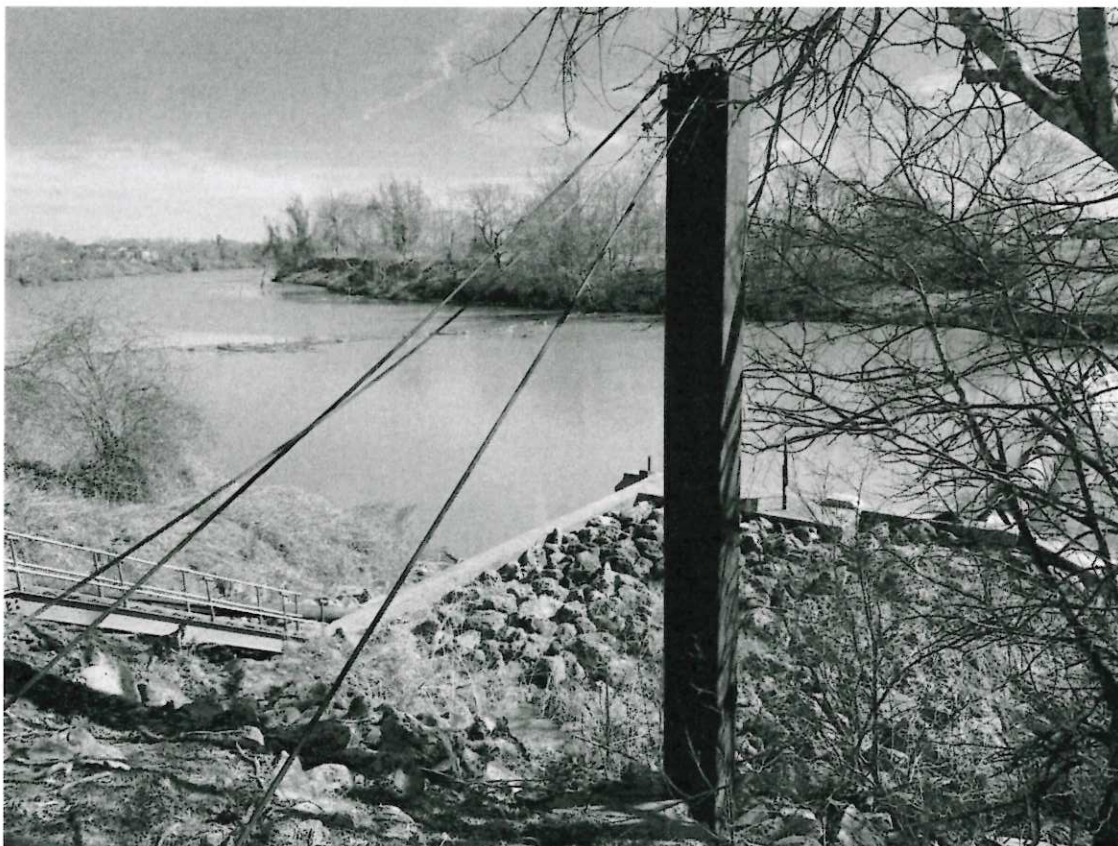


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Photograph 3 and 4: Pictures of Downstream Limit, Bay City Dam

