

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING

**SAN ANTONIO WATER SYSTEM
SOAH Docket No. 582-22-1990
TCEQ Docket No. 2021-1391-WR
Water Use Permit No. 13098**

APPLICATION.

San Antonio Water System, 2800 U.S. Highway 281, San Antonio, TX 78212, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code (TWC) § 11.042 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, *et seq.*

San Antonio Water System seeks a water use permit to authorize the use of the bed and banks of multiple tributaries of the San Antonio River and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin to convey 260,991 acre-feet of groundwater-based return flows per year for subsequent diversion and use for municipal, agricultural, industrial, mining, and instream purposes of use in Bexar, Calhoun, Goliad, Karnes, Refugio, Victoria and Wilson counties.

San Antonio Water System (SAWS) seeks authorization to use the bed and banks of the Medina River, Salado Creek, Comanche Creek, Leon Creek, Medio Creek, and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin, to convey 260,991 acre-feet of groundwater-based return flows per year, for subsequent diversion from a reach on the Guadalupe River, for municipal, agricultural, industrial, mining, and instream purposes of use in Bexar, Calhoun, Goliad, Karnes, Refugio, Victoria, Wilson counties.

SAWS owns and operates four wastewater treatment plants:

- A. Steven M. Clouse Water Recycling Center (WRC), authorized under Texas Pollution Discharge Elimination System (TPDES) Permit No. WQ0010137033 with a total discharge of 140,017 acre-feet per year; and
- B. Leon Creek WRC, authorized under TPDES Permit No. WQ0010137003 with a total discharge of 51,526 acre-feet per year; and
- C. Medio Creek WRC, authorized under TPDES Permit No. WQ0010137040 with a total discharge of 17,922 acre-feet per year; and
- D. Salado Creek WRC, authorized under TPDES Permit No. WQ0010137008 with a total discharge of 51,526 acre-feet per year.

The return flows are discharged at the following points, located in Bexar County within the San Antonio River Basin, ZIP code 78205:

Discharge Point No. 1 (Steven M. Clouse WRC Outfall 001) is located at Latitude 29.235827° N, Longitude 98.416244° W on the Medina River; and

Discharge Point No. 2 (Steven M. Clouse WRC Outfall 002) is located at Latitude 29.461615° N, Longitude 98.468752° W on the San Antonio River; and

Discharge Point No. 3 (Steven M. Clouse WRC Outfall 003) is located at Latitude 29.446454° N, Longitude 98.480740° W on the San Antonio River; and

Discharge Point No. 4 (Steven M. Clouse WRC Outfall 004) is located at Latitude 29.484730° N, Longitude 98.416819° W on Salado Creek; and

Discharge Point No. 5 (Steven M. Clouse WRC Outfall 005) is located at Latitude 29.420978° N, Longitude 98.485352° W on the San Antonio River; and

Discharge Point No. 6 (Steven M. Clouse WRC Outfall 006) is located at Latitude 29.275560° N, Longitude 98.428978° W on the San Antonio River; and

Discharge Point No. 7 (Leon Creek WRC Outfall 001) is located at Latitude 29.275319° N, Longitude 98.513008° W on Comanche Creek; and

Discharge Point No. 8 (Medio Creek WRC Outfall 001) is located at Latitude 29.398847° N, Longitude 98.668031° W on Medio Creek; and

Discharge Point No. 9 (Salado Creek WRC Outfall 001) is located at Latitude 29.275560° N, Longitude 98.428978° W on the San Antonio River.

SAWS seeks to divert the discharged groundwater-based return flows from a reach on the Guadalupe River, Guadalupe River Basin, at a maximum combined diversion rate of 161,878 gpm (360.53 cfs), with the proposed upstream point of the reach being at Latitude 28.478432°N, Longitude 96.862858° W and the downstream point being at Latitude 28.447519° N and Longitude 96.785611° W in Calhoun County, ZIP code 77979.

Portions of the 260,991 acre-feet of groundwater-based return flows per year requested in the application were previously authorized under Certificate of Adjudication Nos. 19-4768 and 19-2162 and Water Use Permit No. 5705.

SAWS requests to account for and use those groundwater-based return flows, under Water Use Permit No. 13098, when those portions of the previously authorized return flows are not being diverted under those authorizations.

SAWS has provided and the Executive Director has approved the *San Antonio Water System Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application No. 13098*.

The application and partial fees were received on December 30, 2013. Additional information and fees were received on July 8 and August 8, 2014, February 29 and March 29, 2016. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 9, 2016. Additional information was received on March 17 and March 24, 2021.

The Executive Director has prepared a draft permit, which, if granted, would include special conditions including, but not limited to maintaining an accounting plan and maintaining a measuring device. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at:

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.

CONTESTED CASE HEARING.

Considering directives to protect public health, the State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

10:00 a.m. – May 4, 2022

To join the Zoom meeting via computer:

<https://soah-texas.zoomgov.com/>

Meeting ID: 160 578 9211

Password: u5d7CV

or

To join the Zoom meeting via telephone:

(669) 254-5252 or (646) 828-7666

Meeting ID: 160 578 9211

Password: 872526

Visit the SOAH website for registration at: <http://www.soah.texas.gov/>

or call SOAH at 512-475-4993.

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, allow an opportunity for settlement discussions, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 11, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155.

The applicant is automatically a party in this hearing. If anyone else wishes to be a party to the hearing, he or she must attend the hearing and show how he or she would be adversely affected by the application in a way not common to members of the general public. Any person may

attend the hearing and any person may request to be a party. Only persons named as parties may participate at the hearing.

In accordance with 1 Tex. Admin. Code § 155.401(a), Notice of Hearing, “Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH.”

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at 800-687-4040. General information about the TCEQ can be found at www.tceq.texas.gov.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-4993, at least one week prior to the hearing.

Issued: March 25, 2022

A handwritten signature in black ink that reads "Laurie Gharis". The signature is written in a cursive, flowing style.

Laurie Gharis, Chief Clerk
Texas Commission on Environmental Quality

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 17, 2021

TO: Persons on Attached Mailing List

**RE: Docket No. 2021-1391-WR
San Antonio Water System (Applicant)
Hearing Requests filed on Permit No. WRPERM 13098**

The above-referenced application and all timely filed hearing requests/requests for reconsideration on the above-referenced application will be considered by the commissioners of the Texas Commission on Environmental Quality (TCEQ) during the public meeting on **February 9, 2022**. The meeting will begin at 9:30 a.m. Due to the ongoing pandemic, the agenda meeting may be held in person in Room 201S of Building E at the Commission's offices located at 12100 Park 35 Circle in Austin, Texas, virtually, or both in person and virtually. To confirm how the meeting will be held, please visit the Commissioners' Agenda webpage at:

https://www.tceq.texas.gov/agency/decisions/agendas/comm/comm_agendas.html
eight days before the Agenda.

In accordance with commission rules, copies of the timely hearing requests/requests for reconsideration have been forwarded to the Applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. Each of these persons is entitled to file a formal written response to the hearing requests/requests for reconsideration on or before 5:00 p.m. on **January 14, 2022**. Persons who have filed timely hearing requests/requests for reconsideration may file a formal written reply to these responses on or before 5:00 p.m. on **January 31, 2022**.

All responses and replies must be filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at <http://www.tceq.texas.gov/goto/eFilings> or by filing an original and 7 copies with the Chief Clerk of the TCEQ. The mailing address of the Chief Clerk's Office is: Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 (Fax (512) 239-3311). On the same day any response is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Applicant and the requesters at their addresses listed on the attached mailing list. On the same day any reply is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, other requesters, and the Applicant at their addresses listed on the attached mailing list.

The procedures for evaluating hearing requests and for filing and serving responses and replies are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter G (§§55.250-55.256) and 30 TAC §§ 1.10-1.11. The hardcopy filing requirement is waived

by the General Counsel pursuant to 30 TAC § 1.10(h). Copies of these rules may be obtained by calling the Public Education Program toll free at (800) 687-4040.

The Commissioners will not take oral argument or additional public comment on this matter, but may wish to ask questions of the Applicant, hearing requesters or staff. The Commissioners will make their decision based on the hearing requests, written responses to the hearing requests, any written replies to those responses, and any response to questions. Copies of all public comment and hearing requests have also been referred to the Alternative Dispute Resolution Program, where they will be evaluated to determine if informal, voluntary mediation might help resolve any dispute.

The attachment to this letter is intended to help you better understand how the TCEQ processes and evaluates hearing requests. Individual members of the public may seek further information concerning the application, public participation, the processing of hearing requests, copies of Commission rules, or the attachment, by calling the TCEQ Public Education Program, toll free, at (800) 687-4040.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Gharis".

Laurie Gharis
Chief Clerk

Enclosures: Copies of protestant correspondence to Applicant, Executive Director, Office of Public Interest Counsel, and Alternative Dispute Resolution.

MAILING LIST
SAN ANTONIO WATER SYSTEM
DOCKET NO. 2021-1391-WR
WATER RIGHTS PERMIT NO. WRPERM 13098

FOR THE APPLICANT:

via electronic mail

Jim Mathews
Mathews & Freeland LLP
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Austin, Texas 78759
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FOR THE EXECUTIVE DIRECTOR:

via electronic mail

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FOR PUBLIC INTEREST COUNSEL:

via electronic mail

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Austin, Texas 78711
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FOR ALTERNATIVE DISPUTE
RESOLUTION:

via electronic mail

Kyle Lucas
Texas Commission on Environmental
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Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711
Tel: (512) 239-0687
Fax: (512) 239-4015
kyle.lucas@tceq.texas.gov

FOR THE CHIEF CLERK:

<https://www14.tceq.texas.gov/epic/eFiling/>
Docket Clerk
Texas Commission on Environmental
Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711
Tel: (512) 239-3300
Fax: (512) 239-3311

REQUESTER(S)/INTERESTED
PERSON(S):

See attached list.

REQUIREMENTS FOR WATER RIGHTS HEARING REQUESTS

Commission rules in 30 TAC § 55.251 (b) and (c) require a hearing request to:

- (1) be in writing and be filed with the Office of the Chief Clerk during the public comment period;
- (2) give the name, address, and daytime telephone number of the person who files the request;
- (3) identify the person's personal justiciable interest affected by the application including a brief, but specific, written statement explaining in plain language the requestor's location and distance relative to the activity that is the subject of the application and how and why the requestor believes he or she will be affected by the activity in a manner not common to members of the general public;
- (4) request a contested case hearing; and
- (5) provide any other information specified in the public notice of application.

A hearing request must comply with requirement (1) above and "substantially comply" with requirements (2) through (5). In addition, a group or association may request a contested case hearing only if the group or association meets all of the following requirements:

- (1) one or more members of the group or association would otherwise have standing to request a hearing in their own right;
- (2) the interests the group or association seeks to protect are germane to the organization's purpose; and
- (3) neither the claim asserted nor the relief requested requires the participation of the individual members in the case.

A request for a contested case hearing must be granted if the request is made by an affected person and the request: (A) complies with the requirements of 30 TAC § 55.251; (B) is timely filed; and (C) is pursuant to a right to hearing authorized by law.

An affected person is one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to the general public does not constitute a justiciable interest. To determine whether a person is an affected person, all relevant factors must be considered, including but not limited to:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) the likely impact of the regulated activity on the health, safety, and use of property of the person;

- (5) the likely impact of the regulated activity on the use of the impacted natural resource by the person; and
- (6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

REQUESTER(S)

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Lloyd Gosselink Rochelle & Townsend Pc
816 Congress Ave
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INTERESTED PERSON(S)

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Ste 202
San Antonio, TX 78215-1267

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION FOR A WATER USE PERMIT

APPLICATION NO. 13098

San Antonio Water System seeks a water use permit to authorize the use of the bed and banks of multiple tributaries of the San Antonio River and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin to convey 260,991 acre-feet of groundwater-based return flows per year for subsequent diversion and use for municipal, agricultural, industrial, mining, and instream purposes of use in Bexar, Calhoun, Goliad, Karnes, Refugio, Victoria and Wilson counties. More information on the application and how to participate in the permitting process is given below.

APPLICATION. San Antonio Water System, 2800 U.S. Highway 281, San Antonio, TX 78212, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code (TWC) § 11.042 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Mailed notice to the downstream water right holders of record in the San Antonio and Guadalupe River Basins is required pursuant to Title 30 Texas Administrative Code (TAC) § 295.161(a).

San Antonio Water System (SAWS) seeks authorization to use the bed and banks of the Medina River, Salado Creek, Comanche Creek, Leon Creek, Medio Creek, and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin, to convey 260,991 acre-feet of groundwater-based return flows per year, for subsequent diversion from a reach on the Guadalupe River, for municipal, agricultural, industrial, mining, and instream purposes of use in Bexar, Calhoun, Goliad, Karnes, Refugio, Victoria, Wilson counties.

SAWS owns and operates four wastewater treatment plants:

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SAWS requests to account for and use those groundwater-based return flows, under Water Use Permit No. 13098, when those portions of the previously authorized return flows are not being diverted under those authorizations.

SAWS has provided and the Executive Director has approved the *San Antonio Water System Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application No. 13098*.

The application and partial fees were received on December 30, 2013. Additional information and fees were received on July 8 and August 8, 2014, February 29 and

March 29, 2016. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 9, 2016. Additional information was received on March 17 and March 24, 2021.

The Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions, including, but not limited to, maintaining an accounting plan and maintaining a measuring device. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice.

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 September 20, 2021. 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 September 20, 2021. The Executive Director may approve the application unless a written request for a contested case hearing is filed by September 20, 2021.

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 WRPERM 13098 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 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: August 17, 2021

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



WATER USE PERMIT

PERMIT NO. 13098

TYPE: § 11.042

Permittee:	San Antonio Water System	Address:	2800 U.S. Highway 281 San Antonio, Texas 78212
Filed:	May 9, 2016	Granted:	
Purpose:	Municipal, Agricultural, Industrial, Mining & Instream	Counties:	Bexar, Calhoun, Goliad, Karnes, Refugio, Victoria, & Wilson
Watercourse:	Medina River, Salado Creek, Comanche Creek, Leon Creek, Medio Creek, tributaries of the San Antonio, the San Antonio River & the Guadalupe River	Watersheds:	San Antonio & Guadalupe River Basins

WHEREAS, San Antonio Water System (SAWS) seeks authorization to use the bed and banks of the Medina River, Salado Creek, Comanche Creek, Leon Creek, Medio Creek, and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin, to convey 260,991 acre-feet of groundwater-based return flows per year for subsequent diversion from a reach on the Guadalupe River, for municipal, agricultural, industrial, mining, and instream purposes of use in Bexar, Calhoun, Goliad, Karnes, Refugio, Victoria, Wilson counties; and

WHEREAS, SAWS owns and operates four wastewater treatment plants:

- A. Steven M. Clouse Water Recycling Center (WRC), authorized under Texas Pollution Discharge Elimination System (TPDES) Permit No. WQ0010137033 with a total discharge of 140,017 acre-feet per year; and
- B. Leon Creek WRC, authorized under TPDES Permit No. WQ0010137003 with a total discharge of 51,526 acre-feet per year; and
- C. Medio Creek WRC, authorized under TPDES Permit No. WQ0010137040 with a total discharge of 17,922 acre-feet per year; and
- D. Salado Creek WRC, authorized under TPDES Permit No. WQ0010137008 with a total discharge of 51,526 acre-feet per year; and

WHEREAS, the return flows are discharged at the following points, located in Bexar County within the San Antonio River Basin; and

WHEREAS, Discharge Point No. 1 (Steven M. Clouse WRC Outfall 001) is located at Latitude 29.235827° N, Longitude 98.416244° W on the Medina River; and

WHEREAS, Discharge Point No. 2 (Steven M. Clouse WRC Outfall 002) is located at Latitude 29.461615° N, Longitude 98.468752° W on the San Antonio River; and

WHEREAS, Discharge Point No. 3 (Steven M. Clouse WRC Outfall 003) is located at Latitude 29.446454° N, Longitude 98.480740° W on the San Antonio River; and

WHEREAS, Discharge Point No. 4 (Steven M. Clouse WRC Outfall 004) is located at Latitude 29.484730° N, Longitude 98.416819° W on Salado Creek; and

WHEREAS, Discharge Point No. 5 (Steven M. Clouse WRC Outfall 005) is located at Latitude 29.420978° N, Longitude 98.485352° W on the San Antonio River; and

WHEREAS, Discharge Point No. 6 (Steven M. Clouse WRC Outfall 006) is located at Latitude 29.275560° N, Longitude 98.428978° W on the San Antonio River; and

WHEREAS, Discharge Point No. 7 (Leon Creek WRC Outfall 001) is located at Latitude 29.275319° N, Longitude 98.513008° W on Comanche Creek; and

WHEREAS, Discharge Point No. 8 (Medio Creek WRC Outfall 001) is located at Latitude 29.398847° N, Longitude 98.668031° W on Medio Creek; and

WHEREAS, Discharge Point No. 9 (Salado Creek WRC Outfall 001) is located at Latitude 29.275560° N, Longitude 98.428978° W on the San Antonio River; and

WHEREAS, SAWS seeks to divert the discharged groundwater-based return flows from a reach on the Guadalupe River, Guadalupe River Basin, at a maximum combined diversion rate of 161,878 gpm (360.53 cfs), with the proposed upstream point of the reach being at Latitude 28.478432° N, Longitude 96.862858° W and the downstream point being at Latitude 28.447519° N and Longitude 96.785611° W in Calhoun County; and

WHEREAS, portions of the 260,991 acre-feet of groundwater-based return flows per year requested in the application were previously authorized under Certificate of Adjudication Nos. 19-4768 and 19-2162 and Water Use Permit No. 5705; and

WHEREAS, SAWS requests to account for and use those groundwater-based return flows under Water Use Permit No. 13098 when those portions of the previously authorized return flows are not being diverted under those authorizations; and

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

WHEREAS, this permit, if granted, is subject to requirements and orders of the South Texas Watermaster; and

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

WHEREAS, SAWS has provided and the Executive Director has approved the *San Antonio Water System Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application No. 13098*; and

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

NOW, THEREFORE, this permit, designated Water Use Permit No. 13098, is issued to San Antonio Water System, Permittee, subject to the following terms and conditions:

1. USE

Permittee is authorized use of the bed and banks of the Medina River, Salado Creek, Comanche Creek, Leon Creek, Medio Creek, and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin, to convey 260,991 acre-feet of groundwater-based return flows per year, for subsequent diversion and use for municipal, agricultural, industrial, mining, and instream purposes in Bexar, Calhoun, Goliad, Karnes, Refugio, Victoria, Wilson counties.

2. DISCHARGE

The TPDES permits authorize Permittee to discharge groundwater-based return flows at the following locations in Bexar County, within the San Antonio River Basin:

- A. Discharge Point No. 1 (Steven M. Clouse WRC Outfall 001) is located at Latitude 29.235827° N, Longitude 98.416244° W on the Medina River; and
- B. Discharge Point No. 2 (Steven M. Clouse WRC Outfall 002) is located at Latitude 29.461615° N, Longitude 98.468752° W on the San Antonio River; and
- C. Discharge Point No. 3 (Steven M. Clouse WRC Outfall 003) is located at Latitude 29.446454° N, Longitude 98.480740° W on the San Antonio River; and
- D. Discharge Point No. 4 (Steven M. Clouse WRC Outfall 004) is located at Latitude 29.484730° N, Longitude 98.416819° W on Salado Creek; and
- E. Discharge Point No. 5 (Steven M. Clouse WRC Outfall 005) is located at Latitude 29.420978° N, Longitude 98.485352° W on the San Antonio River; and

- F. Discharge Point No. 6 (Steven M. Clouse WRC Outfall 006) is located at Latitude 29.275560° N, Longitude 98.428978° W on the San Antonio River; and
- G. Discharge Point No. 7 (Leon Creek WRC Outfall 001) is located at Latitude 29.275319° N, Longitude 98.513008° W on Comanche Creek; and
- H. Discharge Point No. 8 (Medio Creek WRC Outfall 001) is located at Latitude 29.398847° N, Longitude 98.668031° W on Medio Creek; and
- I. Discharge Point No. 9 (Salado Creek WRC Outfall 001) is located at Latitude 29.275560° N, Longitude 98.428978° W on the San Antonio River.

3. DIVERSION

- A. Permittee is authorized to divert its groundwater-based return flows from a reach on the Guadalupe River, Guadalupe River Basin, with the upstream point being at Latitude 28.478432° N, Longitude 96.862858° W and the downstream point being at Latitude 28.447519° N and Longitude 96.785611° W in Calhoun County.
- B. The maximum combined diversion rate is 161,878 gpm (360.53 cfs).

4. TIME PRIORITY

The groundwater-based return flows authorized to be conveyed via the bed and banks of a State watercourse in this permit do not have a priority date and are not subject to priority calls from senior water rights.

5. SPECIAL CONDITIONS

- A. Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at the diversion structure.
- B. The diversions authorized by this permit are dependent upon potentially interruptible return flows or discharges and are conditioned on the availability of those discharges. The right to divert the discharged return flows is subject to revocation if discharges become permanently unavailable for diversion and may be subject to reduction if the return flows are not available in quantities and qualities sufficient to fully satisfy the permit. Should the discharges become permanently unavailable for diversion, Permittee shall immediately cease diversion under this permit and either apply to amend the permit, or voluntarily forfeit the permit. If Permittee does not amend or forfeit the permit, the TCEQ may begin proceedings to cancel this permit. Permittee shall only divert its return flows that are actually discharged and if there is a permanent reduction in available return flows, Permittee shall immediately seek an amendment to the permit to reflect the reductions.

- C. Permittee shall only divert and use return flows pursuant to Paragraph 1. USE, and Paragraph 3. DIVERSION in accordance with the most recently approved accounting plan (*San Antonio Water System Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application No. 13098*). Permittee shall maintain the plan in electronic format and make the data available to the Executive Director upon request. Any modifications to *San Antonio Water System Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application No. 13098* shall be approved by the Executive Director. Any modification to the accounting plan that changes the permit terms must be in the form of an amendment to the permit. Should Permittee fail to maintain the accounting plan or notify the Executive Director of any modifications to the plan, Permittee shall immediately cease diversion pursuant to Paragraph 3. DIVERSION, and either apply to amend the permit, or voluntarily forfeit the permit. If Permittee fails to amend the accounting plan or forfeit the permit, the Commission may begin proceedings to cancel the permit. Permittee shall immediately notify the Executive Director upon modification of the accounting plan and provide copies of the appropriate documents effectuating such changes.
- D. Permittee shall only divert the actual daily amount of groundwater-based return flows discharged from the four treatment plants less the estimated losses after accounting for travel times between the discharge and diversion points, and less any groundwater-based return flows diverted under Permittee's other authorizations, when those authorizations are being used, as determined in the accounting plan required by Paragraph 5.C.
- E. Prior to reuse of groundwater-based return flows in excess of the amount currently authorized by TPDES Permit Nos. WQ0010137033, WQ0010137003, WQ0010137040, and WQ0010137008, as described in Paragraph 2. DISCHARGE, Permittee shall apply for and be granted the right to reuse those return flows. Permittee shall amend the accounting plan to include future discharges of groundwater-based return flows prior to diverting said return flows.
- F. A change in the location of the diversion point or addition of diversion points shall require an amendment to the permit and additional special conditions could be required.
- G. Permittee shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the points authorized above in Paragraph 3. DIVERSION and maintain measurement records.
- H. Permittee shall allow representatives of the South Texas Watermaster reasonable access to the property to inspect the measuring device and records.
- I. Permittee shall contact the South Texas Watermaster prior to diversion of water authorized by this permit.