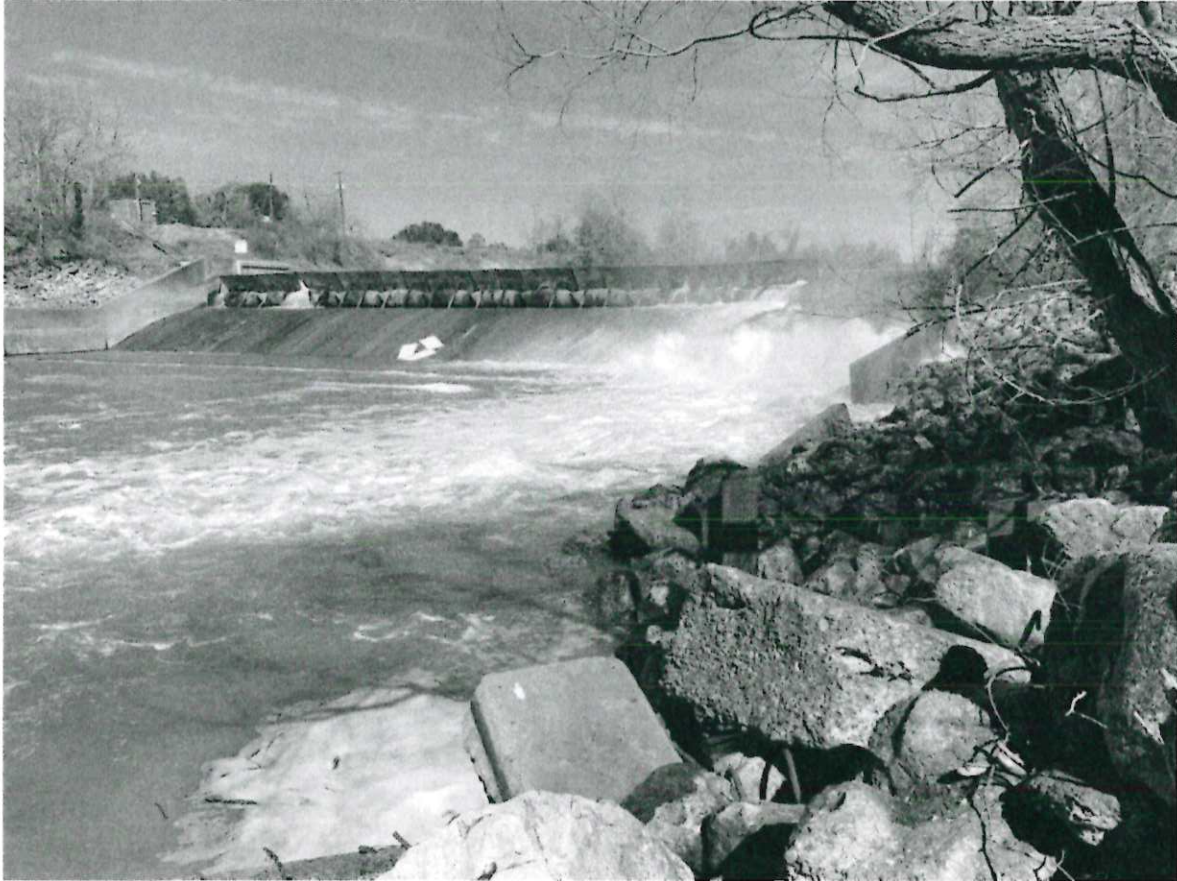
Photograph 3: Looking upstream, from Bay City Dam (west bank). Showing area upstream of the Downstream Diversion Limit.



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Photograph 4: Looking upstream, just downstream of the Downstream Diversion Limit, Bay City Dam. Showing the area downstream of the Downstream Diversion Limit.



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Not Applicable **WORKSHEET 6.0**
Water Conservation/Drought Contingency Plans

This form is intended to assist applicants in determining whether a Water Conservation Plan and/or Drought Contingency Plans is required and to specify the requirements for plans. Instructions, Page 31.

The TCEQ has developed guidance and model plans to help applicants prepare plans. Applicants may use the model plan with pertinent information filled in. For assistance submitting a plan call the Resource Protection Team (Water Conservation staff) at 512-239-4600, or e-mail wras@tceq.texas.gov. The model plans can also be downloaded from the TCEQ webpage. Please use the most up-to-date plan documents available on the webpage.