This permit is issued subject to all superior water rights in the San Antonio River Basin and Guadalupe River Basin.

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

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

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

For the Commission

Date Issued:

Sarah Henderson

From: Jim Mathews [REDACTED]
Sent: Monday, August 9, 2021 11:36 AM
To: Sarah Henderson
Cc: jennifer windscheffel; Gregg Eckhardt; Steven Clouse; Donovan Burton; Nancy Belinsky; Darren Thompson K.; Ben Mathews
Subject: Re: San Antonio Water Use Permit No. 13098 - Revised Drafts
Attachments: 2021-08-09 SAWS comments on revised Draft Permit.pdf

Sarah, SAWS' letter accepting the revised draft permit is attached. Our thanks to you and all of TCEQ staff who have worked on this matter.

From: Sarah Henderson <sarah.henderson@tceq.texas.gov>
Date: Tuesday, August 3, 2021 at 1:58 PM
To: Jim Mathews [REDACTED]
Subject: San Antonio Water Use Permit No. 13098 - Revised Drafts

Mr. Mathews,
Please find the revised, red-lined draft permit and notice for your review. Comments are requested by August 17, 2021.
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

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MATHEWS & FREELAND, L.L.P.

ATTORNEYS AT LAW

JIM MATHEWS
JOE FREELAND

Westpark IV, Suite 200
8140 North MoPac Expressway
AUSTIN, TEXAS 78759

(512) 404-7800
FAX: (512) 703-2785

August 9, 2021

Ms. Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality
P.O. Box 13087, MC-160
Austin, Texas 78711-3087

Re: Comments on revised Draft Permit 13098

Dear Ms. Henderson:

San Antonio Water System (SAWS) has reviewed the revised draft permit reflecting changes made following SAWS comments filed on May 26. SAWS concurs with the revised draft permit and requests that TCEQ proceed to issue mailed notice as required by its rules and provide us instructions for published notice.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jim Mathews", written over a horizontal line.

Jim Mathews
Mathews and Freeland, LLP
Attorneys for San Antonio Water System

Sarah Henderson

From: Sarah Henderson
Sent: Tuesday, August 3, 2021 1:59 PM
To: Jim Mathews
Subject: San Antonio Water Use Permit No. 13098 - Revised Drafts
Attachments: SAWS_13098_Revised_Drafts_3Aug2021.pdf

Mr. Mathews,

Please find the revised, red-lined draft permit and notice for your review. Comments are requested by August 17, 2021.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



WATER USE PERMIT

PERMIT NO. 13098

TYPE: § 11.042

Permittee:	San Antonio Water System	Address:	2800 U.S. Highway 281 San Antonio, Texas 78212
Filed:	May 9, 2016	Granted:	
Purpose:	Municipal, Agricultural, Industrial, Mining & Instream	Counties:	Bexar, Calhoun, Goliad, Karnes, Refugio, Victoria, & Wilson
Watercourse:	Medina River, Salado Creek, Comanche Creek, Leon Creek, Medio Creek, tributaries of the San Antonio, the San Antonio River & the Guadalupe River	Watersheds:	San Antonio & Guadalupe River Basins

WHEREAS, San Antonio Water System (SAWS), seeks authorization to use the bed and banks of the Medina River, Salado Creek, Comanche Creek, Leon Creek, Medio Creek, and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin, to convey 260,991 acre-feet of groundwater-based return flows per year for subsequent diversion from a reach on the Guadalupe River, for municipal, agricultural, industrial, mining, and instream purposes of use in Bexar, Calhoun, Goliad, Karnes, Refugio, Victoria, Wilson counties; and

WHEREAS, SAWS owns and operates four wastewater treatment plants:

- A. ~~Dos Rios~~ Steven M. Clouse Water Recycling Center (WRC), authorized under Texas Pollution Discharge Elimination System (TPDES) Permit No. WQ0010137033 with a total discharge of 140,017 acre-feet per year; and
- B. Leon Creek WRC, authorized under TPDES Permit No. WQ0010137003 with a total discharge of 51,526 acre-feet per year; and
- C. Medio Creek WRC, authorized under TPDES Permit No. WQ0010137040 with a total discharge of 17,922 acre-feet per year; and
- D. Salado Creek WRC, authorized under TPDES Permit No. WQ0010137008 with a total discharge of 51,526 acre-feet per year; and

WHEREAS, the return flows are discharged at the following points, located in Bexar County within the San Antonio River Basin; and

WHEREAS, Discharge Point No. 1 (~~Do~~Steven M. Clouse~~s Rios~~ WRC Outfall 001) is located at Latitude 29.235827° N, Longitude 98.416244° W on the Medina River; and

WHEREAS, Discharge Point No. 2 (Steven M. Clouse ~~Do~~~~s Rios~~ WRC Outfall 002) is located at Latitude 29.461615° N, Longitude 98.468752° W on the San Antonio River; and

WHEREAS, Discharge Point No. 3 (Steven M. Clouse ~~Do~~~~s Rios~~ WRC Outfall 003) is located at Latitude 29.446454° N, Longitude 98.480740° W on the San Antonio River; and

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WHEREAS, Discharge Point No. 6 (Steven M. Clouse ~~Do~~~~s Rios~~ WRC Outfall 006) is located at Latitude 29.275560° N, Longitude 98.428978° W on the San Antonio River; and

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WHEREAS, SAWS seeks to divert the discharged groundwater-based return flows from a reach on the Guadalupe River, Guadalupe River Basin, at a maximum combined diversion rate of 161,878 gpm (360.53 cfs), with the proposed upstream point of the reach being at Latitude 28.478~~432+13~~° N, Longitude 96.862~~858+26~~° W and the downstream point being at Latitude 28.447~~519+59~~° N and Longitude 96.785611° W in Calhoun County; and

WHEREAS, portions of the 260,991 acre-feet of groundwater-based return flows per year requested in the application were previously authorized under Certificate of Adjudication Nos. 19-4768 and 19-2162 and Water Use Permit No. 5705; and

WHEREAS, SAWS requests to account for and use those groundwater-based return flows under Water Use Permit No. 13098 when those portions of the previously authorized return flows are not being diverted under those authorizations; and

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

WHEREAS, this permit, if granted, is subject to requirements and orders of the South Texas Watermaster; and

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

WHEREAS, SAWS has provided and the Executive Director has approved the *San Antonio Water System Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application No. 13098*; and

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

NOW, THEREFORE, this permit, designated Water Use Permit No. 13098, is issued to San Antonio Water System, Permittee, subject to the following terms and conditions:

1. USE

Permittee is authorized use of the bed and banks of the Medina River, Salado Creek, Comanche Creek, Leon Creek, Medio Creek, and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin, to convey 260,991 acre-feet of groundwater-based return flows per year, for subsequent diversion and use for municipal, agricultural, industrial, mining, and instream purposes in Bexar, Calhoun, Goliad, Karnes, Refugio, Victoria, Wilson counties.

2. DISCHARGE

The TPDES permits authorize Permittee to discharge groundwater-based return flows at the following locations in Bexar County, within the San Antonio River Basin:

- A. Discharge Point No. 1 (~~Steven M. Clouse Dos Rios~~-WRC Outfall 001) is located at Latitude 29.235827° N, Longitude 98.416244° W on the Medina River; and
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3. DIVERSION

- A. Permittee is authorized to divert its groundwater-based return flows from a reach on the Guadalupe River, Guadalupe River Basin, with the upstream point being at Latitude 28.478~~432113~~° N, Longitude 96.862~~858426~~° W and the downstream point being at Latitude 28.447~~519159~~° N and Longitude 96.785611° W in Calhoun County.
- B. The maximum combined diversion rate is 161,878 gpm (360.53 cfs).

4. TIME PRIORITY

The groundwater-based return flows authorized to be conveyed via the bed and banks of a State watercourse in this permit do not have a priority date and are not subject to priority calls from senior water rights.

5. SPECIAL CONDITIONS

- A. Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at the diversion structure.
- B. The diversions authorized by this permit are dependent upon potentially interruptible return flows or discharges and are conditioned on the availability of those discharges. The right to divert the discharged return flows is subject to revocation if discharges become permanently unavailable for diversion and may be subject to reduction if the return flows are not available in quantities and qualities sufficient to fully satisfy the permit. Should the discharges become

permanently unavailable for diversion, Permittee shall immediately cease diversion under this permit and either apply to amend the permit, or voluntarily forfeit the permit. If Permittee does not amend or forfeit the permit, the TCEQ may begin proceedings to cancel this permit. Permittee shall only divert its return flows that are actually discharged and if there is a permanent reduction in available return flows, Permittee shall immediately seek an amendment to the permit to reflect the reductions.

- C. Permittee shall only divert and use return flows pursuant to Paragraph 1. USE, and Paragraph 3. DIVERSION in accordance with the most recently approved accounting plan (*San Antonio Water System Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application No. 13098*). Permittee shall maintain the plan in electronic format and make the data available to the Executive Director upon request. Any modifications to *San Antonio Water System Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application No. 13098* shall be approved by the Executive Director. Any modification to the accounting plan that changes the permit terms must be in the form of an amendment to the permit. Should Permittee fail to maintain the accounting plan or notify the Executive Director of any modifications to the plan, Permittee shall immediately cease diversion pursuant to Paragraph 3. DIVERSION, and either apply to amend the permit, or voluntarily forfeit the permit. If Permittee fails to amend the accounting plan or forfeit the permit, the Commission may begin proceedings to cancel the permit. Permittee shall immediately notify the Executive Director upon modification of the accounting plan and provide copies of the appropriate documents effectuating such changes.
- D. Permittee shall only divert the actual daily amount of groundwater-based return flows discharged from the four treatment plants less the estimated losses after accounting for travel times between the discharge and diversion points, and less any groundwater-based return flows diverted under Permittee's other authorizations, when those authorizations are being used, as determined in the accounting plan required by Paragraph 5.C.
- E. Prior to reuse of groundwater-based return flows in excess of the amount currently authorized by TPDES Permit Nos. WQ0010137033, WQ0010137003, WQ0010137040, and WQ0010137008, as described in Paragraph 2. DISCHARGE, Permittee shall apply for and be granted the right to reuse those return flows. Permittee shall amend the accounting plan to include future discharges of groundwater-based return flows prior to diverting said return flows.
- F. A change in the location of the diversion point or addition of diversion points shall require an amendment to the permit and additional special conditions could be required.
- G. Permittee shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the points authorized above in Paragraph 3. DIVERSION and maintain measurement records.

- H. Permittee shall allow representatives of the South Texas Watermaster reasonable access to the property to inspect the measuring device and records.
- I. Permittee shall contact the South Texas Watermaster prior to diversion of water authorized by this permit.

This permit is issued subject to all superior water rights in the San Antonio River Basin and Guadalupe River Basin.

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

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

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

For the Commission

Date Issued:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION FOR A WATER USE PERMIT

APPLICATION NO. 13098

San Antonio Water System seeks a water use permit to authorize the use of the bed and banks of multiple tributaries of the San Antonio River and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin to convey 260,991 acre-feet of groundwater-based return flows per year for subsequent diversion and use for municipal, agricultural, industrial, mining, and instream purposes of use in Bexar, Calhoun, Goliad, Karnes, Refugio, Victoria and Wilson counties. More information on the application and how to participate in the permitting process is given below.

APPLICATION. San Antonio Water System, 2800 U.S. Highway 281, San Antonio, TX 78212, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code (TWC) § 11.042 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Mailed notice to the downstream water right holders of record in the San Antonio and Guadalupe River Basins is required pursuant to Title 30 Texas Administrative Code (TAC) § 295.161(a).

San Antonio Water System (SAWS), seeks authorization to use the bed and banks of the Medina River, Salado Creek, Comanche Creek, Leon Creek, Medio Creek, and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin, to convey 260,991 acre-feet of groundwater-based return flows per year, for subsequent diversion from a reach on the Guadalupe River, for municipal, agricultural, industrial, mining, and instream purposes of use in Bexar, Calhoun, Goliad, Karnes, Refugio, Victoria, Wilson counties.

SAWS owns and operates four wastewater treatment plants:

- A. Steven M. Clouse ~~Des Rios~~ Water Recycling Center (WRC), authorized under Texas Pollution Discharge Elimination System (TPDES) Permit No. WQ0010137033 with a total discharge of 140,017 acre-feet per year; and
- B. Leon Creek WRC, authorized under TPDES Permit No. WQ0010137003 with a total discharge of 51,526 acre-feet per year; and
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D. Salado Creek WRC, authorized under TPDES Permit No. WQ0010137008 with a total discharge of 51,526 acre-feet per year.

The return flows are discharged at the following points, located in Bexar County within the San Antonio River Basin, ZIP code 78205:

Discharge Point No. 1 (~~Steven M. Clouse Dos Rios~~-WRC Outfall 001) is located at Latitude 29.235827° N, Longitude 98.416244° W on the Medina River; and

Discharge Point No. 2 (~~Steven M. Clouse Dos Rios~~-WRC Outfall 002) is located at Latitude 29.461615° N, Longitude 98.468752° W on the San Antonio River; and

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Discharge Point No. 6 (~~Steven M. Clouse Dos Rios~~-WRC Outfall 006) is located at Latitude 29.275560° N, Longitude 98.428978° W on the San Antonio River; and

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Discharge Point No. 8 (Medio Creek WRC Outfall 001) is located at Latitude 29.398847° N, Longitude 98.668031° W on Medio Creek; and

Discharge Point No. 9 (Salado Creek WRC Outfall 001) is located at Latitude 29.275560° N, Longitude 98.428978° W on the San Antonio River.

SAWS seeks to divert the discharged groundwater-based return flows from a reach on the Guadalupe River, Guadalupe River Basin, at a maximum combined diversion rate of 161,878 gpm (360.53 cfs), with the proposed upstream point of the reach being at Latitude 28.478~~432419~~° N, Longitude 96.862~~858426~~° W and the downstream point being at Latitude 28.447~~519159~~° N and Longitude 96.785611° W in Calhoun County, ZIP code 77979.

Portions of the 260,991 acre-feet of groundwater-based return flows per year requested in the application were previously authorized under Certificate of Adjudication Nos. 19-4768 and 19-2162 and Water Use Permit No. 5705.

SAWS requests to account for and use those groundwater-based return flows, under Water Use Permit No. 13098, when those portions of the previously authorized return flows are not being diverted under those authorizations.

SAWS has provided and the Executive Director has approved the *San Antonio Water System Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application No. 13098*.

The application and partial fees were received on December 30, 2013. Additional information and fees were received on July 8 and August 8, 2014, February 29 and March 29, 2016. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 9, 2016. Additional information was received on March 17 and March 24, 2021.

The Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions, including, but not limited to, maintaining an accounting plan and maintaining a measuring device. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at:

www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice.

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 _____. 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 _____. The Executive Director may approve the application unless a written request for a contested case hearing is filed by _____.

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 WRPERM 13098 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 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

Sarah Henderson

From: Jim Mathews [REDACTED]
Sent: Wednesday, May 26, 2021 2:54 PM
To: Sarah Henderson
Cc: Kathy Alexander; Brooke McGregor; jennifer windscheffel; Gregg Eckhardt; Ben Mathews
Subject: SAWS COMMMENTS ON DRAFT PERMIT 13098
Attachments: 2021-05-26 SAWS comments on draft permit 13098.pdf

SAWS comments on draft permit 13098 are attached.

Confidentiality Notice: DO NOT FORWARD. The information contained in this e-mail message, and any documents attached, is privileged and confidential and is intended for the addressee only. If you have received this document in error, please notify the sender immediately. Nothing in this e-mail is intended by the attorney or the client to constitute a waiver of the confidentiality of this message. If the reader of this message is not the intended recipient, or employee/agent of the intended recipient, you are hereby notified that any use, duplication, dissemination or distribution of this communication is unauthorized.

MATHEWS & FREELAND, L.L.P.

ATTORNEYS AT LAW

JIM MATHEWS
JOE FREELAND

Westpark IV, Suite 200
8140 North MoPac Expressway
AUSTIN, TEXAS 78759

(512) 404-7800
FAX: (512) 703-2785

May 26, 2021

Ms. Sarah Henderson, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section
Texas Commission on Environmental Quality
P.O. Box 13087, MC-160
Austin, Texas 78711-3087

Re: Comments on Draft Permit 13098

Dear Ms. Henderson:

San Antonio Water System (SAWS) appreciates the opportunity to comment on the draft permit prepared for our application 13098 received on March 31, 2021. Our comments are set forth in the attachment to this letter. Although these comments are referenced to the draft permit provisions affected, they apply to the draft notice as well. SAWS also requests an opportunity to review the permit and notice again in draft form following your consideration of our comments.

Respectfully submitted,



Jim Mathews
Mathews and Freeland, LLP
Attorneys for San Antonio Water System

SAWS Comments on 3/31/21 Draft Permit 13098

1. Location of upstream point of the diversion reach. The latitude and longitude for this location is incorrectly stated in the draft permit recitations on page 2 and in Section 3 of the permit on page 4. The correct description is Latitude 28.478432, Longitude 96.862858. This is the description provided in SAWS 8/8/14 RFI response.
2. Location of downstream point of diversion reach. The latitude for this location is incorrectly stated in the draft permit recitations on page 2 and in Section 3 of the permit on page 4. The correct description is Latitude 28.447519. This was the latitude specified in SAWS 2/29/16 RFI response and the map submitted with the Supplemental Diversion Point Information Sheet on 3/25/16. Regrettably, the Supplemental Diversion Point Information Sheet and the text above the map incorrectly stated this latitude in the same manner as the draft permit and may have inadvertently caused this problem.
3. Name change for Dos Rios Water Recycling Center (WRC). The Dos Rios Water Recycling Center is identified in the draft permit recitations at pgs. 1-2 and in Section 2 on pages 3 and 4 of the permit. SAWS formally changed the name for this facility in 2019 to Steven M. Clouse Water Recycling Center (WRC). The Core Data Form regarding this name change was submitted to TCEQ on 9/17/19. A copy is attached. The TPDES permit issued by TCEQ on 6/18/20 reflects this name change.

Attachment I .

Core Data Form submitted to
TCEQ for Dos Rios WRC
name change



September 17, 2019

Abesha H. Michael
Applications Review and Processing Team (MC 148) F2101
Texas Commission of Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

Re: Core Data Form -- Name Change / Steven M. Clouse Water Recycling Center
Permit No. WQ0010137033

Dear Ms. Michael:

The staff of the San Antonio Water System (SAWS) would like to respond to the Texas Commission on Environmental Quality (TCEQ), Joy Thurston-Cook, Water Section Team Leader, TCEQ San Antonio Region requesting to fill out a new Core Data Form.

Please find enclosed, the main Core Data Form delineating the name change of Dos Rios Water Recycling Center to Steven M. Clouse Water Recycling Center. I have also included SAWS' Resolution No. 18-249 addressing the name change.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Ken Diehl".

Ken Diehl
EPS IV, Resource Protection & Compliance

CC: Raymond Perez, Director Production and Treatment Operations
Floramie Welch, SAWS
Scott R. Halty, SAWS
Joy Thurston-Cook, Water Section Team Leader, TCEQ San Antonio Region

Enclosed: Core Data Form
Resolution No. 18-249



TCEQ Core Data Form

TCEQ Use Only

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

SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided.)		
<input type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application.)		
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)	<input checked="" type="checkbox"/> Other Name Change	
2. Customer Reference Number (if issued)	Follow this link to search for CN or RN numbers in Central Registry**	3. Regulated Entity Reference Number (if issued)
CN 600529069		RN 103119020

SECTION II: Customer Information

4. General Customer Information	5. Effective Date for Customer Information Updates (mm/dd/yyyy)	11/13/2018	
<input type="checkbox"/> New Customer <input type="checkbox"/> Update to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership <input checked="" type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State or Texas Comptroller of Public Accounts)			
<i>The Customer Name submitted here may be updated automatically based on what is current and active with the Texas Secretary of State (SOS) or Texas Comptroller of Public Accounts (CPA).</i>			
6. Customer Legal Name (if an individual, print last name first: e.g.: Doe, John)		If new Customer, enter previous Customer below:	
SAN ANTONIO WATER SYSTEM			
7. TX SOS/CPA Filing Number	8. TX State Tax ID (11 digits)	9. Federal Tax ID (9 digits)	10. DUNS Number (if applicable)
	17426325308	74-263253	057582603
11. Type of Customer: <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Individual Partnership: <input type="checkbox"/> General <input type="checkbox"/> Limited			
Government: <input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Other		<input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other:	
12. Number of Employees		13. Independently Owned and Operated?	
<input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input checked="" type="checkbox"/> 501 and higher		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
14. Customer Role (Proposed or Actual) - as it relates to the Regulated Entity listed on this form. Please check one of the following:			
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Owner & Operator <input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input type="checkbox"/> Voluntary Cleanup Applicant <input type="checkbox"/> Other:			
15. Mailing Address: 2800 US Hwy 281 North			
City: San Antonio		State: TX	ZIP: 78212 ZIP + 4:
16. Country Mailing information (if outside USA)		17. E-Mail Address (if applicable)	
BEXAR		[REDACTED]	
18. Telephone Number	19. Extension or Code	20. Fax Number (if applicable)	
(210) 233 - 3536		() -	

SECTION III: Regulated Entity Information

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

23. Street Address of the Regulated Entity: (No PO Boxes)	3495 VALLEY ROAD							
	City	SAN ANTONIO	State	TX	ZIP	78221	ZIP + 4	5238
24. County	Bexar							

Enter Physical Location Description if no street address is provided.

25. Description to Physical Location:									
26. Nearest City				State		Nearest ZIP Code			
San Antonio				TX		78221			
27. Latitude (N) In Decimal:		29.238516		28. Longitude (W) In Decimal:		-98.430652			
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds				
29	14	18.6576	-98	38	50.3466				
29. Primary SIC Code (4 digits)		30. Secondary SIC Code (4 digits)		31. Primary NAICS Code (5 or 6 digits)		32. Secondary NAICS Code (5 or 6 digits)			
4941				221320					
33. What is the Primary Business of this entity? (Do not repeat the SIC or NAICS description.)									
MUNICIPAL WASTEWATER TREATMENT AND WATER RECYCLING									
34. Mailing Address:		2800 US Hwy 281 North							
		City		State	TX	ZIP	78212	ZIP + 4	3106
35. E-Mail Address:		[REDACTED]							
36. Telephone Number			37. Extension or Code		38. Fax Number (if applicable)				
(210) 233 - 3637					(210) 233 - 4295				

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

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

SECTION IV: Preparer Information

40. Name: Ken Diehl		41. Title: EPS IV	
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address
(210) 233 - 3535		(210) 233 - 4797	[REDACTED]

SECTION V: Authorized Signature

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

Company:	San Antonio Water System	Job Title:	Director, Resource Protection & Compliance
Name (In Print):	Scott R. Halty	Phone:	(210) 233-3536
Signature:		Date:	9-16-19

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 15, 2021

Mr. Jim Mathews
Mathews & Freeland, LLP
8140 N. Mopac, Bldg. 2 Suite 260
Austin, Texas 78759-8942

VIA E-MAIL

RE: San Antonio Water Systems
WRPERM 13098
CN600529069, RN107107526
Application No. 13098 for a Water Use Permit
Texas Water Code § 11.042, Requiring Limited Mailed Notice
Guadalupe River, Guadalupe River Basin
Calhoun County

Dear Mr. Mathews:

This acknowledges receipt, on April 9, 2021, of the applicant's request for an extension of time to respond to the Texas Commission on Environmental Quality letter dated March 31, 2021 regarding the draft public notice and permit for the referenced application.