1. Water Conservation Plans

a. The following applications must include a completed Water Conservation Plan (30 TAC § 295.9) for each use specified in 30 TAC, Chapter 288 (municipal, industrial or mining, agriculture - including irrigation, wholesale):

1. Request for a new appropriation or use of State Water.
2. Request to amend water right to increase appropriation of State Water.
3. Request to amend water right to extend a term.
4. Request to amend water right to change a place of use.
**does not apply to a request to expand irrigation acreage to adjacent tracts.*
5. Request to amend water right to change the purpose of use.
**applicant need only address new uses.*
6. Request for bed and banks under TWC § 11.042(c), when the source water is State Water.
**including return flows, contract water, or other State Water.*

b. If Applicant is requesting any authorization in section (1)(a) above, indicate each use for which Applicant is submitting a Water Conservation Plan as an attachment:

1. ____ Municipal Use. See 30 TAC § 288.2. **
2. ____ Industrial or Mining Use. See 30 TAC § 288.3.
3. ____ Agricultural Use, including irrigation. See 30 TAC § 288.4.
4. ____ Wholesale Water Suppliers. See 30 TAC § 288.5. **

**If Applicant is a water supplier, Applicant must also submit documentation of adoption of the plan. Documentation may include an ordinance, resolution, or tariff, etc. See 30 TAC §§ 288.2(a)(1)(J)(i) and 288.5(1)(H). Applicant has submitted such documentation with each water conservation plan? Y / N ____

c. Water conservation plans submitted with an application must also include data and information which: supports applicant's proposed use with consideration of the plan's water conservation goals; evaluates conservation as an alternative to the proposed

appropriation; and evaluates any other feasible alternative to new water development.
See 30 TAC § 288.7.

Applicant has included this information in each applicable plan? Y / N ____

2. Drought Contingency Plans

- a. A drought contingency plan is also required for the following entities if Applicant is requesting any of the authorizations in section (1) (a) above - indicate each that applies:
1. ____ Municipal Uses by public water suppliers. See 30 TAC § 288.20.
 2. ____ Irrigation Use/ Irrigation water suppliers. See 30 TAC § 288.21.
 3. ____ Wholesale Water Suppliers. See 30 TAC § 288.22.
- b. If Applicant must submit a plan under section 2(a) above, Applicant has also submitted documentation of adoption of drought contingency plan (*ordinance, resolution, or tariff, etc. See 30 TAC § 288.30*) Y / N ____

WORKSHEET 7.0 ACCOUNTING PLAN INFORMATION WORKSHEET

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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. Contact the Surface Water Availability Team at 512-239-4600 for information about accounting plan requirements, if any, for your application. Instructions, Page 34.

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 for new major water supply reservoirs;
- For applications that amend a water right where an accounting plan is already required, if the amendment would require changes to the accounting plan;
- For applications with complex environmental flow requirements;
- For applications with an alternate source of water where the water is conveyed and diverted; and
- For reuse applications.

2. Accounting Plan Requirements

- a. A text file that includes:
 1. an introduction explaining the water rights and what they authorize;
 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 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;
 2. Method for accounting for inflows if needed;
 3. Reporting of all water use from all authorizations, both existing and proposed;
 4. An accounting for all sources of water;
 5. An accounting of water by priority date;
 6. For bed and banks applications, the accounting plan must track the discharged water from the point of delivery to the final point of diversion;
 7. Accounting for conveyance losses;
 8. Evaporation losses if the water will be stored in or transported through a reservoir. Include changes in evaporation losses and a method for measuring reservoir content resulting from the discharge of additional water into the reservoir;
 9. An accounting for spills of other water added to the reservoir; and
 10. Calculation of the amount of drawdown resulting from diversion by junior rights or diversions of other water discharged into and then stored in the reservoir.

WORKSHEET 8.0 CALCULATION OF FEES

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This worksheet is for calculating required application fees. Applications are not Administratively Complete until all required fees are received. Instructions, Page. 34

1. NEW APPROPRIATION

	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$). <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		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x ____ Number of acres that will be irrigated with State Water. **	
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x ____ Maximum annual diversion of State Water in acre-feet. **	
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x ____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x ____ acre-feet of State Water to be stored at normal max operating level.	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4600.	
TOTAL		\$

2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
Filing Fee	Amendment: \$100 OR Sever and Combine: \$100 x ____ of water rights to combine	\$100.00
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$ \$112.50

3. BED AND BANKS

	Description	Amount (\$)
Filing Fee		\$100.00
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	
TOTAL INCLUDED		\$