The extension request is granted until May 26, 2021. Please review the drafts and contact me not later than May 26, 2021 with any comments or questions as the notice will be forwarded to the Office of the Chief Clerk for mailing after that date. No further extensions will be granted associated with this request.

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

Sincerely,

A handwritten signature in cursive script that reads "J. Brooke McGregor".

Brooke McGregor, Manager
Water Rights Permitting & Availability Section
Water Availability Division

BM/sh

Sarah Henderson

From: Jim Mathews [REDACTED]
Sent: Friday, April 9, 2021 4:15 PM
To: Sarah Henderson
Cc: jennifer windscheffel; Gregg Eckhardt; Darren Thompson K.; Dan. Crowley; Mark Brewton E; Steven Clouse; Nancy Belinsky; Donovan Burton
Subject: Re: San Antonio Water System WRPERM No. 13098

Sarah, thank you for providing this draft permit for review. I have forwarded this draft to SAWS and review by its staff has begun.

As you may know, several key members of SAWS' staff who were involved in the development of this application when it was filed in 2013 have changed. Because of this, I am requesting that the time set out in your transmittal letter for SAWS to respond to this draft permit for this complex and significant project be extended from April 14 to May 26. This time will allow SAWS' staff relevant to this review and response to fully review both this project and the draft permit prepared for its' authorization.

Can you also forward to me the data files described in the hydrology review memo used to perform the water availability and no injury analysis.

From: Sarah Henderson <sarah.henderson@tceq.texas.gov>
Date: Wednesday, March 31, 2021 at 11:34 AM
To: Jim Mathews [REDACTED]
Subject: San Antonio Water System WRPERM No. 13098

Mr. Mathews,

Please find the attached draft notice, draft permit and associated technical memoranda for your review. Comments are requested by April 14, 2021.

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

Confidentiality Notice: DO NOT FORWARD. The information contained in this e-mail message, and any documents attached, is privileged and confidential and is intended for the addressee only. If you have received this document in error, please notify the sender immediately. Nothing in this e-mail is intended by the attorney or the client to constitute a waiver of the confidentiality of this message. If the reader of this message is not the intended recipient, or employee/agent of the intended recipient, you are hereby notified that any use, duplication, dissemination or distribution of this communication is unauthorized.

Sarah Henderson

From: Sarah Henderson
Sent: Wednesday, March 31, 2021 11:35 AM
To: Jim Mathews
Subject: San Antonio Water System WRPERM No. 13098
Attachments: SAWS_13098_ApplicantDrafts_31Mar2021.pdf

Mr. Mathews,

Please find the attached draft notice, draft permit and associated technical memoranda for your review. Comments are requested by April 14, 2021.

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

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 31, 2021

Mr. Jim Mathews
Mathews & Freeland, LLP
8140 N. Mopac, Bldg. 2 Suite 260
Austin, Texas 78759-8942

VIA E-MAIL

RE: San Antonio Water System
WRPERM 13098
CN600529069, RN107107526
Application No. 13098 for a Water Use Permit
Texas Water Code § 11.042, Requiring Limited Mailed Notice
Guadalupe River, Guadalupe River Basin
Calhoun County

Dear Mr. Mathews:

Drafts, subject to revision, of the public notice, proposed Water Use Permit No. 13098, and the related technical memoranda are attached.

Staff is recommending that the referenced application be granted in accordance with the enclosed drafts. Please review the drafts and contact me no later than April 14, 2021 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 30-day comment period, and once the comment period has closed, the proposed Water Use Permit No. 13098 may be issued as drafted given no comments and or hearing requests are received.

If you have questions concerning this application, please contact me via e-mail at sarah.henderson@tceq.texas.gov or by phone at 512-239-2535.

Sincerely,

Sarah E 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 FOR A WATER USE PERMIT

APPLICATION NO. 13098

San Antonio Water System seeks a water use permit to authorize the use of the bed and banks of multiple tributaries of the San Antonio River and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin to convey 260,991 acre-feet of groundwater-based return flows per year for subsequent diversion and use for municipal, agricultural, industrial, mining, and instream purposes of use in Bexar, Calhoun, Goliad, Karnes, Refugio, Victoria and Wilson counties. More information on the application and how to participate in the permitting process is given below.

APPLICATION. San Antonio Water System, 2800 U.S. Highway 281, San Antonio, TX 78212, Applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code (TWC) § 11.042 and TCEQ Rules Title 30 Texas Administrative Code (TAC) §§ 295.1, et seq. Mailed notice to the downstream water right holders of record in the San Antonio and Guadalupe River Basins is required pursuant to Title 30 Texas Administrative Code (TAC) § 295.161(a).

San Antonio Water System (SAWS), seeks authorization to use the bed and banks of the Medina River, Salado Creek, Comanche Creek, Leon Creek, Medio Creek, and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin, to convey 260,991 acre-feet of groundwater-based return flows per year, for subsequent diversion from a reach on the Guadalupe River, for municipal, agricultural, industrial, mining, and instream purposes of use in Bexar, Calhoun, Goliad, Karnes, Refugio, Victoria, Wilson counties.

SAWS owns and operates four wastewater treatment plants:

- A. Dos Rios Water Recycling Center (WRC), authorized under Texas Pollution Discharge Elimination System (TPDES) Permit No. WQ0010137033 with a total discharge of 140,017 acre-feet per year; and
- B. Leon Creek WRC, authorized under TPDES Permit No. WQ0010137003 with a total discharge of 51,526 acre-feet per year; and
- C. Medio Creek WRC, authorized under TPDES Permit No. WQ0010137040 with a total discharge of 17,922 acre-feet per year; and

D. Salado Creek WRC, authorized under TPDES Permit No. WQ0010137008 with a total discharge of 51,526 acre-feet per year.

The return flows are discharged at the following points, located in Bexar County within the San Antonio River Basin, ZIP code 78205:

Discharge Point No. 1 (Dos Rios WRC Outfall 001) is located at Latitude 29.235827° N, Longitude 98.416244° W on the Medina River; and

Discharge Point No. 2 (Dos Rios WRC Outfall 002) is located at Latitude 29.461615° N, Longitude 98.468752° W on the San Antonio River; and

Discharge Point No. 3 (Dos Rios WRC Outfall 003) is located at Latitude 29.446454° N, Longitude 98.480740° W on the San Antonio River; and

Discharge Point No. 4 (Dos Rios WRC Outfall 004) is located at Latitude 29.484730° N, Longitude 98.416819° W on Salado Creek; and

Discharge Point No. 5 (Dos Rios WRC Outfall 005) is located at Latitude 29.420978° N, Longitude 98.485352° W on the San Antonio River; and

Discharge Point No. 6 (Dos Rios WRC Outfall 006) is located at Latitude 29.275560° N, Longitude 98.428978° W on the San Antonio River; and

Discharge Point No. 7 (Leon Creek WRC Outfall 001) is located at Latitude 29.275319° N, Longitude 98.513008° W on Comanche Creek; and

Discharge Point No. 8 (Medio Creek WRC Outfall 001) is located at Latitude 29.398847° N, Longitude 98.668031° W on Medio Creek; and

Discharge Point No. 9 (Salado Creek WRC Outfall 001) is located at Latitude 29.275560° N, Longitude 98.428978° W on the San Antonio River.

SAWS seeks to divert the discharged groundwater-based return flows from a reach on the Guadalupe River, Guadalupe River Basin, at a maximum combined diversion rate of 161,878 gpm (360.53 cfs), with the proposed upstream point of the reach being at Latitude 28.478113° N, Longitude 96.862426° W and the downstream point being at Latitude 28.447159° N and Longitude 96.785611° W in Calhoun County, ZIP code 77979.

Portions of the 260,991 acre-feet of groundwater-based return flows per year requested in the application were previously authorized under Certificate of Adjudication Nos. 19-4768 and 19-2162 and Water Use Permit No. 5705.

SAWS requests to account for and use those groundwater-based return flows, under Water Use Permit No. 13098, when those portions of the previously authorized return flows are not being diverted under those authorizations.

SAWS has provided and the Executive Director has approved the *San Antonio Water System Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application No. 13098*.

The application and partial fees were received on December 30, 2013. Additional information and fees were received on July 8 and August 8, 2014, February 29 and March 29, 2016. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 9, 2016. Additional information was received on March 17 and March 24, 2021.

The Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions, including, but not limited to, maintaining an accounting plan and maintaining a measuring device. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at:

www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice.

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 _____. 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 _____. The Executive Director may approve the application unless a written request for a contested case hearing is filed by _____.

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 WRPERM 13098 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 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



WATER USE PERMIT

PERMIT NO. 13098

TYPE: § 11.042

Permittee:	San Antonio Water System	Address:	2800 U.S. Highway 281 San Antonio, Texas 78212
Filed:	May 9, 2016	Granted:	
Purpose:	Municipal, Agricultural, Industrial, Mining & Instream	Counties:	Bexar, Calhoun, Goliad, Karnes, Refugio, Victoria, & Wilson
Watercourse:	Medina River, Salado Creek, Comanche Creek, Leon Creek, Medio Creek, tributaries of the San Antonio, the San Antonio River & the Guadalupe River	Watersheds:	San Antonio & Guadalupe River Basins

WHEREAS, San Antonio Water System (SAWS), seeks authorization to use the bed and banks of the Medina River, Salado Creek, Comanche Creek, Leon Creek, Medio Creek, and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin, to convey 260,991 acre-feet of groundwater-based return flows per year for subsequent diversion from a reach on the Guadalupe River, for municipal, agricultural, industrial, mining, and instream purposes of use in Bexar, Calhoun, Goliad, Karnes, Refugio, Victoria, Wilson counties; and

WHEREAS, SAWS owns and operates four wastewater treatment plants:

- A. Dos Rios Water Recycling Center (WRC), authorized under Texas Pollution Discharge Elimination System (TPDES) Permit No. WQ0010137033 with a total discharge of 140,017 acre-feet per year; and
- B. Leon Creek WRC, authorized under TPDES Permit No. WQ0010137003 with a total discharge of 51,526 acre-feet per year; and
- C. Medio Creek WRC, authorized under TPDES Permit No. WQ0010137040 with a total discharge of 17,922 acre-feet per year; and
- D. Salado Creek WRC, authorized under TPDES Permit No. WQ0010137008 with a total discharge of 51,526 acre-feet per year; and

WHEREAS, the return flows are discharged at the following points, located in Bexar County within the San Antonio River Basin; and

WHEREAS, Discharge Point No. 1 (Dos Rios WRC Outfall 001) is located at Latitude 29.235827° N, Longitude 98.416244° W on the Medina River; and

WHEREAS, Discharge Point No. 2 (Dos Rios WRC Outfall 002) is located at Latitude 29.461615° N, Longitude 98.468752° W on the San Antonio River; and

WHEREAS, Discharge Point No. 3 (Dos Rios WRC Outfall 003) is located at Latitude 29.446454° N, Longitude 98.480740° W on the San Antonio River; and

WHEREAS, Discharge Point No. 4 (Dos Rios WRC Outfall 004) is located at Latitude 29.484730° N, Longitude 98.416819° W on Salado Creek; and

WHEREAS, Discharge Point No. 5 (Dos Rios WRC Outfall 005) is located at Latitude 29.420978° N, Longitude 98.485352° W on the San Antonio River; and

WHEREAS, Discharge Point No. 6 (Dos Rios WRC Outfall 006) is located at Latitude 29.275560° N, Longitude 98.428978° W on the San Antonio River; and

WHEREAS, Discharge Point No. 7 (Leon Creek WRC Outfall 001) is located at Latitude 29.275319° N, Longitude 98.513008° W on Comanche Creek; and

WHEREAS, Discharge Point No. 8 (Medio Creek WRC Outfall 001) is located at Latitude 29.398847° N, Longitude 98.668031° W on Medio Creek; and

WHEREAS, Discharge Point No. 9 (Salado Creek WRC Outfall 001) is located at Latitude 29.275560° N, Longitude 98.428978° W on the San Antonio River; and

WHEREAS, SAWS seeks to divert the discharged groundwater-based return flows from a reach on the Guadalupe River, Guadalupe River Basin, at a maximum combined diversion rate of 161,878 gpm (360.53 cfs), with the proposed upstream point of the reach being at Latitude 28.478113° N, Longitude 96.862426° W and the downstream point being at Latitude 28.447159° N and Longitude 96.785611° W in Calhoun County; and

WHEREAS, portions of the 260,991 acre-feet of groundwater-based return flows per year requested in the application were previously authorized under Certificate of Adjudication Nos. 19-4768 and 19-2162 and Water Use Permit No. 5705; and

WHEREAS, SAWS requests to account for and use those groundwater-based return flows under Water Use Permit No. 13098 when those portions of the previously authorized return flows are not being diverted under those authorizations; and

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

WHEREAS, this permit, if granted, is subject to requirements and orders of the South Texas Watermaster; and

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

WHEREAS, SAWS has provided and the Executive Director has approved the *San Antonio Water System Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application No. 13098*; and

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

NOW, THEREFORE, this permit, designated Water Use Permit No. 13098, is issued to San Antonio Water System, Permittee, subject to the following terms and conditions:

1. USE

Permittee is authorized use of the bed and banks of the Medina River, Salado Creek, Comanche Creek, Leon Creek, Medio Creek, and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin, to convey 260,991 acre-feet of groundwater-based return flows per year, for subsequent diversion and use for municipal, agricultural, industrial, mining, and instream purposes in Bexar, Calhoun, Goliad, Karnes, Refugio, Victoria, Wilson counties.

2. DISCHARGE

The TPDES permits authorize Permittee to discharge groundwater-based return flows at the following locations in Bexar County, within the San Antonio River Basin:

- A. Discharge Point No. 1 (Dos Rios WRC Outfall 001) is located at Latitude 29.235827° N, Longitude 98.416244° W on the Medina River; and
- B. Discharge Point No. 2 (Dos Rios WRC Outfall 002) is located at Latitude 29.461615° N, Longitude 98.468752° W on the San Antonio River; and
- C. Discharge Point No. 3 (Dos Rios WRC Outfall 003) is located at Latitude 29.446454° N, Longitude 98.480740° W on the San Antonio River; and
- D. Discharge Point No. 4 (Dos Rios WRC Outfall 004) is located at Latitude 29.484730° N, Longitude 98.416819° W on Salado Creek; and
- E. Discharge Point No. 5 (Dos Rios WRC Outfall 005) is located at Latitude 29.420978° N, Longitude 98.485352° W on the San Antonio River; and

- F. Discharge Point No. 6 (Dos Rios WRC Outfall 006) is located at Latitude 29.275560° N, Longitude 98.428978° W on the San Antonio River; and
- G. Discharge Point No. 7 (Leon Creek WRC Outfall 001) is located at Latitude 29.275319° N, Longitude 98.513008° W on Comanche Creek; and
- H. Discharge Point No. 8 (Medio Creek WRC Outfall 001) is located at Latitude 29.398847° N, Longitude 98.668031° W on Medio Creek; and
- I. Discharge Point No. 9 (Salado Creek WRC Outfall 001) is located at Latitude 29.275560° N, Longitude 98.428978° W on the San Antonio River.

3. DIVERSION

- A. Permittee is authorized to divert its groundwater-based return flows from a reach on the Guadalupe River, Guadalupe River Basin, with the upstream point being at Latitude 28.478113° N, Longitude 96.862426° W and the downstream point being at Latitude 28.447159° N and Longitude 96.785611° W in Calhoun County.
- B. The maximum combined diversion rate is 161,878 gpm (360.53 cfs).

4. TIME PRIORITY

The groundwater-based return flows authorized to be conveyed via the bed and banks of a State watercourse in this permit do not have a priority date and are not subject to priority calls from senior water rights.

5. SPECIAL CONDITIONS

- A. Permittee shall implement reasonable measures in order to reduce impacts to aquatic resources due to entrainment or impingement. Such measures shall include, but shall not be limited to, the installation of screens at the diversion structure.
- B. The diversions authorized by this permit are dependent upon potentially interruptible return flows or discharges and are conditioned on the availability of those discharges. The right to divert the discharged return flows is subject to revocation if discharges become permanently unavailable for diversion and may be subject to reduction if the return flows are not available in quantities and qualities sufficient to fully satisfy the permit. Should the discharges become permanently unavailable for diversion, Permittee shall immediately cease diversion under this permit and either apply to amend the permit, or voluntarily forfeit the permit. If Permittee does not amend or forfeit the permit, the TCEQ may begin proceedings to cancel this permit. Permittee shall only divert its return flows that are actually discharged and if there is a permanent reduction in available return flows, Permittee shall immediately seek an amendment to the permit to reflect the reductions.

- C. Permittee shall only divert and use return flows pursuant to Paragraph 1. USE, and Paragraph 3. DIVERSION in accordance with the most recently approved accounting plan (*San Antonio Water System Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application No. 13098*). Permittee shall maintain the plan in electronic format and make the data available to the Executive Director upon request. Any modifications to *San Antonio Water System Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application No. 13098* shall be approved by the Executive Director. Any modification to the accounting plan that changes the permit terms must be in the form of an amendment to the permit. Should Permittee fail to maintain the accounting plan or notify the Executive Director of any modifications to the plan, Permittee shall immediately cease diversion pursuant to Paragraph 3. DIVERSION, and either apply to amend the permit, or voluntarily forfeit the permit. If Permittee fails to amend the accounting plan or forfeit the permit, the Commission may begin proceedings to cancel the permit. Permittee shall immediately notify the Executive Director upon modification of the accounting plan and provide copies of the appropriate documents effectuating such changes.
- D. Permittee shall only divert the actual daily amount of groundwater-based return flows discharged from the four treatment plants less the estimated losses after accounting for travel times between the discharge and diversion points, and less any groundwater-based return flows diverted under Permittee's other authorizations, when those authorizations are being used, as determined in the accounting plan required by Paragraph 5.C.
- E. Prior to reuse of groundwater-based return flows in excess of the amount currently authorized by TPDES Permit Nos. WQ0010137033, WQ0010137003, WQ0010137040, and WQ0010137008, as described in Paragraph 2. DISCHARGE, Permittee shall apply for and be granted the right to reuse those return flows. Permittee shall amend the accounting plan to include future discharges of groundwater-based return flows prior to diverting said return flows.
- F. A change in the location of the diversion point or addition of diversion points shall require an amendment to the permit and additional special conditions could be required.
- G. Permittee shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the points authorized above in Paragraph 3. DIVERSION and maintain measurement records.
- H. Permittee shall allow representatives of the South Texas Watermaster reasonable access to the property to inspect the measuring device and records.
- I. Permittee shall contact the South Texas Watermaster prior to diversion of water authorized by this permit.

This permit is issued subject to all superior water rights in the San Antonio River Basin and Guadalupe River Basin.

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

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

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

For the Commission

Date Issued:

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Sarah Henderson, Project Manager Date: March 24, 2021
Water Rights Permitting Team

Through: Jason Godeaux, Team Leader
Resource Protection Team

From:  Kenneth Coonrod, Aquatic Scientist
Resource Protection Team

Subject:  San Antonio Water System
WRPERM 13098
CN600529069
The Medina River, Medio Creek, Leon Creek, Salado Creek, the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin
Bexar, Wilson, Karnes, Goliad, Victoria, Refugio and Calhoun 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

San Antonio Water System (SAWS) requests authorization to use the bed and banks of the Medina River, Salado Creek, Comanche Creek, Lower Leon Creek, Medio Creek, and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin, to convey 260,991 acre-feet per year of groundwater-based return flows, for subsequent diversion from a reach on the Guadalupe River, for municipal, agricultural, industrial, mining, and instream purposes of use in Bexar, Wilson, Karnes, Goliad, Victoria, Refugio, and Calhoun counties.

SAWS owns and operates four wastewater treatment plants, Dos Rios Water Recycling Center (WRC), authorized under Texas Pollution Discharge Elimination System (TPDES) Permit No. WQ0010137033 with a total discharge of 140,017 acre-feet per year; Leon Creek WRC, authorized under TPDES Permit No. WQ0010137003 with a total discharge of 51,526 acre-feet per year; Medio Creek WRC, authorized under TPDES Permit No. WQ0010137040 with a total discharge of

17,922 acre-feet per year; and Salado Creek WRC, authorized under TPDES Permit No. WQ0010137008 with a total discharge of 51,526 acre-feet per year.

Portions of the 260,991 acre-feet of return flows per year requested in the application were previously authorized under Certificate of Adjudication Nos. 19-4768 and 19-2162 and Water Use Permit No. 5705. When those portions of the previously authorized return flows are not being diverted under those authorizations, SAWS requests to account for and use those return flows under Water Use Permit No. 13098.

ENVIRONMENTAL ANALYSIS

Aquatic and Riparian Habitats: SAWS' proposed project location includes portions of the Medina River, Medio Creek, Leon Creek, Salado Creek, the San Antonio River, and the Guadalupe River, all perennial water bodies, which traverse the Southern Post Oak Savannah ecoregion, the Northern Humid Gulf Coastal Prairies ecoregion, the Southern Subhumid Gulf Coastal Prairies ecoregion, the Floodplains and Low Terraces ecoregion, and the Mid-coast Barrier Islands and Coastal Marshes ecoregion (Griffith et al. 2007).

The checklist for the Guadalupe and San Antonio River Basins identified 78 species of fish occurring within the Lower Guadalupe (United States Geological Survey [USGS] code 12100204), Upper San Antonio (USGS code 12100301), and Lower San Antonio (USGS code 12100303) hydrologic units (Hendrickson and Cohen 2015). The Guadalupe bass (*Micropterus treculii*), the Guadalupe darter (*Percina apristis*), Cagle's map turtle (*Graptemys caglei*), and the false spike (*Fusconaia mitchelli*), high-interest aquatic species; and a caddisfly (*Nectopsyche texana*), two mayflies (*Tortopus circumfluus*) and (*Tricorythodes curvatus*), the black-spotted newt (*Notophthalmus meridionalis*), the interior least tern (*Sternula antillarum athalassos*), the reddish egret (*Egretta rufescens*), the black rail (*Laterallus jamaicensis*), the Rufa red knot (*Calidris canutus rufa*), the tropical parula (*Setophaga pitiayumi*), the Texas diamondback terrapin (*Malaclemys terrapin littoralis*), and the white-nosed coati (*Nasua narica*), high-interest, aquatic-dependent species, are known to occur in Bexar, Wilson, Karnes, Goliad, Victoria, Refugio, and Calhoun counties (TPWD 2015). SAWS' request for the use of bed and banks to convey groundwater-based return flows is not expected to have an effect on any high-interest aquatic or aquatic-dependent species, because no additional state water is being requested.

The TCEQ regulates bed and banks authorizations to convey groundwater- and surface water-based return flows under the authority of TWC § 11.042. That provision allows the commission to place special conditions in the authorization to "maintain instream uses and freshwater inflows to bays and estuaries." On August 8, 2012, the TCEQ adopted environmental flow standards for the Guadalupe, San Antonio, Mission, and Aransas Rivers, and Mission, Copano, Aransas, and San Antonio Bays (Title 30 Texas Administrative Code (TAC) Chapter 298 Subchapter

E). These environmental flow standards are considered adequate to support a sound ecological environment (Title 30 TAC § 298.360). This review is conducted in accordance with §§ 11.042 and 11.147(e-3) of the TWC and Title 30 TAC Chapter 298 Subchapter E (Guadalupe, San Antonio, Mission, and Aransas Rivers and Mission, Copano, Aransas, and San Antonio Bays). In Title 30 TAC § 298.360, environmental flow standards were established at USGS Gage No. 08188570 – San Antonio River near McFaddin, TX. SAWS' proposed diversion reach is located in the tidally-influenced portion of the Guadalupe River downstream of the most-downstream measurement point in the adopted rules. SAWS is proposing to discharge groundwater-based return flows into tributaries of the San Antonio River and the San Antonio River at points over 150 miles upstream of the requested diversion reach in Calhoun County. Introduction of additional water into the riverine ecosystem should not have an effect on environmental quality; however, the ecosystem will likely adjust to the increased flow over time. In the future, should SAWS propose to amend this permit to add a diversion point(s) upstream of the tidally-influenced portion of the Guadalupe River, environmental flow restrictions will be necessary to protect aquatic resources downstream of that diversion point(s).

Recreational Uses: Guadalupe River Tidal (Segment 1801), Guadalupe River Below San Antonio River (Segment 1802), Lower San Antonio River (Segment 1901), Medina River Below Medina Diversion Lake (Segment 1903), Lower Leon Creek (Segment 1906), Salado Creek (Segment 1910), Upper San Antonio River (Segment 1911), and Medio Creek (Segment 1912) have designated primary contact recreation 1 uses, and Upper Medio Creek (Assessment Unit 1912A) has a presumed primary contact recreation 1 use (TCEQ 2018). SAWS' request should not adversely impact recreational uses.

Water Quality: Guadalupe River Tidal (Segment 1801) has a designated exceptional aquatic life use and Guadalupe River Below San Antonio River (Segment 1802) and Lower Leon Creek (Segment 1906) have a designated high aquatic life and public water supply use (TCEQ 2018). Lower San Antonio River (Segment 1901) and Upper San Antonio River (Segment 1911) have a designated high aquatic life use, and Upper Medio Creek (Assessment Unit 1912A) has a presumed high aquatic life use (TCEQ 2018). Medina River Below Medina Diversion Lake (Segment 1903) has a designated high aquatic life and aquifer protection use, Salado Creek (Segment 1910) has a designated high aquatic life, public water supply, and aquifer protection use, and Medio Creek (Segment 1912) has a designated intermediate aquatic life use (TCEQ 2018).

Segments 1801, 1802, 1901, and 1911, and Assessment Units (AU) 1903_01, 1903_02, 1903_03, 1912_01, and 1912A_01 are identified in the *Texas Integrated Report* with a concern for screening levels for nitrate in water; Segment 1901 and AUs 1903_01, 1903_02, 1911_01, 1911_02, 1911_03, 1911_04, 1911_05, 1911_09, 1912_01, and 1912A_01 are also identified with a concern for screening levels for total phosphorus in water; and AUs 1901_01, 1901_06, and 1911_06 are

listed with a concern for screening levels for chlorophyll-*a* in water (TCEQ 2020). AUs 1903_01, 1903_02, 1903_03, and 1912_01 are listed as non-supporting for bacteria in water, and Segment 1801 and AUs 1901_01, and 1911_06 are listed with a use concern for bacteria in water (TCEQ 2020). AUs 1901_02, 1910_02, 1911_08, and 1911_09 are listed as non-supporting for impaired fish community in water; AU 1901_05 is listed with a use concern for impaired fish community in water; AUs 1901_02, 1911_05, and 1911_07 are listed with a concern for screening levels for impaired habitat in water; and AUs 1910_02 and 1911_08 are listed as non-supporting for impaired macrobenthic community in water (TCEQ 2020). AUs 1910_02, 1910_03, and 1910_04 have a concern for screening levels for depressed dissolved oxygen in water (TCEQ 2020). SAWS' 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, SAWS' request should not have any impact to the Guadalupe Bay.

RECOMMENDATIONS

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

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

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 2021 Feb 23]; Version 2.0. Available from <http://doi.org/10.17603/C3WC70>
TCEQ. 2020. Texas Integrated Report of Surface Water Quality §§307.1-307.10. Austin (TX): Texas Commission on Environmental Quality.

TCEQ. 2018. Texas Surface Water Quality Standards §§307.1-307.10. Austin (TX): Texas Commission on Environmental Quality.

TCEQ. 2020. Texas Integrated Report of Surface Water Quality. Austin (TX): Texas Commission on Environmental Quality.

San Antonio Water System, 13098

The Medina River, Medio Creek, Leon Creek, Salado Creek, and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin

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TPWD. 2015. Rare, Threatened, and Endangered Species of Texas by County [Internet]. Austin (TX): Calhoun County, revised March 5, 2021. [cited 2021 Feb, 23]. Available from <http://tpwd.texas.gov/gis/rtest/>.

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Sarah Henderson, Project Manager
Water Rights Permitting Team

Date: March 24, 2021

Through: Jason Godeaux, Team Leader
Resource Protection Team



Kristin Wang, Senior Water Conservation Specialist
Resource Protection Team

From: Jennifer Allis, Senior Water Conservation Specialist
Resource Protection Team



Subject: San Antonio Water System
WRPERM 13098
CN600529069
The Medina River, Medio Creek, Leon Creek, Salado Creek, the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin
Bexar, Wilson, Karnes, Goliad, Victoria, Refugio and Calhoun counties

APPLICATION SUMMARY

San Antonio Water System (SAWS) requests authorization to use the bed and banks of the Medina River, Salado Creek, Comanche Creek, Lower Leon Creek, Medio Creek, and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin, to convey 260,991 acre-feet per year of groundwater-based return flows, for subsequent diversion from a reach on the Guadalupe River, for municipal, agricultural, industrial, mining, and instream purposes of use in Bexar, Wilson, Karnes, Goliad, Victoria, Refugio, and Calhoun counties.

SAWS owns and operates four wastewater treatment plants, Dos Rios Water Recycling Center (WRC), authorized under Texas Pollution Discharge Elimination System (TPDES) Permit No. WQ0010137033 with a total discharge of 140,017 acre-feet per year; Leon Creek WRC, authorized under TPDES Permit No. WQ0010137003 with a total discharge of 51,526 acre-feet per year; Medio Creek WRC, authorized under TPDES Permit No. WQ0010137040 with a total discharge of 17,922 acre-feet per year; and Salado Creek WRC, authorized under TPDES Permit No. WQ0010137008 with a total discharge of 51,526 acre-feet per year.

Portions of the 260,991 acre-feet of return flows per year requested in the application were previously authorized under Certificate of Adjudication Nos. 19-4768 and 19-2162 and Water Use Permit No. 5705. When those portions of the previously authorized return flows are not being diverted under those authorizations, SAWS requests to account for and use those return flows under Water Use Permit No. 13098.

WATER CONSERVATION REVIEW

Pursuant to Title 30 Texas Administrative Code § 295.9, a water conservation plan is not required to be submitted for this application for only groundwater-based return flows.

The application is consistent with the 2021 Region L Water Plan and the 2017 State Water Plan because there is nothing in the water plans that conflicts with issuing this permit.

RECOMMENDATIONS

Resource Protection Staff have no recommendations regarding the proposed permit, if granted.

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Sarah Henderson, Project Manager
Water Rights Permitting Team

Date: March 24, 2021

From: Kathy Alexander, Ph.D.
Technical Specialist
Water Availability Division

Subject: San Antonio Water System
WRPERM 13098
CN600529069
Multiple tributaries of the San Antonio River, San Antonio River and Guadalupe River
San Antonio and Guadalupe River Basins
Bexar, Wilson, Karnes, Goliad, Victoria, Refugio, and Calhoun Counties

HYDROLOGY REVIEW

Application Summary

San Antonio Water System (SAWS) requests authorization to use the bed and banks of the Medina River, Salado Creek, Comanche Creek, Leon Creek, Medio Creek, and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin, to convey 260,991 acre-feet per year of groundwater-based return flows, for subsequent diversion from a reach on the Guadalupe River, for municipal, agricultural, industrial, mining, and instream purposes of use in Bexar, Wilson, Karnes, Goliad, Victoria, Refugio, and Calhoun counties.

SAWS owns and operates four wastewater treatment plants, Dos Rios Water Recycling Center (WRC), authorized under Texas Pollution Discharge Elimination System (TPDES) Permit No. WQ0010137033 with a total discharge of 140,017 acre-feet per year; Leon Creek WRC, authorized under TPDES Permit No. WQ0010137003 with a total discharge of 51,526 acre-feet per year; Medio Creek WRC, authorized under TPDES Permit No. WQ0010137040 with a total discharge of 17,922 acre-feet per year; and Salado Creek WRC, authorized under TPDES Permit No. WQ0010137008 with a total discharge of 51,526 acre-feet per year.

Portions of the 260,991 acre-feet of return flows per year requested in the application were previously authorized under Certificate of Adjudication Nos. 19-4768 and 19-2162 and Water Use Permit No. 5705. When those portions of the previously authorized return flows are not being diverted under those authorizations, SAWS requests to account for and use those return flows under Water Use Permit No. 13098.

SAWS submitted an accounting plan (*San Antonio Water System Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application No. 13098*) on March 17, 2021 and minor non-substantive revisions to the text file on March 24, 2021.

The application was declared administratively complete on May 9, 2016.

Water Availability Review and No Injury Analysis

Resource Protection staff did not recommend instream flow requirements for the application although they did recommend that a special condition be included in the permit. See Resource Protection staff's March 24, 2021 memorandum.

Regarding the request to use the bed and banks of the Medina River, Salado Creek, Comanche Creek, Leon Creek, Medio Creek, and the San Antonio River, San Antonio River Basin and the Guadalupe River, Guadalupe River Basin to convey groundwater-based return flows, the application included the information required in 30 TAC 295.112.

Staff reviewed SAWS request to reuse its groundwater-based return flows by evaluating whether diversion and use of these return flows would affect water rights that were granted based on the use and availability of those return flows.

First, staff reviewed water rights in the San Antonio and Guadalupe River Basins to determine whether any existing water rights were explicitly granted based on SAWS return flows and determined that, based on available commission records, there were water rights that were explicitly granted based on these return flows. These water rights are either owned by SAWS or are based on contracts with SAWS.

Next, in order to evaluate whether SAWS reuse of its groundwater based return flows would affect other water rights that may have been granted based on the use or availability of the return flows, staff used the Full Authorization Simulation of the San Antonio and Guadalupe WAM in which all water rights use their authorized amounts and return flows are not included. The period of record for the San Antonio and Guadalupe WAM is 1934 through 1989.

Staff modified the San Antonio and Guadalupe WAM to include the historically discharged groundwater-based return flows from SAWS' wastewater treatment plants (WWTP). SAWS submitted five years of historical discharge data for 2008 through 2012. Staff also obtained WWTP discharge information for the period from January 2016 through December 2020. Staff calculated the minimum monthly discharge for each month from both datasets. Discharges from the WWTPs vary seasonally and between individual years and between the two five-year time periods. For example, for some of the WWTPs, there were individual months with a zero value. Staff compared the earlier data to the more recent data and used the greater of the monthly values from the two datasets, and further adjusted the monthly values to remove inconsistent or zero values. Staff's opinion is that using the higher values would be a better indicator of whether the application has the potential to affect existing water rights.

Staff added SAWS' return flows to the WAM and calculated the volume reliabilities of all water rights in the San Antonio River Basin and all water rights below the confluence of the San Antonio River and the Guadalupe River. Volume reliability is defined as the percentage of the total target demand for each water right that is actually supplied. Next, staff performed a simulation using this modified version of the WAM dataset and included diversion of SAWS' groundwater-based return flows, assuming that those diversions had the most senior priority date in the basin. Staff then compared results for the two simulations.

Staff reviewed the change in volume reliabilities and found that although 158 water rights were negatively impacted by the application, the average impact was less than 1% if all discharged return flows were diverted. Staff notes that, as described in the application summary above, some of the return flows would continue to be diverted under SAWS other authorizations and would not be available for use by downstream water rights, including Application 13098, if a permit is granted for the application.

Under Texas Water Code (TWC) §11.042(b) a permit authorizing conveyance of groundwater-based return flows may be subject to special conditions to protect the environment and other water rights. If SAWS adds upstream diversion points in the future, any permit granted would need to be amended to add those upstream diversion points. As noted by Resource Protection staff, if SAWS adds upstream diversion points in the future, an environmental review would need to be conducted to determine whether additional special conditions would be needed to protect the environment. Effects on other water rights would also need to be evaluated at the time of that amendment application.

SAWS submitted an accounting plan that tracks the volume of discharged return flows, losses, the volume of discharged return flows diverted under SAWS' other water rights and contracts, and the volume of return flows available at the diversion reach. Staff reviewed the accounting plan and found it adequate. Staff's opinion is that any possible impacts on existing water rights, should those impacts be determined to exist, would be mitigated by the accounting plan.

Finally, the application is subject to the requirements and orders of the South Texas Watermaster. The Watermaster actively manages water rights on a daily basis in accordance with the prior appropriation doctrine and protects senior water rights in times of shortage. Therefore, existing water rights should not be affected by the application.

Conclusion

TWC 11.042(b) specifically allows for the use of a state watercourse for the conveyance of groundwater-based return flows. SAWS' groundwater-based return flows would not be considered to be part of the natural flow of tributaries of the San Antonio River, the San Antonio River, and the Guadalupe River. Pursuant to TWC 11.042(b), the only limitations on the amount of groundwater-based return flows SAWS could reuse are for losses, environmental interests and protection of any water rights that were granted based on the use or availability of those return flows. Therefore, staff can support granting SAWS request to reuse its groundwater-based return flows.

Regarding reuse of return flows that may be discharged in the future as a result of authorized increases in discharges from the WWTPs, SAWS can apply to reuse those return flows when the increased discharges are authorized under a TPDES permit.

Staff recommends that the following special conditions be included in the permit:

1. The diversions authorized by this permit are dependent upon potentially interruptible return flows or discharges and are conditioned on the availability of those discharges. The right to divert the discharged return flows is subject to revocation if discharges become permanently unavailable for diversion and may be subject to reduction if the return flows are not available in quantities and qualities sufficient to fully satisfy the permit. Should the discharges become permanently unavailable for diversion, Permittee shall immediately cease diversion under this permit and either apply to amend the permit, or voluntarily forfeit the permit. If Permittee does not amend or forfeit the permit, the TCEQ may begin proceedings to cancel this permit. Permittee shall only divert its return flows that are actually discharged and if there is a permanent reduction in available return flows, Permittee shall immediately seek an amendment to the permit to reflect the reductions.
2. Permittee shall only divert and use return flows pursuant to Paragraph 1. USE, and Paragraph 3. DIVERSION in accordance with the most recently approved accounting plan (*San Antonio Water System Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application No. 13098*). Permittee shall maintain the plan in electronic format and make the data available to the Executive Director upon request. Any modifications to *San Antonio Water System Groundwater Based Effluent Water Balance Accounting Plan Water Use Permit Application No. 13098* shall be approved by the Executive Director. Any modification to the accounting plan that changes the permit terms must be in the form of an amendment to the permit. Should Permittee fail to maintain the accounting plan or notify the Executive Director of any modifications to the plan, Permittee shall immediately cease diversion pursuant to Paragraph 3. DIVERSION, and either apply to amend the permit, or voluntarily forfeit the permit. If Permittee fails to amend the accounting plan or forfeit the permit, the Commission may begin proceedings to cancel the permit. Permittee shall immediately notify the Executive Director upon modification of the accounting plan and provide copies of the appropriate documents effectuating such changes.
3. Permittee shall only divert the actual daily amount of groundwater-based return flows discharged from the four treatment plants less the estimated losses after accounting for travel times between the discharge and diversion points, and less any groundwater-based return flows diverted under permittee's other authorizations when those authorizations are being used as determined in the accounting plan required by Special Condition 2.
4. Prior to reuse of groundwater-based return flows in excess of the amount currently authorized by TPDES Permit Nos. WQ0010137033, WQ0010137003,

WQ0010137040, and WQ0010137008, as described in Paragraph 2. DISCHARGE, Permittee shall apply for and be granted the right to reuse those return flows. Permittee shall amend the accounting plan to include future discharges of groundwater-based return flows prior to diverting said return flows.

5. A change in the location of the diversion point or addition of diversion points shall require an amendment to the permit and additional special conditions could be required.

San Antonio Water System WRPERM No. 13098

March 17, 2021

Revised March 24, 2021

San Antonio Water System Groundwater Based Effluent Water Balance
Accounting Plan

with text file available upon request

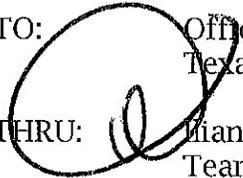
Contact

Mr. Chris Kozlowski

(512) 239-1801

TCEQ Interoffice Memorandum

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

THRU:  Miana Delgado
Team Leader

FROM: Chris Kozlowski, Project Manager
Water Rights Permitting Team

DATE: May 9, 2016

SUBJECT: San Antonio Water System
WRPERM 13098
CN600529069, RN107107526
Application No. 13098 for a Water Use Permit
Texas Water Code § 11.042, Requiring Limited Mailed Notice
Multiple Watercourses, San Antonio River and Guadalupe River Basins
Calhoun County

The application and partial fees were received on December 30, 2013. Additional information and fees were received on July 8, 2014, August 8, 2014, February 29, 2016, and March 29, 2016. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 9, 2016. Mailed notice to the downstream water right holders of record in the San Antonio and Guadalupe River Basins is required pursuant to Title 30 Texas Administrative Code §295.161(a).

San Antonio Water System (SAWS) seeks a water use permit to authorize use of the bed and banks of multiple tributaries of the San Antonio River and the San Antonio River, San Antonio River Basin, and the Guadalupe River, Guadalupe River Basin, to convey its groundwater-based return flows down the bed and banks of the San Antonio River and Guadalupe River for subsequent diversion within a diversion reach in Calhoun County for municipal, agricultural, industrial, mining, instream, navigation, game preserves, recreation, public parks, and hydroelectric power uses in Bexar, Wilson, Karnes, Goliad, Victoria, Refugio, and Calhoun Counties.

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



Chris Kozlowski, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

OCC Mailed Notice Required YES

NO

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 9, 2016

Mr. Jim Mathews
Mathews & Freeland, LLP
8140 N. Mopac, Bldg. 2 Suite 260
Austin, Texas 78759-8942

RE: San Antonio Water Systems
WRPERM 13098
CN600529069, RN107107526
Application No. 13098 for a Water Use Permit
Texas Water Code § 11.042, Requiring Limited Mailed Notice
Multiple Watercourses, San Antonio River and Guadalupe River Basins
Calhoun County

Dear Mr. Mathews:

This acknowledges the receipt, on February 29 and March 29, 2016, of additional information.

The application was declared administratively complete and filed with the Office of the Chief Clerk on May 9, 2016. 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 chris.kozlowski@tceq.texas.gov or by telephone at (512) 239-1801.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Kozlowski".

Chris Kozlowski, Project Manager
Water Rights Permitting Team
Water Rights Permitting and Availability Section

cc: Mr. Doug Caroom
Ms. Molly Cagle

MATHEWS & FREELAND, L.L.P.

ATTORNEYS AT LAW

JIM MATHEWS
JOE FREELAND

Westpark II, Suite 260
8140 North MoPac Expressway
AUSTIN, TEXAS 78759

(512) 404-7800
FAX: (512) 703-2785

February 29, 2016

Via US Mail and email

Mr. Michael Gill
Water Rights Permitting Team,
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

**Re: San Antonio Water System
WRPERM 13098
CN600529069, RN 107107526
Application No. 13098 for a Bed and Banks Authorization
Texas Water Code §11.042(b)**

Dear Mr. Gill:

Thank you for your letter dated January 25, 2016. We note that your letter was in response to SAWS prior submittal dated August 8, 2014 rather than August 8, 2015 as stated in your letter. SAWS welcomes the opportunity to provide TCEQ staff the additional information requested in an effort to expedite your determination that its December 30, 2013 application for a Water Code §11.042(b) bed and banks authorization allowing SAWS to reuse its privately owned groundwater based return flows is administratively complete. Provided below is a restatement of your requests, followed by SAWS' responses.

- 1. Request: Explain how SAWS will divert and reuse water for navigation, recreation, hydropower, fisheries, game preserves, stock raising, park purposes, aesthetics, water quality protection, and aquatic and riparian wildlife habitat.**

SAWS' Response: SAWS' planning concerning reuse of its privately owned groundwater based return flows requested in its application is and will necessarily remain at a conceptual level until it receives the requested authorization and can fully assess its scope and terms. One of SAWS' plans is to divert its groundwater based return flows from the Guadalupe River into a boat canal for navigation use. These return flows would

flow through the boat canal into Long Lake and thence through various bayous and estuaries into Guadalupe and San Antonio Bays. SAWS' groundwater based return flows would be used for navigation, but would also serve as a supply for recreation, fisheries, game preserves, stock raising, aesthetics, water quality protection and aquatic and wildlife habitat. Depending on the quantity of groundwater based return flows SAWS is authorized to reuse, it may be feasible to develop a project for hydropower purposes. SAWS also notes that its groundwater based return flows will provide an additional benefit by supplying a source of water for instream uses from its points of discharge to its points of diversion.

SAWS anticipates that a pump station will be required at the point of diversion to transfer SAWS' groundwater based return flows to the boat canal. Through this response SAWS amends its December 30, 2013 request for a single diversion point location. As amended, SAWS requests permission to divert from the Guadalupe River in a reach beginning at the point identified in SAWS' December 30, 2013 application and extending downstream a distance of approximately 7.38 miles to Guadalupe Bay. This downstream end of the reach is at Latitude 28.447519 and Longitude 96.785611.¹ For your convenience a cd and 7 copies of a map showing the location of this reach are attached.

- 2. Request: Clarify the amount of water that will be used for instream flows and freshwater inflows and explain how water will be diverted to support these uses. SAWS' application states "It is unnecessary to restrict the amount of water SAWS may reuse to protect instream uses and inflows to bays and estuaries because SAWS' groundwater discharges to the San Antonio River supplement existing surface flows and will be conveyed from the points of discharge through the San Antonio River to the point of diversion near the mouth of the Guadalupe River at San Antonio Bay."**

SAWS' Response: SAWS anticipates that initially it will divert and reuse most, if not all, of its privately owned groundwater based return flows authorized by its requested §11.042(b) authorization for navigation use as described in response to Request 1 above pending completion of planning and development of additional projects that will allow full utilization of SAWS' current and future groundwater based return flows for the other uses requested in its application. As noted in SAWS' response to Request 1, its groundwater based return flows diverted for navigation use will also serve as a source of supply for other beneficial uses that fall within TCEQ's definition of "instream use". The amount that SAWS will divert will depend on the scope of the authorization granted which will be determined through the application process.

- 3. Revise the specific volumes of groundwater-based return flows SAWS is requesting to reuse. SAWS proposes that concerns related to "double permitting" be addressed through an accounting plan. Staff would be unable to recommend granting a reuse authorization for return flows that are already authorized for reuse under SAWS' existing reuse permits and cannot address this as an accounting plan issue. SAWS would need to provide the maximum volumes of groundwater-based**

¹ These coordinates were determined using ESRI ArcGIS 10.0 using GCS NAD 1983.

return flows that are not currently permitted and that are requested in the application.

Staff recognizes that some of the discharged return flows authorized for reuse in other permits could be contracted to users that are not using the full amount of their contracts. Staff could consider an authorization allowing SAWS to reuse already permitted but unused return flows: however, SAWS would need to amend its application to provide specific amounts from specific permits that may be available for SAWS' use.

SAWS' Response: Solely for purposes of expediting the processing of, and obtaining an administrative completeness determination for, its December 30, 2013 bed and banks application, SAWS is willing to revise the volumes of groundwater based return flows for which it is requesting reuse authorization. These revisions are described in SAWS' response to Requests 3.a and 3.b below. However, as a preliminary matter, SAWS believes it important to clarify its position on staff's concern that SAWS' application inappropriately seeks to "double permit" its return flows and that an accounting plan cannot be used to address return flows covered by two authorizations held by SAWS.

Staff has referred to the term "double permit" in both its initial July 8, 2014 RFI and in its second RFI dated January 25, 2016. No statute or rule defining or explaining this term was cited in either letter. The only description of staff's "double permit" concern offered was the statement in its July 8, 2014 letter: "If reuse of return flows is authorized in an existing permit, those return flows cannot be again authorized in a new permit and addressed by an accounting plan."

Staff's concerns about portions of SAWS application on grounds of "double permitting" is not supported by either law or policy. There is no statutory or regulatory definition of the term "double permitting" or any other provision making that term applicable to SAWS' bed and banks application. The term "double permitting" was used by the Texas Supreme Court in the opinion often referred to as the Stacy Reservoir case- *Lower Colorado River Authority v. Texas Department of Water Resources*, 689 S.W.2d 873 (Tex. 1984). The action reviewed by the Court was the manner in which TDWR performed modeling to determine how much surface water was available for permitting a new surface water appropriation. The central issue was "what constitutes *unappropriated water*" for water rights permitting purposes. *Id.* at 874 (emphasis added). The court specifically held "the legislature meant the prohibition of 'double permitting' water in [Tex. Water Code §11.146(e)] to be applied to define the term 'unappropriated water'". *Id.* at 877.

SAWS does not seek to appropriate state surface water. Instead SAWS merely seeks an authorization expressly granted by state law pursuant Tex. Water Code §11.042(b) to use the beds and banks of state watercourses to convey and subsequently divert and reuse its privately owned groundwater based return flows. Significantly, the TCEQ commissioners previously instructed staff to process an application to reuse groundwater-based return flows solely under section 11.042 (b) of the Water Code and the TCEQ's bed and banks

authorization rules, and not under statutes and rules applicable to state water.² Accordingly the “double permitting” prohibition applicable to new appropriations of state surface water does not apply to SAWS’ application.

From a policy perspective, denying a person who discharges privately owned groundwater based return flows the flexibility to account for those flows, including flows authorized under a separate permit or authorization, through the use of an accounting plan will result in waste of water and deprive the discharger of the ability to fully use his private groundwater resource without adding any meaningful protection to the administration of state surface water rights. Such denial in this case could constitute a physical taking of SAWS’ property and would certainly deprive SAWS of its investment backed expectations.

TCEQ routinely includes language in §11.042(b) authorizations providing that diversion and reuse must be in accordance with an approved daily accounting plan. Subject to the cap imposed based on the TPDES-authorized discharge amounts, such accounting plans constitute, on a daily basis, the limits on the authorization to divert and reuse. Such accounting plans require an applicant for an 11.042(b) reuse authorization to track and account for the groundwater based return flow from its point of discharge to its point of ultimate diversion and reuse. Intervening events or actions that have the potential to affect the authorized diversions are recorded and reflected in the accounting plan. These include adjustments to reduce the discharge by the amount that was not derived from groundwater and thus is not covered by the authorization, channel losses, diversions by existing water right holders that were granted based on the use or availability of the discharged return flows, and other diversions pursuant to the authorization.

There is no rational reason why an accounting plan could not reflect a diversion pursuant to another existing permit held by the discharger and adjust the authorization to divert and reuse under the §11.042(b) authorization by that amount. This would allow the discharger to utilize and account for its return flow under another permit, or forego that use if it was not needed and divert at the diversion point authorized in the §11.042(b) authorization requiring the accounting plan. This would avoid waste of water and allow the discharger to obtain full utilization of its groundwater based return flows.

Request a. Medio Creek Water Recycling Center – SAWS indicates in its August 8, 2014 response that it has an existing amendment application to reuse some of the return flows from this facility. The amount requested for reuse in the pending application for Certificate of Adjudication 19-4768C would need to be deducted from the amount requested in Application 13098.

SAWS’ Response: SAWS’ December 30, 2013 application expressly identified, at Section C.1, its pending application to amend COA 19-4768 to add a reuse authorization for a portion of its groundwater based return flows discharged from SAWS’ Medio Creek

² See December 20, 2006 Interim Order in TCEQ Docket Nos. 2006-1832-WR and 2006-1831-WR Cities of Bryan and College Station applications for bed and banks authorizations.

WRC. SAWS requested that diversions pursuant to that request, if granted, be addressed in an accounting plan. Subject to SAWS' response above to staff's concerns regarding double permitting, SAWS agrees to deduct from its application No. 13098 the 994 acre feet per year of increased diversions from O. R. Mitchell reservoir that would be provided by return flows from the Medio Creek Water Recycling Center as requested in the pending application for amendment of Certificate of Adjudication 19-4768C. SAWS makes this revision subject to its response above to staff concerns on "double permitting" and solely to expedite the processing of its application.

Request b. Dos Rios Water Recycling Center and Salado Creek Water Recycling Center – Explain the relationship between the Salado Creek Water Recycling Center and the Dos Rios Water Recycling Center. Staff's review indicates that although there is an active TPDES permit for the Salado Creek facility, the facility is inactive and the outfall is assigned to the Dos Rios facility. Staff would not be able to consider the discharges from an inactive facility as an amount available for a reuse permit application because the amount is already taken into account in the amount requested from the Dos Rios facility. Should the Salado Creek facility subsequently be reactivated, SAWS can apply to reuse those discharges at that time. In addition, the volume of return flows authorized for reuse under Water Use Permit 5705 (Dos Rios Water Recycling Center) should be deducted from the volume requested for reuse in this application because that water has already been permitted.

SAWS' Response: SAWS appreciates the opportunity to explain the admittedly complex nature of its permits for the Dos Rios and Salado Creek Water Recycling Centers. SAWS has active TPDES permits for both the Dos Rios facility and Salado Creek facilities. SAWS does not currently discharge from the Salado Creek facility, but does currently operate treatment units at that facility including flow equalization basins, fine screens, aerated grit chambers and pre-aeration tanks. Although the Salado Creek facility does not have an active discharge, its permit authorizes SAWS to resume discharge upon providing 45 days' notice. It also authorizes the construction of additional treatment units following submittal of a summary transmittal letter in accordance with the requirements in 30 TAC Section 217.6(c).

Your statement that "Staff would not be able to consider the discharges from an inactive facility as an amount available for a reuse permit application *"because the amount is already taken into account in the amount requested from the Dos Rios facility"* appears to be based on a misunderstanding concerning the relationship between the Dos Rios and Salado Creek permits. The Dos Rios and Salado Creek permits authorize a total discharge amount of 125 mgd and 46 mgd respectively. The discharge of 125 mgd from the Dos Rios facility may be made solely from Outfall 001 or from any combination of discharges from outfalls 001-006 subject to the maximum discharge authorizations provided for Outfalls 002-006. Dos Rios Outfall 006 is at the same location as Salado Creek Outfall 001. Because the discharge from the Salado Creek plant is inactive, SAWS may discharge at that location from the Dos Rios plant through Outfall 006. However, when SAWS resumes discharges from Salado Creek Outfall 001 (up to 46 mgd), which it is

authorized to do, it will retain its authorization to discharge up to 125 mgd from the Dos Rios plant. Accordingly, the 46 mgd authorized through the Salado Creek permit for Outfall 001 has not “already been taken into account in the Dos Rios Permit”. Instead, those amounts are cumulative.

SAWS notes that TCEQ has issued other §11.042(b) authorizations based on TPDES authorized amounts even though discharges were not currently occurring.³ SAWS is merely requesting that its application be processed in a similar manner in order to allow it to receive an authorization that has a cap equal to its TPDES authorization, subject to a special provision that would limit diversions based on an accounting plan that reflects actual discharges.

With respect to your request that SAWS deduct the volume of return flows authorized for reuse under Water Use Permit 5705 on the grounds that these return flows are already covered by an existing permit, SAWS restates its response set out above to staff’s concerns about “double permitting”. SAWS also notes that its December 20, 2013 application expressly identified, at Section C.1, Permit 5705 as a reuse authorization that was based on the use of SAWS’ return flows that would need to be recognized in a special condition/accounting plan. Subject to SAWS’ response above to staff’s “double permitting” concerns and solely for purposes of expediting the processing of its application, SAWS agrees to deduct from its application No. 13098 the 1 cubic feet per second (724 acre feet per year) authorized for diversion and reuse under water permit 5705.

Request c. Provide copies of all SAWS contracts for discharged return flows. Certification of Adjudication 19-2162, owned by the City of San Antonio, authorizes diversion of conveyed return flows. To the extent this conveyance is authorized in that certificate, staff would likely be unable to consider those return flows as part of Application 13098.

Response: Attached please find copies of the following SAWS contracts for discharged return flows:

1. Interjurisdictional Agreement between the City of San Antonio and the San Antonio Water System to Transfer Use and Control of City Wells to the San Antonio Water System and Provide Recycle Water to City Facilities.
2. Wastewater Contract between City Public Service Board and Alamo Conservation and Reuse District.
3. First Amendment to Wastewater Contract Between City Public Service Board and Alamo Conservation and Reuse District.

³ One such example is the bed and banks authorization granted to San Antonio River Authority (SARA) through Water Use Permit 5917. This authorization provided that SARA “is authorized to divert and reuse up to 846 acre feet of *authorized but as yet not discharged* treated groundwater effluent from three (3) treatment plants on Escondido Creek..”

Certificate of Adjudication 19-2162 is issued to the City of San Antonio c/o City Public Service Board. The actual diversion and use of the discharged return flows authorized by that certificate is performed by City Public Service Board of San Antonio (CPS Energy), in connection with its operation of electric generating facilities serving San Antonio and surrounding areas. SAWS' obligation to provide CPS Energy a supply of treated wastewater return flows is set out in Contracts 2 and 3 above.

Section C.1 of SAWS' December 20, 2013 application expressly identified COA 19-2162 as a water right and/or bed and banks authorization that was granted based on the use of SAWS' return flows that may require protection through a special condition. The §11.042(b) authorization issued to the City of Bryan through Water Use Permit 5912 provides a clear precedent for protecting an existing water right that was granted based on the use or availability of a bed and banks applicant's groundwater based return flows. Special condition E from the Bryan authorization provides:

Permittee shall only divert the actual annual amount of groundwater based return flows discharged from the Still Creek outfall less up to 935 acre-feet as authorized in Certificate of adjudication 12-5269 when Certificate of Adjudication 12-5269 is being used.

SAWS requests that similar language be included in its authorization to address Certificate of Adjudication 19-2162 and that SAWS be allowed to address the CPS Energy diversions of SAWS' groundwater based return flows on a daily basis in an accounting plan.

Thank you for the opportunity to respond. We look forward to working with you to obtain the requested authorization.

Sincerely,

A handwritten signature in black ink that reads "Jim Mathews". The signature is written in a cursive style with a large, sweeping initial "J".

Jim Mathews
Mathews & Freeland L.L.P.
State Bar No. 13188700
Attorneys for San Antonio Water Systems

CC: Steve Kosub

INTERJURISDICTIONAL AGREEMENT
BETWEEN THE CITY OF SAN ANTONIO AND
THE SAN ANTONIO WATER SYSTEM
TO
TRANSFER USE AND CONTROL OF CITY WELLS
TO THE SAN ANTONIO WATER SYSTEM
AND
PROVIDE RECYCLED WATER TO CITY FACILITIES

This Agreement is entered into by and between the CITY OF SAN ANTONIO ("CITY"), Texas municipal corporation, acting by and through its City Manager, pursuant to City Ordinance No. 89069 (the "Ordinance") passed and approved on January 14, 1999, and the SAN ANTONIO WATER SYSTEM, a wholly owned municipal water, waste water and water recycling agency of the CITY OF SAN ANTONIO ("SAWS") acting pursuant to Resolution No. 98-335 (the "Resolution"), passed by SAWS' Board of Trustees on November 17, 1998; and,

WHEREAS the CITY and SAWS have been operating under the provisions of the Ordinance and the Resolution, and now wish to memorialize in this Agreement the terms under which they have been and will continue to operate, pursuant to the Ordinance and Resolution; and,

WHEREAS, SAWS is desirous of obtaining from CITY, for SAWS' municipal water purposes, the use, benefit, operation and control of certain permitted water rights and permits and use and control of the associated wells currently permitted with an authorized use of 5,210 acre-feet of water from a total of four (4) wells (the "River Wells") located in San Antonio, Bexar County, Texas as legally described on Attachment "A" attached hereto; and,

WHEREAS, CITY is desirous of obtaining from SAWS, for CITY's general municipal purposes the current supply of approximately 6,624 acre-feet per year of Recycled Water delivered to the San Antonio River and other municipal projects and sites; and,

WHEREAS, the parties wish to exchange the use of properties and rights for their mutual benefit; and,

WHEREAS, it is the intent of the parties hereto that the values of the respective properties exchanged will be based on fair market value, according to the formula agreed to by the parties, and as further set out herein;

NOW, THEREFORE, the parties agree as follows:

2016 SEP 15 AM 2:32

In consideration of the mutual benefits to be derived by the parties, SAWS, immediately upon the Effective Date of this Agreement, shall begin to supply, work towards supplying or continue to supply Recycled Water to the CITY for its use, benefit, operation and control for CITY's purposes as stated in Attachments "B" through "Q."

In exchange for certain water-related infrastructure which has been installed pursuant to the Ordinance and Resolution forming the basis for this Agreement and the past, present, and continued provision of Recycled Water by SAWS, CITY, immediately upon the Effective Date of this Agreement, hereby releases from its control and transfers to SAWS the use, benefit, operation and control of the above-described permitted water rights, currently permitted at 5,210 acre-feet of water relating to the four (4) water wells located on the property described in Attachment "A," along with the use and control of said wells, and all future permits and the right to seek such permits from the proper state authority(ies) limited to these four (4) wells and also subject to the reservation by CITY of 1) the rights to (a) sell, lease, license or otherwise transfer, (b) develop and (c) construct improvements on said portions of the well sites and 2) all rights of ingress and egress on, over, across, above, under and through said sites. In addition, SAWS shall be responsible for any and all fees assessed by any authority or governmental entity in connection with the above-described (4) four wells. The terms of this paragraph shall survive any termination or modification of this Agreement.

All payments for Recycled Water service to SAWS shall be handled as a deduction to the payments by SAWS to the CITY's General Fund governed by Section 17 of Ordinance No. 75686, adopted April 30, 1992, by the San Antonio City Council.

This Agreement supercedes any and all previous agreements by and between the parties as to the River Wells and the provision of recycled water service to the CITY at the locations described herein, except that both parties recognize that the Ordinance and Resolution control when in conflict with any provision herein.

TERMS OF RECYCLED WATER SERVICE

NOW THEREFORE, the City of San Antonio (hereinafter "User") and the San Antonio Water System (hereinafter "SAWS") hereby agree as follows:

1. Recycled Water System.

SAWS shall construct, operate, own, and maintain the SAWS' water recycling system as authorized by Chapter 34, Article VIII of the City of San Antonio Code. The purpose of such system is to provide an alternative water supply for non-potable uses and to reduce demand for Edwards Aquifer groundwater.

2. Conditions of Recycled Water Service.

2.1 **Delivery of Recycled Water.** SAWS hereby agrees to supply recycled water to User for non-potable purposes, in the maximum annual amounts and at the locations set forth in Attachments "B" through "Q" hereto. If User at anytime during the term of this Agreement needs and can beneficially use recycled water in excess of the volumes set forth in Attachments "B" through "Q," User can request additional supply which shall be made available by SAWS subject to availability and other considerations. The use of recycled water shall be in accordance with all applicable local, state, and federal statutes, ordinances and regulations, including but not limited to, Title 30, Chapter 210 *et seq.* of the Texas Administrative Code and Chapter 34, Article VIII of the City of San Antonio Code.

2.2 **Continuous Delivery of Recycled Water.** SAWS shall deliver recycled water on a continuous basis during each twenty-four (24)-hour period at a rate consistent with User's anticipated hourly, daily, monthly, and/or annual utilization of recycled water as set forth in Section 1 of Attachments "B" through "Q" hereto subject to the provisions of Section 5.9 of this Agreement. User may refuse transfer of recycled water at any time prior to delivery.

2.3 **Recycled Water Connection Fee.** There shall be no connection fee to the SAWS recycled water system unless the City of San Antonio Code is amended to require such a fee prior to the execution of this Agreement. Fees shall be as set forth in Chapter 34, Article VIII, of the City of San Antonio Code as the same shall from time to time be amended.

2.4 **Recycled Water Meter.** SAWS shall install one or more meters or alternative measurement devises to record transfers of recycled water at each point of delivery. User shall be responsible for the cost of the meter.

2.5 **Commencement of Recycled Water Service.** ~~SAWS will give User thirty (30) days~~ written notice of the date of availability of recycled water in the main trunk line designated to serve User. Subject to Force Majeure (hereinafter defined), within six (6) months of this date of this Agreement or the actual date of availability if later. User shall begin using recycled water. User agrees to give SAWS thirty (30) days written notice of the date on which User will begin using the recycled water unless User is already using recycled water on the effective date of this Agreement. If User has not begun using recycled water within six (6) months of the date of availability or as such time period is extended due to Force Majeure, SAWS, as its sole remedy,

may terminate this Agreement, reallocate User's appropriated amount at SAWS' discretion, and recover its costs incurred in off-site construction costs. This remedy shall not be applicable if the failure of User to begin receiving recycled water is a result of SAWS failure to comply with this Agreement.

2.6 Agreement to Use Recycled Water. User agrees to use recycled water for the purposes and in the amounts identified in Section 1 of Attachments "B" through "Q." If User, within the first twenty (20) years of this Service Agreement, fails to use at least 75% of the volume set forth in these Attachments (the "Minimum Use Amount") on an annual basis for two or more consecutive years for reasons not related to rainfall, default or other failure to perform by SAWS, SAWS shall be entitled to modify the amounts specified in Section 1 of Attachments "B" through "Q." User shall be financially responsible for only the amount of recycled water User receives through its meter.

2.7 Recycled Water Service Pressure. SAWS shall supply the water at no less than the minimum pressure as specified in Section 2 of Attachments "B" through "Q" hereto, if so stated. If such required minimum pressure is not adequate for purposes established in Section 1 of Attachments "B" through "Q," User shall install, at User's cost, all equipment necessary to obtain desired pressure.

2.8 Point of Delivery for Recycled Water. SAWS shall supply the recycled water for use at the location(s) or premises set forth in Section 2 of Attachments "B" through "Q" hereto.

2.9 Cross Connection and Backflow Prevention. All potable water service cross connections of User must be equipped with a reduced-pressure-principle backflow prevention system or other system approved by SAWS. All recycled water service connections of User must be equipped with a double check valve assembly backflow prevention system or other system approved by SAWS. Before recycled water service is initiated, User must provide sufficient information, including plumbing and building plans, to enable SAWS to determine the level of backflow protection required. After installation, the system must be tested annually by a certified tester approved by SAWS. User's cross connection and backflow prevention system shall conform to Title 30, Chapters 210 and 290 *et seq.* of the Texas Administrative Code, the SAWS Cross Connection Control and Backflow Protection Manual, the SAWS Recycle Operation and Maintenance Manual and applicable local plumbing code(s).

2.10 Soil Analysis. If User utilizes recycled water for irrigation of real property, User shall allow SAWS reasonable access to its premises to collect soil samples prior to the initiation of recycled water service and once a year thereafter, if requested by SAWS in writing thirty (30) days prior to such access. If requested in writing by User, SAWS shall allow the samples to be split with User and provide copies of all information obtained by SAWS from the analysis of such samples. SAWS agrees to keep all information regarding such samples confidential except as required otherwise by law.

2.11 Record Keeping and Reporting. User acknowledges that the Texas Natural Resources Conservation Commission (hereinafter "TNRCC"), pursuant to Title 30, Section 210 *et seq.* of the Texas Administrative Code, requires SAWS to report on a monthly basis the volume and the quality of recycled water delivered to each customer.

2.12 Transfer of Real Property where Recycled Water Utilized. User agrees that all leases, sales, and other disposal or transfer of ownership or control of the real property served under this Agreement shall be made expressly subject to this Agreement, and shall make all successors and assigns expressly subject to this Agreement provided however, if SAWS determines that such successor or assign, in accordance with SAWS' then existing policies and procedures, is not a reasonably acceptable party to contract with, SAWS shall have the right to require a reasonable cash deposit or other security to ensure performance of such successor's or assign's obligations under this Agreement.

2.13 Inspection of Premises where Recycled Water Utilized. User acknowledges and agrees that in order to verify compliance with this Agreement and with applicable statutes, ordinances and regulations, SAWS, or any other governmental agency with appropriate jurisdiction may inspect the premises (for purposes within that jurisdiction) being served with recycled water at reasonable times during User's normal business hours provided User receives reasonable notice prior to such inspection.

2.14 Discontinuation of Recycled Water Service. Except when User is contesting a fee or charge in good faith, User's failure to pay fees and other charges may result in discontinuation of service. SAWS, at its option, may discontinue recycled water service if this Agreement is otherwise materially violated or breached by User subject to the notice and cure provisions of Section 5.14. Disputes shall be resolved as set forth in Chapter 34 of the City of San Antonio Code.

2.15 Exemption from Critical Period Management Measures. The utilization of SAWS recycled water shall not be subject to critical period reduction measures whether pursuant to the Aquifer Management Plan (Critical Period Management) reduction measures as set forth in Chapter 34, Article IV, Division 4 of City of San Antonio Code, as same may be amended from time to time or otherwise. Without implying any waiver of User's rights to enforce the preceding covenant, if the use of recycled water is made subject to any critical period management reduction measures by the City of San Antonio, User's obligation to meet the Minimum Use Amount required under Section 2.6 hereof shall be deemed to have been met for each year in which such critical period management restrictions impact User's manner of operation.

2.16 Conservation Plan. User shall develop and provide to SAWS a water conservation plan for recycled water use acceptable to SAWS.

2.17 Notification of Regulatory Agencies. User specifically acknowledges that it has the responsibility to inform, notify, and/or request inspection and approvals from SAWS and other governmental agencies for certain activities relating to the construction, maintenance, and operation of its onsite recycled water system, including but not necessarily limited to, materials, construction, facility testing, violations, and emergency response.

2.18 Maintenance of System. User accepts responsibility for maintenance of the portions of the recycled water system that are located on User's premises and on the User's side of the meter(s) except that SAWS, pursuant to the Ordinance, will maintain new on-site storage and pumping systems needed for delivery of recycled water on City of San Antonio facilities.

3. Water Quality.

3.1 **Recycled Water.** The recycled water quality furnished to User will be in compliance with parameters established by TNRCC for Type I usage under Title 30, Chapter 210 *et seq.* of the Texas Administrative Code as same may be amended from time to time. Pursuant to Section 210.33(1), the minimum recycled water quality for Type I water initially will be equal to or less than:

BOD ₅ or CBOD ₅	5 mg/L
Turbidity	3 NTU
Fecal Coliform	20 CFU/100 ml*
Fecal Coliform	75 CFU/100 ml**

* geometric mean (the n^{th} root, usually the positive n^{th} root, of a product of n factors)

** single grab sample (not to exceed)

3.2 **Assurances of Recycled Water Quality.** In addition to the requirements of Chapter 210 *et seq.* of the Texas Administrative Code, SAWS assures User that the recycled water will meet the three (3) month running average parameters for the term of this Agreement set forth below:

Ammonia Nitrogen	≤ 2.0 mg/L
pH	6.0 ~ 8.5 S.U.
Total Suspended Solids (TSS)	≤ 15 mg/L
Total Dissolved Solids (TDS)	≤ 1500 mg/L
Sodium Absorption Ratio (SAR)	≤ 5.0 meq/L
Residual Sodium Carbonate (RSC)	≤ 1.50 meq/L

3.3 **Obligation to Provide Alternative Water.** If the quantity or quality of the recycled water supplied by SAWS to User under this Agreement does not meet the requirements hereinunder at any time, SAWS shall correct this deficiency without unreasonable delay subject to the provisions of Section 5.9 hereof. If, for any reason including Force Majeure (hereinafter defined), SAWS is unable to provide the quantity or quality of recycled water as required hereinunder, pending its efforts to correct such deficiency, SAWS shall provide alternative water (at rates not to exceed the applicable recycled rate) meeting the quantity and quality requirements of this Agreement. Alternative water shall mean any of the following, as designated by SAWS: (a) the SAWS potable water system; (b) water from any other source, of equal or better quality or characteristics of the recycled water, delivered through the recycled system.

4. Recycled Water Rates.

4.1 **Rates.** Rates shall be as follows:

The rates for recycled water supplied to User shall be as set forth in Chapter 34, Article VIII of the City of San Antonio Code, as the same shall from time to time be amended except that in exchange for the use and control of the River Wells described in Attachment "A" the following shall apply: recycled water provided to the San Antonio River (as described in Attachment "B")

shall be provided without charge; and recycled water provided to the Convention Center (as described in Attachment "M") shall be provided without charge. Notwithstanding the preceding sentence, should the recycled water rate charged to User at any time exceed the potable water rate as set forth in the City of San Antonio Code, User's obligation to meet the Minimum Use Amount required under Section 2.6 hereof shall be deemed to have been met for the year(s) during any portion of which the recycled rate exceeds the potable rate.

4.2 Conversion Benefit for User. It is hereby acknowledged that SAWS has provided User \$4.4 million in recycled water infrastructure in lieu of the Conversion Benefit provided for in the San Antonio City Code.

5. Miscellaneous.

5.1 Complete Agreement. Unless expressly stated otherwise, this Agreement constitutes the complete and entire agreement between the parties. This Agreement supersedes and cancels all prior agreements relating to this subject, whether written or oral, unless expressly stated in this Agreement, except that both parties recognize that the Ordinance and Resolution control when in conflict with any provision herein.

5.2 Severability. In case any one or more provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalid, illegal or unenforceable provision shall not affect any other provision hereof, and this Agreement shall be construed by a court, giving effect to the general intent and specific directives of the parties, so as not to be invalid, illegal or unenforceable. In the event such provision cannot be reformed or construed to be valid, legal, or enforceable, this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

5.3 Modification. This Agreement may be modified only by an instrument signed by the duly authorized representatives of each of the parties.

5.4 No Third-Party Beneficiary. The parties are entering into this Agreement solely for the benefit of themselves, their successors and permitted assigns, and agree that nothing herein shall be construed to confer any right, privilege or benefit on any person or entity other than the parties hereto, their successors and their permitted assigns.

5.5 Waiver. Any waiver at any time by either party with respect to a default or other matter arising in connection with this Agreement shall not be deemed a waiver with respect to any subsequent default or matter.

5.6 Captions. The captions and headings appearing in this Agreement are inserted merely to facilitate reference and are not to be considered a part of this Agreement and in no way shall they affect the interpretation of any of the provisions of this Agreement.

5.7 Approvals. All approvals and agreements by either party that are required or contemplated under this Agreement must be in writing unless other means are specifically permitted, and must be signed by the person authorized to give such approvals and make such agreements for that party. The persons authorized to give such approvals and make such

agreements for the parties shall, until changed as hereinafter provided, be as follows: for User, the undersigned representative or other designated representative, and for SAWS, the President/Chief Executive Officer or other designated representative. Each party shall have the right from time to time and at any time to change the person authorized to give such approvals and make such agreements by giving at least fifteen (15) days written notice to the other party.

5.8 Force Majeure. If by reason by Force Majeure, SAWS shall be rendered unable wholly or in part to carry out its obligations under this Agreement to deliver recycled water, it shall not be required to deliver recycled water, and in such circumstances, its failure to deliver recycled water in accordance with the terms and conditions of this Agreement shall not be considered a breach of this Agreement, provided SAWS delivers alternative water in accordance with Section 3.3 herein. The term "Force Majeure" as used in this Agreement shall mean acts of God, strikes, lock-outs, or other industrial disturbances, acts of the public enemy, orders of any kind of the federal or state government, or any civil or military authority, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, droughts which result in an outflow of less than 116 m.g.d. total discharge from all SAWS recycling plants, arrests, restraint of government and people, civil disturbances, explosions, breakage or accidents to machinery, pumps, pipelines or mains, unsuitable recycled water quality or any other causes not reasonably within the control of SAWS or User.

5.9 Notices. All notices under this Agreement shall be in writing unless other means are specifically permitted, shall be delivered by certified mail, return receipt requested, or other reliable delivery service, and shall be effective on the date actually received. For purposes of notices and payments of amounts due, the mailing addresses of the parties shall, until changed as hereinafter provided, be as follows:

as to User:

As designated under Section 3 of
Attachments "B" through "Q"

as to SAWS:

San Antonio Water System
Attention: President/Chief Executive Officer
P.O. Box 2449
San Antonio, Texas 78298

5.10 No Cumulative Remedies. Except as expressly limited herein, the parties shall have all remedies, at law or equity, for any cause of action based on this Agreement.

5.11 Notice and Cure. If SAWS determines that User has breached any material provision of this Agreement, SAWS shall notify User in writing thirty (30) days (or such shorter time as required by law) prior to the discontinuation of service hereunder. User shall have the right to cure such breach within such thirty (30) days and shall not be considered to have breached this Agreement if such breach is cured. If User fails to cure such breach within the time period

allowed, SAWS may thereafter terminate this Agreement during any period during which such breach is continuing.

5.12 Terms and Termination. This Agreement shall have a term of twenty (20) years unless earlier terminated by either party as provided herein.

5.13 Limitation on Liability. SAWS agrees that with respect to this Agreement no liability shall attain in favor of SAWS as against any officer, director, member, agent, or employee of User but that SAWS will look solely to the assets of User for satisfaction of this Agreement.

In witness whereof, the parties have caused this Agreement to be duly executed in multiple counterparts, each of which shall constitute an original effective date of the 27 day of December, 2001 ("Effective Date").

12.17.01

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Effective December 27, 2001 (Effective Date).

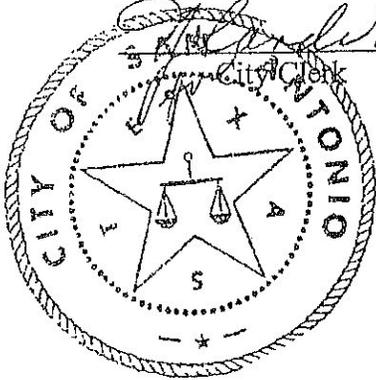
CITY OF SAN ANTONIO

By: Melissa Zayas
Name: _____ T.W. 12/20/01
Title: _____

SAN ANTONIO WATER SYSTEM

By: [Signature]
Name: PAUL G. E. HABIGER
Title: PRESIDENT / CEO

ATTEST:

[Signature]
City Clerk


ATTACHMENT "A"

USE AND CONTROL OF THE FOLLOWING WELLS TO BE TRANSFERRED TO SAWS:

1. State of Texas water well number AY6837443 ("Rivercenter Well") located at latitude 29.25.22, longitude 98.29.09, on the real property described as: NCB 13812, Public Waterway ROW in the City of San Antonio, Bexar County, Texas.
2. State of Texas water well number AY6837130 ("Northpark Well") located at latitude 29.27.53.9, longitude 98.28.7.9, on the real property known as "Brackenridge Park," in the City of San Antonio, Bexar County, Texas.
3. State of Texas water well number AY6837126 ("Hildebrand Well") located at latitude 29.27.55, longitude 98.28.09 on the real property known as "Brackenridge Park," in the City of San Antonio, Bexar County, Texas.
4. State of Texas water well number AY6837125 ("Joskes Well") located at latitude 29.27.47, longitude 98.28.10 on the real property known as "Brackenridge Park," in the City of San Antonio, Bexar County, Texas.

ATTACHMENT "B"

RECYCLED WATER SERVICE TO:

SAN ANTONIO RIVER AT BRACKENRIDGE PARK SAN ANTONIO, TEXAS

Section 1—Amount and Use of Recycled Water

User shall utilize recycled water only for the following uses/purposes: For any lawful purpose.

The volume of User's recycled water service commitment shall be:

- (a) annual: 4,250 acre-feet per year.

Recycled Water shall be delivered as follows:

January	354.17 acre-feet;
February	354.17 acre-feet;
March	354.17 acre-feet;
April	354.17 acre-feet;
May	354.17 acre-feet;
June	354.17 acre-feet;
July	354.17 acre-feet;
August	354.17 acre-feet;
September	354.17 acre-feet;
October	354.17 acre-feet;
November	354.17 acre-feet;
December	354.17 acre-feet.

Users with expired and terminated agreements who desire service will be considered in accordance with Chapter 34, Article VIII of the City of San Antonio Code.

Section 2—Location and Pressure of Recycled Water Service

- (1) User's approved locations/premises for recycled water use are indicated on the attached map and are generally at the headwaters to the San Antonio River in Brackenridge Park.

Section 3—Notices

All notices under this Attachment shall be in writing unless other means are specifically permitted, shall be delivered by mail or fax, and shall be effective on the date actually received. All notices to User shall be directed to:

City of San Antonio
Parks & Recreation Department (San Antonio River)
Attention: City Manager
PO Box 839966
San Antonio, Texas 78283-3966

ATTACHMENT "C"

RECYCLED WATER SERVICE TO:

BOTANICAL GARDENS SAN ANTONIO, TEXAS

Section 1—Amount and Use of Recycled Water

User shall utilize recycled water only for the following uses/purposes: For any lawful purpose.

The volume of User's recycled water service commitment shall be:

- (a) annual: 50 acre-feet per year;
- (b) gpm peak: 140 gpm.

Recycled Water shall be delivered as follows:

January	2.5 acre-feet;
February	2.5 acre-feet;
March	3 acre-feet;
April	3.5 acre-feet;
May	4.5 acre-feet;
June	5.5 acre-feet;
July	8 acre-feet;
August	6.5 acre-feet;
September	4.5 acre-feet;
October	4.5 acre-feet;
November	3 acre-feet;
December	2 acre-feet.

Users with expired and terminated agreements who desire service will be considered in accordance with Chapter 34, Article VIII of the City of San Antonio Code.

Section 2—Location and Pressure of Recycled Water Service

- (1) User's approved locations/premises for recycled water use are indicated on the attached map and include tying into the existing irrigation system.
- (2) The minimum recycled water pressure at each point of delivery shall be approximately 35 pounds per square inch (psi).
- (3) SAWS will maintain new on-site pumping systems needed for delivery of recycled water on City of San Antonio facilities as indicated on attached map.

Section 3—Notices

All notices under this Attachment shall be in writing unless other means are specifically permitted, shall be delivered by mail or fax, and shall be effective on the date actually received. All notices to User shall be directed to:

City of San Antonio
Parks & Recreation Department (Botanical Center)
Attention: City Manager
PO Box 839966
San Antonio, Texas 78283-3966

ATTACHMENT "D"

RECYCLED WATER SERVICE TO:

BRACKENRIDGE GOLF COURSE/POLO FIELD SAN ANTONIO, TEXAS

Section 1—Amount and Use of Recycled Water

User shall utilize recycled water only for the following uses/purposes: Irrigation of golf course grounds and landscaping.

The volume of User's recycled water service commitment shall be:

- (a) annual: 350 acre-feet per year;
- (b) gpm peak from recycled water system: 420;
- (c) gpm peak from booster station: 2,000.

Recycled Water shall be delivered as follows:

January	17.5 acre-feet;
February	17.5 acre-feet;
March	21 acre-feet;
April	24.5 acre-feet;
May	31.5 acre-feet;
June	38.5 acre-feet;
July	56 acre-feet;
August	45.5 acre-feet;
September	31.5 acre-feet;
October	31.5 acre-feet;
November	21 acre-feet;
December	14 acre-feet.

Users with expired and terminated agreements who desire service will be considered in accordance with Chapter 34, Article VIII of the City of San Antonio Code.

Section 2—Location and Pressure of Recycled Water Service

(1) User's approved locations/premises for recycled water use are indicated on the attached map and include connection into SAWS Recycled Water Transmission Main at the location identified on the attached map.

(2) The minimum recycled water pressure at each point of delivery shall be approximately 110 pounds per square inch (psi).

Section 3—Notices

All notices under this Attachment shall be in writing unless other means are specifically permitted, shall be delivered by mail or fax, and shall be effective on the date actually received. All notices to User shall be directed to:

City of San Antonio
Parks & Recreation Department (Brackenridge Golf Course)
Attention: City Manager
PO Box 839966
San Antonio, Texas 78283-3966

ATTACHMENT "E"

RECYCLED WATER SERVICE TO:

OLMOS GOLF COURSE/SAN PEDRO DRIVING RANGE SAN ANTONIO, TEXAS

Section 1—Amount and Use of Recycled Water

User shall utilize recycled water only for the following uses/purposes: Irrigation of golf course and driving ranges, and associated landscaping.

The volume of User's recycled water service commitment shall be:

- (a) annual: 410 acre-feet per year;
- (b) gpm peak: 495;
- (c) gpm peak from booster station: 1,700.

Recycled Water shall be delivered as follows:

January	20.5 acre-feet;
February	20.5 acre-feet;
March	24.6 acre-feet;
April	28.7 acre-feet;
May	36.9 acre-feet;
June	45.1 acre-feet;
July	65.6 acre-feet;
August	53.3 acre-feet;
September	36.9 acre-feet;
October	36.9 acre-feet;
November	24.6 acre-feet;
December	16.4 acre-feet.

Users with expired and terminated agreements who desire service will be considered in accordance with Chapter 34, Article VIII of the City of San Antonio Code.

Section 2—Location and Pressure of Recycled Water Service

- (1) User's approved locations/premises for recycled water use and connection point are indicated on the attached map.
- (2) The minimum recycled water pressure at each point of delivery shall be approximately 110 pounds per square inch (psi).

Section 3—Notices

All notices under this Attachment shall be in writing unless other means are specifically permitted, shall be delivered by mail or fax, and shall be effective on the date actually received. All notices to User shall be directed to:

City of San Antonio
Parks & Recreation Department (Olmos Basin Golf Course & Driving Range)
Attention: City Manager
PO Box 839966
San Antonio, Texas 78283-3966

ATTACHMENT "F"

RECYCLED WATER SERVICE TO:

RIVERSIDE GOLF COURSE SAN ANTONIO, TEXAS

Section 1—Amount and Use of Recycled Water

User shall utilize recycled water only for the following uses/purposes: Irrigation of golf course grounds and related landscaping.

The volume of User's recycled water service commitment shall be:

- (a) annual: 434 acre-feet per year;
- (b) gpm peak from recycled water system: 524;
- (c) gpm peak from booster station: 2,000.

Recycled Water shall be delivered as follows:

January	22 acre-feet;
February	22 acre-feet;
March	26 acre-feet;
April	30 acre-feet;
May	39 acre-feet;
June	48 acre-feet;
July	69 acre-feet;
August	56 acre-feet;
September	39 acre-feet;
October	39 acre-feet;
November	26 acre-feet;
December	18 acre-feet.

Users with expired and terminated agreements who desire service will be considered in accordance with Chapter 34, Article VIII of the City of San Antonio Code.

Section 2—Location and Pressure of Recycled Water Service

(1) User's approved locations/premises for recycled water use and connection point are indicated on the attached map.

(2) The minimum recycled water pressure at each point of delivery shall be approximately 110 pounds per square inch (psi).

Section 3—Notices

All notices under this Attachment shall be in writing unless other means are specifically permitted, shall be delivered by mail or fax, and shall be effective on the date actually received. All notices to User shall be directed to:

City of San Antonio
Parks & Recreation Department (Riverside Golf Course)
Attention: City Manager
PO Box 839966
San Antonio, Texas 78283-3966

ATTACHMENT "G"

RECYCLED WATER SERVICE TO:

WILLOW SPRINGS GOLF COURSE SAN ANTONIO, TEXAS

Section 1—Amount and Use of Recycled Water

User shall utilize recycled water only for the following uses/purposes: Irrigation of golf course grounds and landscaping.

The volume of User's recycled water service commitment shall be:

- (a) annual: 432 acre-feet per year;
- (b) gpm peak from recycled water system: 521
- (c) gpm peak from booster station: 1,200

Recycled Water shall be delivered as follows:

January	21 acre-feet;
February	22 acre-feet;
March	26 acre-feet;
April	30 acre-feet;
May	39 acre-feet;
June	48 acre-feet;
July	69 acre-feet;
August	56 acre-feet;
September	39 acre-feet;
October	39 acre-feet;
November	26 acre-feet;
December	17 acre-feet.

Users with expired and terminated agreements who desire service will be considered in accordance with Chapter 34, Article VIII of the City of San Antonio Code.

Section 2—Location and Pressure of Recycled Water Service

- (1) User's approved locations/premises for recycled water use are indicated on the attached map.
- (2) The minimum recycled water pressure at each point of delivery shall be approximately 120 pounds per square inch (psi).

Section 3—Notices

All notices under this Attachment shall be in writing unless other means are specifically permitted, shall be delivered by mail or fax, and shall be effective on the date actually received. All notices to User shall be directed to:

City of San Antonio
Parks & Recreation Department (Willow Springs Golf Course)
Attention: City Manager
PO Box 839966
San Antonio, Texas 78283-3966

ATTACHMENT "H"

RECYCLED WATER SERVICE TO:

**TOM SLICK PARK
SAN ANTONIO, TEXAS**

Section 1—Amount and Use of Recycled Water

User shall utilize recycled water only for the following uses/purposes: For any lawful purpose.

The volume of User's recycled water service commitment shall be:

- (a) annual: 34 acre-feet per year;
- (b) gpm peak: 140.

Recycled Water shall be delivered as follows:

January	1.7 acre-feet;
February	1.7 acre-feet;
March	2.04 acre-feet;
April	2.38 acre-feet;
May	3.06 acre-feet;
June	3.74 acre-feet;
July	5.44 acre-feet;
August	4.42 acre-feet;
September	3.06 acre-feet;
October	3.06 acre-feet;
November	2.04 acre-feet;
December	1.36 acre-feet.

Users with expired and terminated agreements who desire service will be considered in accordance with Chapter 34, Article VIII of the City of San Antonio Code.

Section 2—Location and Pressure of Recycled Water Service

(1) User's approved locations/premises for recycled water use are indicated on the attached map and are:

(2) The minimum recycled water pressure at each point of delivery shall be approximately 100 pounds per square inch (psi).

Section 3--Notices

All notices under this Attachment shall be in writing unless other means are specifically permitted, shall be delivered by mail or fax, and shall be effective on the date actually received. All notices to User shall be directed to:

City of San Antonio
Parks & Recreation Department (Tom Slick Park)
Attention: City Manager
PO Box 839966
San Antonio, Texas 78283-3966

ATTACHMENT "I"

RECYCLED WATER SERVICE TO:

**MISSION DEL LAGO GOLF COURSE
SAN ANTONIO, TEXAS**

Section 1—Amount and Use of Recycled Water

User shall utilize recycled water only for the following uses/purposes: For any lawful purpose.

The volume of User's recycled water service commitment shall be:

- (a) annual: 400 acre-feet per year;
- (b) gpm peak: 1,000 to be diverted from Lake Mitchell at a maximum rate of 2.0 cfs.

Recycled Water shall be delivered as follows:

January	20 acre-feet;
February	20 acre-feet;
March	24 acre-feet;
April	28 acre-feet;
May	36 acre-feet;
June	44 acre-feet;
July	64 acre-feet;
August	52 acre-feet;
September	36 acre-feet;
October	36 acre-feet;
November	24 acre-feet;
December	16 acre-feet.

Users with expired and terminated agreements who desire service will be considered in accordance with Chapter 34, Article VIII of the City of San Antonio Code.

Section 2—Location and Pressure of Recycled Water Service

(1) User's approved locations/premises for recycled water use are indicated on the attached map and are:

Section 3—Notices

All notices under this Attachment shall be in writing unless other means are specifically permitted, shall be delivered by mail or fax, and shall be effective on the date actually received. All notices to User shall be directed to:

City of San Antonio
Parks & Recreation Department (Mission Del Lago Golf Course)
Attention: City Manager
PO Box 839966
San Antonio, Texas 78283-3966

ATTACHMENT "J"
RECYCLED WATER SERVICE TO:
NELSON WOLFF STADIUM
SAN ANTONIO, TEXAS

Section 1—Amount and Use of Recycled Water

User shall utilize recycled water only for the following uses/purposes: For any lawful purpose.

The volume of User's recycled water service commitment shall be:

- (a) annual: 70 acre-feet per year;
- (b) gpm peak: 250.

Recycled Water shall be delivered as follows:

January	3 acre-feet;
February	4 acre-feet;
March	4 acre-feet;
April	5 acre-feet;
May	6 acre-feet;
June	8 acre-feet;
July	11 acre-feet;
August	9 acre-feet;
September	6 acre-feet;
October	6 acre-feet;
November	5 acre-feet;
December	3 acre-feet.

Users with expired and terminated agreements who desire service will be considered in accordance with Chapter 34, Article VIII of the City of San Antonio Code.

Section 2—Location and Pressure of Recycled Water Service

(1) User's approved locations/premises for recycled water use are indicated on the attached map and are the existing irrigation system located on Highway 90 West of Callaghan Road.

(2) The minimum recycled water pressure at each point of delivery shall be 80 pounds per square inch (psi).

Section 3—Notices

All notices under this Attachment shall be in writing unless other means are specifically permitted, shall be delivered by mail or fax, and shall be effective on the date actually received. All notices to User shall be directed to:

City of San Antonio
Nelson Wolff Stadium
Attention: City Director
PO Box 839966
San Antonio, Texas 78283-3966

ATTACHMENT "K"

RECYCLED WATER SERVICE TO:

**PEARSALL ROAD LANDFILL
SAN ANTONIO, TEXAS**

Section 1—Amount and Use of Recycled Water

User shall utilize recycled water only for the following uses/purposes: Irrigation of landfill vegetation.

The volume of User's recycled water service commitment shall be:

- (a) annual: 194 acre-feet per year during the establishment period which shall end January of 2004; and 72 acre-feet per year for maintenance thereafter;
- (b) gpm peak: 290 during the establishment period and 130 for maintenance thereafter.

Recycled Water shall be delivered as follows:

	Establishment Period	Maintenance Thereafter
January	9.7 acre-feet;	3.6 acre-feet;
February	9.7 acre-feet;	3.6 acre-feet;
March	11.64 acre-feet;	4.32 acre-feet;
April	13.58 acre-feet;	5.04 acre-feet;
May	17.46 acre-feet;	6.48 acre-feet;
June	21.34 acre-feet;	7.92 acre-feet;
July	31.04 acre-feet;	11.52 acre-feet;
August	25.22 acre-feet;	9.36 acre-feet;
September	17.46 acre-feet;	6.48 acre-feet;
October	17.46 acre-feet;	6.48 acre-feet;
November	11.64 acre-feet;	4.32 acre-feet;
December	7.76 acre-feet;	2.88 acre-feet.

Users with expired and terminated agreements who desire service will be considered in accordance with Chapter 34, Article VIII of the City of San Antonio Code.

Section 2—Location and Pressure of Recycled Water Service

(1) User's approved locations/premises and point of connection for recycled water use are indicated on the attached map and are the existing irrigation system at the entrance of the landfill property on Pearsall Road southwest of Medina Base Road.

(2) The minimum recycled water pressure at the point of delivery shall be approximately 30 pounds per square inch (psi).

Section 3—Notices

All notices under this Attachment shall be in writing unless other means are specifically permitted, shall be delivered by mail or fax, and shall be effective on the date actually received. All notices to User shall be directed to:

City of San Antonio
Public Works Department (Pearsall Road Landfill)
Attention: City Manager
PO Box 839966
San Antonio, Texas 78283-3966

Section 4—Additional Terms

It is also recognized that the Ordinance provides that "In consideration for the City's share of the costs for extension of a distribution main to the Pearsall Road Landfill, control and maintenance of two parcels of land at the Pearsall Road Landfill, totaling 3.918 acres, will be transferred to SAWS in a future Ordinance, the value of such trade-off being approximately \$37,000.00."

ATTACHMENT "L"

RECYCLED WATER SERVICE TO:

**BRACKENRIDGE PARK IRRIGATION
SAN ANTONIO, TEXAS**

Section 1—Amount and Use of Recycled Water

User shall utilize recycled water only for the following uses/purposes: Any lawful purpose.

The volume of User's recycled water service commitment shall be:

- (a) annual: 400 acre-feet per year.

L-----*12*

Recycled Water shall be delivered as follows:

January	20 acre-feet;
February	20 acre-feet;
March	24 acre-feet;
April	28 acre-feet;
May	36 acre-feet;
June	44 acre-feet;
July	64 acre-feet;
August	52 acre-feet;
September	36 acre-feet;
October	36 acre-feet;
November	24 acre-feet;
December	16 acre-feet.

Users with expired and terminated agreements who desire service will be considered in accordance with Chapter 34, Article VIII of the City of San Antonio Code.

Section 2—Location and Pressure of Recycled Water Service

- (1) User's approved locations/premises and point of connection for recycled water use are indicated on the attached map and:

Section 3—Notices

All notices under this Attachment shall be in writing unless other means are specifically permitted, shall be delivered by mail or fax, and shall be effective on the date actually received. All notices to User shall be directed to:

City of San Antonio
Parks & Recreation Department (Brackenridge Park)
Attention: City Manager
PO Box 839966
San Antonio, Texas 78283-3966

ATTACHMENT "M"

RECYCLED WATER SERVICE TO:

CONVENTION CENTER SAN ANTONIO, TEXAS

Section 1—Amount and Use of Recycled Water

User shall utilize recycled water only for the following uses/purposes: Any lawful purpose.

The volume of User's recycled water service commitment shall be:

- (a) annual: 723 acre-feet per year, subject to revision.

Recycled Water shall be delivered as follows:

January	36.15 acre-feet;
February	36.15 acre-feet;
March	43.38 acre-feet;
April	50.61 acre-feet;
May	65.07 acre-feet;
June	79.53 acre-feet;
July	115.68 acre-feet;
August	93.99 acre-feet;
September	65.07 acre-feet;
October	65.07 acre-feet;
November	43.38 acre-feet;
December	28.92 acre-feet.

Users with expired and terminated agreements who desire service will be considered in accordance with Chapter 34, Article VIII of the City of San Antonio Code.

Section 2—Location and Pressure of Recycled Water Service

- (1) User's approved locations/premises and point of connection for recycled water use are indicated on the attached map and are:

Section 3—Notices

All notices under this Attachment shall be in writing unless other means are specifically permitted, shall be delivered by mail or fax, and shall be effective on the date actually received. All notices to User shall be directed to:

City of San Antonio
Parks & Recreation Department (Convention Center)
Attention: City Manager
PO Box 839966
San Antonio, Texas 78283-3966

ATTACHMENT "N"

RECYCLED WATER SERVICE TO:

**JAMES PARK
SAN ANTONIO, TEXAS**

Section 1—Amount and Use of Recycled Water

User shall utilize recycled water only for the following uses/purposes: Any lawful purpose.

The volume of User's recycled water service commitment shall be:

- (a) annual: 100 acre-feet per year.

Recycled Water shall be delivered as follows:

January	5 acre-feet;
February	5 acre-feet;
March	6 acre-feet;
April	7 acre-feet;
May	9 acre-feet;
June	11 acre-feet;
July	16 acre-feet;
August	13 acre-feet;
September	9 acre-feet;
October	9 acre-feet;
November	6 acre-feet;
December	4 acre-feet.

Users with expired and terminated agreements who desire service will be considered in accordance with Chapter 34, Article VIII of the City of San Antonio Code.

Section 2—Location and Pressure of Recycled Water Service

(1) User's approved locations/premises and point of connection for recycled water use are indicated on the attached map and are:

Section 3—Notices

All notices under this Attachment shall be in writing unless other means are specifically permitted, shall be delivered by mail or fax, and shall be effective on the date actually received. All notices to User shall be directed to:

City of San Antonio
Parks & Recreation Department (James Park)
Attention: City Manager
PO Box 839966
San Antonio, Texas 78283-3966

ATTACHMENT "O"

RECYCLED WATER SERVICE TO:

SUNKEN GARDENS
SAN ANTONIO, TEXAS

Section 1—Amount and Use of Recycled Water

User shall utilize recycled water only for the following uses/purposes: Any lawful purpose.

The volume of User's recycled water service commitment shall be:

- (a) annual: 400 acre-feet per year.

Recycled Water shall be delivered as follows:

January	20 acre-feet;
February	20 acre-feet;
March	24 acre-feet;
April	28 acre-feet;
May	36 acre-feet;
June	44 acre-feet;
July	64 acre-feet;
August	52 acre-feet;
September	36 acre-feet;
October	36 acre-feet;
November	24 acre-feet;
December	16 acre-feet.

Users with expired and terminated agreements who desire service will be considered in accordance with Chapter 34, Article VIII of the City of San Antonio Code.

Section 2—Location and Pressure of Recycled Water Service

- (1) User's approved locations/premises and point of connection for recycled water use are indicated on the attached map and are:

Section 3—Notices

All notices under this Attachment shall be in writing unless other means are specifically permitted, shall be delivered by mail or fax, and shall be effective on the date actually received. All notices to User shall be directed to:

City of San Antonio
Parks & Recreation Department (Sunken Gardens)
Attention: City Manager
PO Box 839966
San Antonio, Texas 78283-3966

ATTACHMENT "P"

RECYCLED WATER SERVICE TO:

**ROOSEVELT PARK
SAN ANTONIO, TEXAS**

Section 1—Amount and Use of Recycled Water

User shall utilize recycled water only for the following uses/purposes: Any lawful purpose.

The volume of User's recycled water service commitment shall be:

- (a) annual: 100 acre-feet per year.

Recycled Water shall be delivered as follows:

January	5 acre-feet;
February	5 acre-feet;
March	6 acre-feet;
April	7 acre-feet;
May	9 acre-feet;
June	11 acre-feet;
July	16 acre-feet;
August	13 acre-feet;
September	9 acre-feet;
October	9 acre-feet;
November	6 acre-feet;
December	4 acre-feet.

Users with expired and terminated agreements who desire service will be considered in accordance with Chapter 34, Article VIII of the City of San Antonio Code.

Section 2—Location and Pressure of Recycled Water Service

- (1) User's approved locations/premises and point of connection for recycled water use are indicated on the attached map and are:

Section 3—Notices

All notices under this Attachment shall be in writing unless other means are specifically permitted, shall be delivered by mail or fax, and shall be effective on the date actually received. All notices to User shall be directed to:

City of San Antonio
Parks & Recreation Department (Roosevelt Park)
Attention: City Manager
PO Box 839966
San Antonio, Texas 78283-3966

ATTACHMENT "Q"

RECYCLED WATER SERVICE TO:

**SALADO CREEK
SAN ANTONIO, TEXAS**

Section 1—Amount and Use of Recycled Water

User shall utilize recycled water only for the following uses/purposes: Any lawful purpose.

The volume of User's recycled water service commitment shall be:

- (a) annual: 850 acre-feet per year.

Recycled Water shall be delivered as follows:

January	42.5 acre-feet;
February	42.5 acre-feet;
March	51 acre-feet;
April	59.5 acre-feet;
May	76.5 acre-feet;
June	93.5 acre-feet;
July	136 acre-feet;
August	110.5 acre-feet;
September	76.5 acre-feet;
October	76.5 acre-feet;
November	51 acre-feet;
December	34 acre-feet.

Users with expired and terminated agreements who desire service will be considered in accordance with Chapter 34, Article VIII of the City of San Antonio Code.

Section 2—Location and Pressure of Recycled Water Service

- (1) User's approved locations/premises and point of connection for recycled water use are indicated on the attached map and are:

Section 3—Notices

All notices under this Attachment shall be in writing unless other means are specifically permitted, shall be delivered by mail or fax, and shall be effective on the date actually received. All notices to User shall be directed to:

City of San Antonio
Parks & Recreation Department (Salado Creek)
Attention: City Manager
PO Box 839966
San Antonio, Texas 78283-3966



December 27, 2007

Jelynne Leblanc Burley
Deputy City Manager
City of San Antonio
P.O. Box 839966
100 Military Plaza
San Antonio, TX 78205

Dear Ms. Burley:

The San Antonio Water System (SAWS) began construction of the nation's largest direct recycled water system in 1997. The City of San Antonio (City) has been using recycled water for irrigation purposes at municipal golf courses, parks, and baseball fields. This leadership in conserving natural resources by the City has been noted and emulated by many other governmental entities. The City's request for recycled water for landscape irrigation along the Museum Reach is another excellent use of this water resource.

SAWS and the City are prepared to make a minor amendment to the existing recycled water contract. Recycled water in the annual volume amount of 30 acre-feet to supply the Museum Reach will be taken from the Botanical Gardens original allocated volume, therefore resulting in an adjusted volume of 20 acre-feet for the Botanical Gardens. The 30 acre-feet to be applied to the Museum Reach will be a new attachment to the agreement between the City and SAWS. The City will be billed at the current recycled water rate of approximately \$315 per acre foot of water used.

Should you have any questions regarding this administrative item or other issues on the recycled water program, please contact Pablo Martinez of my staff at 233.3673.

Sincerely,

A handwritten signature in black ink that reads 'Steve Clouse'. The signature is written in a cursive, flowing style.

Steve Clouse, Vice President
Production & Treatment Operations

Attachments

Cc: Lori Houston, CSA
Malcolm Matthews, Parks and Recreation, CSA
Paula Stallcup, Downtown Operations, CSA
Meg Conner, SAWS

ATTACHMENT "R"
AMENDMENT
RECYCLED WATER SERVICE TO:

SAN ANTONIO RIVER IMPROVEMENTS PROJECT – MUSEUM REACH
SAN ANTONIO, TEXAS
(Effective March 1, 2008)

Section 1 – Amount and Use of Recycled Water

User shall utilize recycled water only for the following uses/purposes: Landscape Irrigation.

The volume of User's recycled water service commitment shall be:

- (a) Annual: 30 acre-feet per year.
- (b) Gallon per minute peak: 100

Recycled Water shall be delivered as follows:

Month	Acre-feet
January	1.50
February	1.50
March	1.80
April	2.10
May	2.70
June	3.30
July	4.80
August	3.90
September	2.70
October	2.70
November	1.80
December	1.20

Users with expired and terminated agreements that desire service will be considered in accordance with Chapter 34, Article VIII of the City of San Antonio Code.

Section 2 – Location and Pressure of Recycled Water Service

-
- (1) User's approved locations/premises for recycled water use are indicated on the attached map and include tying into the existing irrigation system.
 - (2) The minimum recycled water pressure at each point of delivery shall be approximately 65 pounds per square inch (psi).

Section 3 – Notices

All notices under this Attachment shall be in writing unless other means are specifically permitted, shall be delivered by mail or fax, and shall be effective on the date actually received. All notices to User shall be directed to:

City of San Antonio
Parks & Recreation Department
Attention: City Manager
PO Box 839966
San Antonio, Texas 78283-3966

ATTACHMENT "C"
AMENDMENT
RECYCLED WATER SERVICE TO:

BOTANICAL GARDENS
SAN ANTONIO, TEXAS
(Effective March 1, 2008)

Section 1 – Amount and Use of Recycled Water

User shall utilize recycled water only for the following uses/purposes: For any lawful purpose.

The volume of User's recycled water service commitment shall be:

- (c) Annual: 20 acre-feet per year.
- (d) Gallon per minute peak: 140

Recycled Water shall be delivered as follows:

Month	Acre-feet
January	1.0
February	1.0
March	1.20
April	1.40
May	1.80
June	2.20
July	3.20
August	2.60
September	1.80
October	1.80
November	1.20
December	.80

Users with expired and terminated agreements that desire service will be considered in accordance with Chapter 34, Article VIII of the City of San Antonio Code.

Section 2 – Location and Pressure of Recycled Water Service

-
- (1) User's approved locations/premises for recycled water use are indicated on the attached map and include tying into the existing irrigation system.
 - (2) The minimum recycled water pressure at each point of delivery shall be approximately 0 pounds per square inch (psi).

(3) SAWS will maintain new on-site pumping systems needed for delivery of recycled water on City of San Antonio facilities as indicated on attached maps.

Section 3 -- Notices

All notices under this Attachment shall be in writing unless other means are specifically permitted, shall be delivered by mail or fax, and shall be effective on the date actually received. All notices to User shall be directed to:

City of San Antonio
Parks & Recreation Department (Botanical Center)
Attention: City Manager
PO Box 839966
San Antonio, Texas 78283-3966



Kipling D. Giles

Direct: (210) 353-3169
Fax: (210) 353-6826

April 19, 2011

Phil Steven Kosub
Water Resources Counsel
San Antonio Water System
2800 U.S. Highway 281 North
P.O. Box 2449
San Antonio, Texas 78298

Via Hand Delivery

Re: First Amendment to Wastewater Contract Between City Public Service Board and Alamo Conservation and Reuse District

Dear Steve:

Enclosed is a fully executed original of the First Amendment to Wastewater Contract Between City Public Service Board and Alamo Conservation and Reuse District for your files. This amendment was approved by the CPS Energy Board of Trustees on April 8, 2011 at the joint CPS Energy/SAWS Board meeting.

Thank you and everyone at SAWS for your kind cooperation and assistance in the negotiation of this agreement.

Sincerely,

Kipling D. Giles
Senior Counsel
Legal Services Division

KDG:re
Enclosure

cc: Without Enclosure:
Carolyn Shellman
Cris Bugster
Doyle Beneby

29-FEB-16 PM 2:32

**First Amendment to Wastewater Contract Between City Public Service Board
and Alamo Conservation and Reuse District**

This First Amendment to Wastewater Contract Between City Public Service Board and Alamo Conservation and Reuse District is executed by and between City Public Service Board of San Antonio (previously CPSB, and hereinafter CPS Energy), and the San Antonio Water System Board of Trustees (hereinafter SAWS), as successor-in-interest to the Alamo Conservation and Reuse District (hereinafter ACRD), to be effective as of March 1, 2011 (the Effective Date).

Recitals

Whereas, prior to 1990, wastewater treatment and reuse for the City of San Antonio was a function of the wastewater department of the City of San Antonio (City); and

Whereas, by City Ordinance 35228 dated February 23, 1967, the City of San Antonio (hereinafter City) recognized the importance of using effluent from the City's wastewater system as electric generation cooling water for the City's electric system and established broad parameters for future use of the effluent; and

Whereas, by City Ordinance 70945 dated January 18, 1990, the City conveyed all right, title and interest in its treated wastewater then produced or to be produced in the future to ACRD; and

Whereas, the conveyance from the City to ACRD was expressly made subject to the condition that treated wastewater produced by the City's wastewater treatment plants be made available to CPS Energy in accordance with the provisions of Ordinance 70945 and the City's contemporaneous agreement with ACRD; and

Whereas, in September 1990, the ACRD and CPS Energy entered into a contract entitled Wastewater Contract Between City Public Service Board and Alamo Conservation and Reuse District (the Contract), wherein ACRD agreed to sell, and CPS Energy agreed to buy, treated wastewater produced by the wastewater system of the City; and

Whereas, by City Ordinance No. 74983 dated December 19, 1991, with an effective date of January 1, 1992, the City abolished ACRD and assumed all of that entity's assets and obligations by creating the Department of Water Reuse as a new City department pursuant to the provisions of the City's Home Rule Charter; and

Whereas, by City Ordinance No. 75686 dated April 30, 1992, the City created SAWS as a new agency of the City, consolidated the Department of Water Reuse and other City departments under the management and control of SAWS, and approved, ratified and confirmed the assumption by SAWS of all contractual commitments of the Department of Water Reuse and the Wastewater Department, including the Contract; and

Whereas, when the Contract was negotiated and signed in September 1990, the future water needs of CPS Energy and the future availability and marketability of wastewater effluent from ACRD were highly uncertain; and

Whereas, revenue from CPS Energy generated by the Contract facilitated the development of wastewater reuse facilities by SAWS that have diminished the City's reliance on the Edwards Aquifer and the future need for other potable water supplies; and

Whereas, the availability of treated wastewater from SAWS has reduced the cost of electricity generated by CPS Energy; and

Whereas, the Contract terms required SAWS to solicit other treated wastewater customers to ensure the long-term viability of the reclaimed water program; and

Whereas, the long-term needs of CPS Energy for reliable water supplies have increased with the expansion of its electric-power generation capacity to meet the growing energy needs of the City and region; and

Whereas, the ability of CPS Energy to manage its needs for treated wastewater have improved with more efficient management of its facilities; and

Whereas, CPS Energy was created for the purpose of operating and managing the City's electric and gas systems to supply the energy needs of the City and surrounding areas; and

Whereas, SAWS was created for the purpose of developing, managing, controlling and conserving the water resources of the City and surrounding areas; and

Whereas, CPS Energy has determined that the best interest of its ratepayers will be served by securing access to an additional long-term supply of treated wastewater to meet the current and future needs of its electric-power generating facilities; and

Whereas, SAWS has determined that the best interest of its ratepayers will be served by ensuring the availability of reliable, affordable electric power for SAWS and the City, minimizing demand for treated wastewater during summer months, and securing an additional reliable long-term customer for SAWS treated wastewater; and

Whereas, CPS Energy and SAWS have determined that it is in the mutual best interest of their ratepayers to amend the Contract on the terms provided in this First Amendment; and

Whereas, all defined terms in the Contract shall remain unchanged except that all references to ACRD shall be deemed references to SAWS and all references to CPSB shall be deemed references to CPS Energy as of the Effective Date of this First Amendment;

Now, therefore, for good and valuable consideration, the receipt of which is hereby acknowledged, and for the mutual promises and consideration set forth herein, CPS Energy and SAWS agree as follows:

Amendments to Section 2

1. The first sentence of Section 2 (Quantity Requirements), subsection a, is amended to read as follows:

“SAWS agrees to convey and deliver to CPS Energy 50,000 acre-feet of treated wastewater per calendar year (“Annual Wastewater Requirement”), in accordance with the terms and conditions of this Agreement.”

The remainder of Section 2, subsection a, shall remain unchanged.

2. Section 2, subsection b, is deleted.
3. Section 2, subsection c, is deleted.
4. Section 2, subsection d, is deleted.
5. Section 2, subsection e, is deleted.
6. Section 2, subsection f, is deleted.
7. A new Section 2, subsection b, is added as follows:

“No Increase in Maximum Monthly Take. The Maximum Monthly Take by CPS Energy shall not exceed 8220 acre-feet per thirty day period.”

8. A new Section 2, subsection c, is added as follows:

“Right to Disclaim Future Water Requirement. CPS Energy shall have the annual right to disclaim its future right to any amount of treated wastewater to which it is entitled under this Agreement. Any such disclaimer shall be irrevocable and shall be effective for the duration of this Agreement’s term.”

9. A new Section 2, subsection d, is added as follows:

“Water Usage Study. CPS Energy shall conduct a water usage study to determine the technical and economic feasibility of reducing summer water use for its electric generating facilities and cooling reservoirs. SAWS and the San Antonio River Authority shall be invited to participate in the study, which shall be completed no later than December 31, 2013.”

Amendments to Section 5

10. Section 5 (Price) is amended in its entirety to read as follows:

“Price

- a. **Monthly Payments.** Except to the extent limited or provided elsewhere in this Agreement, CPS Energy shall make a payment each month (Monthly Payment) to SAWS for the Annual Wastewater Requirement. The Basic Amount Acre Foot Charge shall be \$59.65 and shall be adjusted according to Section 5.b. of this Agreement. The monthly payment shall be calculated by multiplying 50,000 by the Basic Amount Acre Foot Charge as adjusted according to Section 5.b. of this Agreement and then dividing by 12. CPS Energy has an obligation to make these Monthly Payments to SAWS, subject to the terms and conditions of this Agreement, whether or not CPS Energy pumps and uses the full Annual Wastewater Requirement, it being expressly understood that CPS Energy has undertaken this obligation in order to have wastewater available pursuant to the provisions of this Agreement, whether or not such wastewater is actually pumped and used. CPS Energy shall become obligated for these payments effective March 1, 2011, and shall make the first cumulative payment in the month following execution of the First Amendment to this Agreement. Each Monthly Payment thereafter shall be due within 15 days after CPS Energy receives the Texas Commission on Environmental Quality (TCEQ) report from SAWS for such month as required under Section 4.b.

- b. **Acre Foot Charge Adjustment.**
 - i. **Consumer Price Index Adjustment.** The Basic Amount Acre Foot Charge shall be subject to an adjustment on January 1 of every fourth year after January 1, 2000, commencing January 1, 2004, as follows: On January 1, 2004, and each fourth year thereafter (Adjustment Date) the Basic Amount Acre-Foot Charge shall be increased in proportion to the increase in the Consumer Price Index of the Bureau of Labor Statistics of the United States Department of Labor, U. S. City Average for All Items for All Urban Consumers (CPI-U) for the January prior to the Adjustment Date over the corresponding CPI-U index figure for the January preceding the prior adjustment date. There shall be no adjustment if the CPI-U for the Adjustment Date has decreased from, or is the same as, the CPI-U on the prior Adjustment

Date. However, the adjustment shall in no event be more than 17% since the last such adjustment.

ii. **Partial Basic Amount Acre Foot Charge Adjustment.** The Basic Amount Acre Foot Charge for 10,000 acre-feet of the Annual Wastewater Requirement will be adjusted as provided in this subsection. In January of each year, SAWS will provide a report to CPS Energy of the total contractual commitments from other customers as of December 31 of the preceding year to purchase treated wastewater from the SAWS reclaimed water distribution system including any change in or determination affecting the total volume of treated wastewater available for sale. Upon SAWS representation, CPS Energy acknowledges and agrees that the SAWS reclaimed water distribution system currently has the capacity to market 35,000 acre-feet of treated wastewater to third parties other than CPS Energy, and that 10,000 acre-feet of this capacity will be sold to CPS Energy under this First Amendment leaving SAWS with 25,000 acre-feet available for customers other than CPS Energy. Until SAWS has received total contractual commitments from other customers to purchase 24,500 acre-feet of treated wastewater from the SAWS reclaimed water distribution system, CPS Energy will pay the Basic Amount Acre-Foot Charge as adjusted by the CPI-U for the entire Annual Wastewater Requirement as provided under the forgoing subsection i. After SAWS has received total contractual commitments from other customers to purchase 24,500 acre-feet of treated wastewater from the SAWS reclaimed water distribution system SAWS will provide notice to CPS Energy that the Basic Amount Acre-Foot Charge for 10,000 acre-feet of the Annual Wastewater Requirement will be adjusted to the annual weighted average of the standard and seasonal recycled water rates for non-Edwards exchange customers as established by the City Council in Section 34-1301 of the City Code of San Antonio ("SAWS Recycled Water Rate"), as it may be amended from time to time. This partial Basic Amount Acre-Foot Charge adjustment shall be implemented as follows:

- a. There will be no adjustment to the Basic Amount Acre-Foot Charge, except as provided in the forgoing subsection i, during the calendar year in which notice is received by CPS Energy.

- b. During the first calendar year after the calendar year in which notice is received by CPS Energy, CPS Energy will pay the Basic Amount Acre Foot Charge in effect for the current calendar year plus one-half of the difference between the Basic Amount Acre-Foot Charge in effect for the calendar year and the SAWS Recycled Water Rate.
-
- c. During the second calendar year after the calendar year in which notice is received by CPS Energy and thereafter during the term of this Agreement the Basic Amount Acre-Foot Charge will be adjusted to the full SAWS Recycled Water Rate.
- d. If, as determined at the sole discretion of SAWS with 10 days notice to CPS Energy prior to any such a determination, the volume of marketable treated wastewater to customers other than CPS Energy should expand beyond the current volume of 25,000 acre-feet, the adjustment from the Basic Amount Acre-Foot Charge to the SAWS Recycled Water Rate shall be delayed until SAWS has received contractual commitments for the additional available volume in excess of 25,000 acre-feet. If the volume should expand beyond 25,000 acre-feet after the full price adjustment to the SAWS Recycled Water Rate has occurred, then the charge to CPS Energy shall revert effective in the next calendar year to the Basic Amount Acre-Foot Charge adjusted only by CPI-U as provided under the forgoing subsection i for that increment of 10,000 acre-feet equal to the increment of the volume increase over 25,000 acre-feet. The incremental charge reduction shall continue only until the contractual commitments from other customers again equal 24,500 plus the incremental volume difference, at which time the charge to CPS Energy shall again revert effective in the next calendar year to the full SAWS Recycled Water Rate.

iii. Adjustments to the Basic Amount Acre-Foot Charge established in the foregoing subsection ii will be applicable only to 10,000 acre-feet of the Annual Wastewater Requirement. The Basic Amount Acre-Foot Charge as adjusted for changes in CPI-U under the foregoing subsection i will remain in effect for 40,000 acre-feet of the Annual Wastewater Requirement until September 30, 2030.

- c. **Renegotiation.** The price to be paid by CPS Energy beginning on October 1, 2030, for 40,000 acre-feet of the Annual Wastewater Requirement will be renegotiated by CPS Energy and SAWS no later than September 30, 2029. The range for the price to be renegotiated shall be limited to the then current price of the Basic Amount Acre-Foot Charge as adjusted for changes in CPI-U under the foregoing subsection i and the then current price for SAWS Recycled Water Rate as it may be amended from time to time. If CPS Energy and SAWS are unable to successfully negotiate a new price within this range by September 30, 2029, then the price shall be finally established by a dispute resolution panel consisting of the Chairman of the CPS Energy Board of Trustees, the Chairman of the SAWS Board of Trustees, and the Mayor of the City of San Antonio.
- d. **Demise of CPI-U.** If the CPI-U referred to above shall no longer be published, then the index most closely resembling said Consumer Price Index, which is published by an agency of the Federal government, at such time shall be used for the purpose of computing the adjustment called for in this Agreement. If SAWS and CPS Energy are unable to agree on a suitable substitute index, or if no such index is published, SAWS and CPS Energy shall, by mutual agreement, determine and state such adjustment. If SAWS and CPS Energy are unable to so agree within a period of 120 days following such Adjustment Date, SAWS shall, not later than 150 days following such Adjustment Date, designate, by notice to CPS Energy, any public college or university within the State of Texas as mediator, and the decision of the head of the Economics Department of such college or university shall be final and binding upon both parties, and the expense, if any, of such decision shall be borne one-half by SAWS and on-half by CPS Energy.
- e. **Price Increases - Additional Amount of Treated Wastewater.** CPS Energy may request an amount of treated wastewater which exceeds the Maximum Monthly Take or which exceeds the Annual Wastewater Requirement (Additional Amount). The Additional Amount shall not

increase or its availability affect, the Annual Wastewater Requirement under section 2 hereof. If SAWS has treated wastewater available for sale not subject to outstanding SAWS contractual commitments, CPS Energy shall have the first right to purchase the treated wastewater on a month-to-month basis. The Monthly Payment for the month in which the Additional Amount is delivered shall be increased by an amount to be negotiated at time of purchase; however, in no event shall the Monthly Payment be increased by more than the amount equal to the product of the Additional Amount delivered (expressed in acre feet) multiplied by 150% of the Basic Amount Acre Foot Charge.

f. **Reconciliation.** For purposes of section 5.b.i, since the most recent CPI-U will not as yet have been published as of January 1, CPS Energy shall begin paying an adjusted Basic Amount Acre Foot Charge based on the most recent CPI-U and, as soon as the January index is published, the CPS Energy payments shall be reconciled so that CPS Energy shall pay the additional increase, or be credited with any difference between the most recent CPI-U and the CPI-U used to make the adjustment as provided above.

g. **Price Reductions.**

i. **Maximum Price.** Notwithstanding any other provision of this Agreement, the Basic Amount Acre Foot Charge for the entire calendar year shall be reduced so that it is not greater than the lowest price paid for wastewater of similar quality delivered by SAWS during any portion of the calendar year to any other customer expressed in dollars per acre foot. This provision shall not apply to (1) treated wastewater provided under contracts or agreements entered into prior to the execution of this Agreement; (2) treated wastewater sold to customers using less than 600 acre feet per year; (3) sales of wastewater for delivery only during the months of October, November, December, January, February and March, or (4) any portion of the Annual Wastewater Requirement to which the Basic Amount Acre-Foot Charge Adjustment has been implemented pursuant to Section 5.b.ii of this Agreement .

ii. **Reductions for Yearly Deficiencies.** In addition to other reductions and remedies of CPS Energy, there shall be reductions in the Monthly Payments due under this Agreement if SAWS does not deliver the

Annual Wastewater Requirement. To determine the reduction, the difference between the amount delivered in the calendar year and the Annual Wastewater Requirement for the year shall be multiplied by 150% of the Basic Amount Acre Foot Charge only if no portion of the Annual Wastewater has been adjusted upward in price to the SAWS Recycled Water Rate pursuant to Section 5.b.ii of this Agreement. If this upward adjustment has occurred on the 10,000 acre feet pursuant to Section 5.b.ii of this Agreement then to determine the reduction, the difference between the amount delivered in the calendar year and the Annual Wastewater Requirement for the year shall be multiplied by 110% of the then current SAWS Recycled Water Rate for any reduction equal to or less than 10,000 acre feet. Any reduction in excess of 10,000 acre feet after the price adjustment shall be multiplied by 150% of the Basic Amount Acre Foot Charge as described immediately above in this subsection. The amount of the reduction shall be deducted from the first Monthly Payments due in the calendar year following such yearly deficiency.”

Miscellaneous Amendments

11. Section 9 (Term) is amended to read as follows:

“**Term.** This Agreement shall terminate on December 30, 2060, unless terminated sooner as provided herein.”

12. Section 11 (Obligation to Develop Customers; Limitation on Use of Funds) is deleted.

13. Sections 12 through 20 are renumbered as Sections 11 through 19.

14. Section 20 (New Section 19) (Notice) is amended as follows:

“**Notice.** Any notice or request provided in this Agreement, and any correspondence or other mailing associated with this Agreement (Notice) shall be mailed or delivered to the then current address of the chief executive officer or general manager of the receiving party. Such notice shall be effective upon actual receipt.”

IN WITNESS WHEREOF, the parties have caused this **First Amendment to Wastewater Contract Between City Public Service Board and Alamo Conservation and Reuse District** to be executed in multiple counterparts by their duly authorized respective officer or general manager on the dates indicated below to be effective as of March 1, 2011 (the Effective Date).

Date: 3-15-11

San Antonio Water System

By: 

Robert R. Puente

President and Chief Executive Officer

Date: 4-18-11

CPS Energy

By: 

Doyle Beneby

President and Chief Executive Officer

WASTEWATER CONTRACT

BETWEEN

CITY PUBLIC SERVICE BOARD

AND

ALAMO CONSERVATION AND REUSE DISTRICT

September, 1990 – September, 2030

29 FEB 16 1992

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APP00127:dm
09/06/90-2

AGREEMENT

For good and valuable consideration, including the mutual covenants of the parties contained in this Agreement, Alamo Conservation and Reuse District ("ACRD"), a statutory entity having the powers and functions described in Senate Bill 1667, adopted by the 71st Legislature of the State of Texas, and City Ordinance No. 69822, and the City Public Service Board ("CPSB"), an agency of the City of San Antonio ("City") vested with the operation and management of the City electric and gas systems and which has been reusing City wastewater pursuant to the terms of City Ordinance 35228, adopted February 23, 1967, recite and agree as follows:

1. Recitals

a. ACRD. ACRD is empowered by statute to control, conserve, protect, preserve, acquire, process, distribute and reuse wastewater, and to convey wastewater to any public or private entity within or without its boundaries for the purpose of reuse of wastewater in order to augment the supply of water in the Edwards Aquifer, currently the primary source of potable water in the region. The City Council of the City of San Antonio has declared it in the best interest of the City and its citizens that treated wastewater from the City's wastewater treatment system continue to be reused, instead of depleting additional underground water or surface water supplies, and wishes ACRD to encourage industrial,

commercial, military and other users of water from the Edwards Aquifer to switch to the reuse of the City's treated wastewater to meet demands not requiring potable water.

b. CPSB. CPSB operates certain electric generating facilities as well as certain cooling reservoirs in connection with the operation of some of the City's electric generating facilities, including use of the reservoirs for recreational purposes, and currently makes use of water pumped by it from the bed and banks of the San Antonio River in connection with its operations. It is vital for the electric customers of CPSB and for the economic well-being of the San Antonio region that CPSB have a dependable, uninterrupted, low-cost source of water available for the production of electricity.

c. City Ordinance 35228. CPSB was granted certain rights to use City wastewater under City Ordinance 35228, which provided that the City Council reserves the right to commence a charge in the future to CPSB for such wastewater at a rate consistent with prices established for other long term or permanent users of substantial quantities, in the event that future demand for said wastewater for irrigation and industrial purposes justifies such action. The intent of this Agreement is not to terminate or diminish those rights. Rather, the intent of this Agreement is to preserve these important rights and to provide for a payment by CPSB to ACRD, under the provisions of this Agreement.

d. Conveyance to ACRD. By City Ordinance 70945, the City has conveyed to ACRD certain quantities of treated wastewater now produced and to be produced in the future by the City's wastewater treatment system, subject to the terms of such Ordinance.

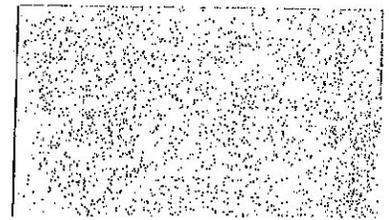
Ordinance 70945 provides that ACRD shall establish rates and other charges and fees for the sale of wastewater to users, subject to approval by the City Council.

e. Consistency. This Agreement does not change any priority of public purpose served by CPSB and ACRD. Any ambiguity in the provisions of this Agreement shall be resolved to reflect the intentions of the parties hereto. This Agreement is intended to be consistent in every respect with Ordinances 35228, 70945 and 69822, state law and Certificate of Adjudication 19-2162 and shall be interpreted to remain constant therewith to the extent possible according to its terms. Likewise, Certificates of Adjudication 19-2161 and 19-2161A are not affected in any manner by this Agreement. The conveyance of wastewater hereunder via the bed and banks of the San Antonio River shall not be construed to be a violation of this Agreement.

2. Quantity Requirements

a. Basic Quantity Requirements: Annual and Monthly. ACRD hereby agrees to convey and deliver to CPSB 40,000 acre feet (or such greater amount as provided in Sections 2.b. and 2.c.) of

treated wastewater per calendar year ("Annual Wastewater Requirement"), in accordance with the terms and conditions of this Agreement. The term "deliver" shall mean and require all actions necessary to assure that the quantities of wastewater provided for in this Agreement are available to CPSB at the Delivery Point (defined in section 3.a.) pursuant to the terms of this Agreement, unless CPSB has exercised its option of direct delivery under section 8. CPSB has the right to take and ACRD agrees to deliver the Annual Wastewater Requirement in monthly quantities of up to 8220 acre feet per 30-day period ("Maximum Monthly Take"); provided, however, that ACRD does not have the obligation to deliver, in the aggregate, more than the Annual Wastewater Requirement in a calendar year. For purposes of this section, the quantity of treated wastewater to be delivered shall be that as measured by CPSB at the Delivery Point, as defined in section 3.a. of this Agreement. ACRD may, at its expense and with the reasonable approval of CPSB as to location, construct facilities and implement methods to measure the quantities of water CPSB pumps from the San Antonio River. The source of the treated wastewater will be wastewater produced at the Major Wastewater Treatment Plants; however, if necessary to perform its obligations under this Agreement, ACRD may substitute water from other sources than the Major Wastewater Treatment Plants, if such water otherwise meets the requirements of this Agreement. For purposes of this Agreement, the term "Major Wastewater Treatment Plants" means wastewater treatment plants currently owned by the City or



wastewater treatment plants to be owned or operated in the future ←
by or on behalf of the City or ACRD. On or before the 20th day of
each month, CPSB shall notify ACRD of the amount of wastewater ACRD
shall deliver to CPSB in the first fifteen days of the following
month and the delivery schedule for such wastewater. On or before
the 5th day of each month, CPSB shall notify ACRD of the amount of
wastewater ACRD shall deliver to CPSB from the 16th day of the
month to the end of the month and the delivery schedule for such
wastewater. ACRD shall deliver such amounts to CPSB in accordance
with the notifications. In addition to other remedies provided by
this Agreement, if ACRD fails to provide the requested and required
monthly quantity of wastewater, CPSB need not make the payment for
that month and CPSB shall have no obligation to make further
payments until the wastewater is being provided in the requested
and required monthly quantity. For the purpose of the preceding
sentence, ACRD shall not have failed to provide the required and
requested monthly quantity in a month if (1) the month is either
June, July, August or September; (2) CPSB has requested more than
7,000 acre feet for that month, and (3) the level of Calaveras Lake
on the last day of the month is more than 0.4 feet higher than the
last day of the previous month, exclusive of any increase in the
level due to rainfall and/or runoff. In addition to the other
remedies provided by this Agreement, if ACRD fails to deliver the
requested and required Annual Wastewater Requirement in a calendar
year, ACRD shall, at CPSB's request, provide the deficient amount
in the next calendar year as soon as it is available, and at the

price of the Basic Amount Acre Foot Charge for the previous year times the number of acre feet delivered.

b. ~~Firm Option Water.~~ At its option, CPSB may increase the Annual Wastewater Requirement of wastewater for the remainder of the term of this Agreement available for CPSB's use ("Firm Option Water") by exercising one or both of the two firm options (each, a "Firm Option") as provided in this section. To the extent CPSB exercises a Firm Option, ACRD shall convey and deliver to CPSB such increased quantity of wastewater for the remainder of the term of this Agreement. The amount of each Firm Option shall be 5,000 acre feet of treated wastewater per year ("Firm Option Amount"). Beginning on January 1 of the year of the effective date of the Firm Option, CPSB may increase the Annual Wastewater Requirement by the Firm Option Amount or any lesser amount. At the latest, the first Firm Option must be exercised by CPSB's notice in writing delivered to ACRD on or before June 30, 1999, and if so exercised, the first Firm Option shall be effective January 1, 2000. At the latest, the second Firm Option must be exercised by CPSB's notice in writing delivered to ACRD on or before June 30, 2003, and if so exercised, the second Firm Option shall be effective January 1, 2004. Alternatively, the Firm Options may be exercised early in the following manner: the first Firm Option shall be effective on January 1 of any of the years 1995 - 1999 by CPSB's notice in writing delivered to ACRD eighteen months prior to such effective date. The second Firm Option shall be effective on January 1 of

any of the years 1995-2003 by CPSB's notice in writing delivered to ACRD eighteen months prior to such effective date. At any time prior to exercising its rights to the first Firm Option, CPSB may forego and terminate all or any part of the first Firm Option by delivering written notice of termination. At any time prior to exercising its rights to the second Firm Option, CPSB may forego and terminate all or any part of the second Firm Option by delivering written notice of termination.

c. Contingent Options. At its option and subject to the conditions contained in this section, CPSB may increase the Annual Wastewater Requirement of wastewater for the remainder of the term of this Agreement available for CPSB's use ("Contingent Option Water") by exercising one or both of two contingent options (each, a "Contingent Option"). The amount of each Contingent Option shall be 5,000 acre feet of treated wastewater per year ("Contingent Option Amount"). To the extent CPSB exercises a Contingent Option, ACRD shall convey and deliver to CPSB such increased quantity of wastewater for the remainder of the term of this Agreement, but only to the extent of the amount that the Average Annual Wastewater Discharge from the Major Wastewater Treatment Plants has increased from the current annual discharge of 140,000 acre feet from the Current Wastewater Treatment Plants. "Average Annual Wastewater Discharge" shall mean the weighted average of the last preceding five calendar years, counting the most recent two years twice, and dividing the total by seven. Beginning on January

1 of the year of the effective date of the Contingent Option, CPSB may increase the Annual Wastewater Requirement by the Contingent Option Amount or any lesser amount. At the latest, the first Contingent Option must be exercised by CPSB's notice in writing delivered to ACRD on or before June 30, 2007, and if so exercised, the first Contingent Option shall be effective January 1, 2008. At the latest, the second Contingent Option must be exercised by CPSB's notice in writing delivered to ACRD on or before June 30, 2011, and if so exercised, the second Contingent Option shall be effective January 1, 2012. Alternatively, the Contingent Options may be exercised early in the following manner: the first Contingent Option shall be effective on January 1 of any of the years of 1995-2007 by CPSB's notice in writing delivered to ACRD eighteen months prior to such effective date. The second Contingent Option shall be effective on January 1 of any of the years 1995-2011 by CPSB's notice in writing delivered to ACRD eighteen months prior to such effective date. At any time prior to exercising its first Contingent Option, CPSB may forego and terminate any part or all of the first Contingent Option by delivering written notice to ACRD. At any time prior to exercising its second Contingent Option, CPSB may forego and terminate any part of or all of the second Contingent Option by delivery written notice to ACRD.

d. Representation Concerning Options. CPSB shall, in the notice of exercise of any Firm or Contingent Option, represent and

warrant that it is exercising such Option based upon its good-faith judgment that such amounts will be needed and used only for a lawful purpose of CPSB pursuant to state law and the terms of this Agreement, provided that any breach thereof shall not forfeit or affect the validity of the exercise of any Option.

e. Increase in Maximum Monthly Take. Every time that the Annual Wastewater Requirement increases by 5,000 acre feet per year by the exercise of the Firm Options or the Contingent Options, the Maximum Monthly Take shall be increased by an additional 500 acre feet per month. However, ACRD shall not have the obligation to deliver, in the aggregate, more than the Annual Wastewater Requirement (including Firm or Contingent Option Water to which CPSB has exercised an Option) in any calendar year.

f. Mandatory Early Exercise of Contingent Options. After the year 1995, if the total of (1) the amount of treated wastewater ACRD has agreed to sell to customers including CPSB under contracts which require the wastewater to be delivered continuously every year until 2012 ("In-Place Contractual Obligations") plus (2) the amount of wastewater ACRD is obligated to release downstream of the Delivery Point exceeds 140,000 acre feet per year, and if ACRD has a firm offer in writing from another customer besides CPSB wishing to purchase wastewater through 2012 ("New Firm Offer"), ACRD may require CPSB to exercise one of its Contingent Options early, but not both. During the years 1995-2007, ACRD may require CPSB to

exercise its first Contingent Option early. If CPSB has not been required to exercise its first Contingent Option early, during the years 2007-2012 ACRD may require CPSB to exercise its second Contingent Option early. In order to require CPSB to exercise a Contingent Option early, ACRD shall provide CPSB with copies of the contracts constituting the In-Place Contractual Obligations and a copy of the New Firm Offer. The New Firm Offer must be a written document signed by a customer stating that the customer wishes to purchase wastewater through the year 2012. However, the New Firm Offer does not need to be a completed contract fully negotiated between the customer and ACRD. Within 45 days of the receipt of the In-Place Contractual Obligations and the New Firm Offer, CPSB must exercise the next available Contingent Option rights to the extent of the New Firm Offer or CPSB shall forfeit its next Contingent Option to the extent of the New Firm Offer. ACRD may require CPSB to exercise a Contingent Option early in this manner only once.

3. Delivery and Warranty of Title

a. Delivery. Except if CPSB exercises its option of direct delivery under section 8, ACRD shall deliver to CPSB the treated wastewater sold by ACRD to CPSB under this Agreement, and title to such treated wastewater shall pass to CPSB, at the point at which CPSB pumps the treated wastewater from the San Antonio River ("Delivery Point").

b. Warranty of Title. ACRD warrants full, clear and complete title to all treated wastewater delivered and conveyed by ACRD hereunder. In the event that (a) the pendency of any unresolved proceeding involving issues of title significantly impairs CPSB's use of wastewater under this Agreement, or (b) there is a nonappealable Order or Judgment that any groundwater-based effluent delivered under this Agreement is State water or that ACRD does not have full, clear and complete title, then, in addition to any other remedies CPSB may have under this Agreement, at law or in equity, CPSB need make no further payments under this Agreement.

c. Indemnification. In addition to other rights and remedies which CPSB may have, ACRD agrees to indemnify and hold CPSB harmless from all suits, actions, debts, accounts, damages or losses arising from or out of adverse claims by any and all persons which proximately result from the failure by ACRD to meet the applicable quality standards under this Agreement for delivered wastewater. This indemnity does not extend to any debts, accounts, damages or losses to the extent caused by the negligence of CPSB.

4. Quality Requirements

a. Effective Date. Category A and B Standards and Category C constituents are contained in Attachments I and II. The quality provisions concerning Category A Standards and Category B Standards in this Agreement, and all related remedies and indemnity

provisions, shall become effective at the time of execution by the City of San Antonio of an agreement and warranty to ACRD which assures the quality of water as described and provided herein, or 12 months after execution of this Agreement, whichever is earlier. The quality provisions concerning Category C Standards in this Agreement, and all related remedies and indemnity provisions, shall become effective two years after execution of this Agreement.

b. Compliance with Category A Standards. ACRD shall use its best efforts to comply and seek compliance with the Category A Standards. Compliance with Category A Standards shall be determined on the basis of monthly flow-weighted averages (30-day averages) of the substances in Category A: 1) as contained in the reports by the City to the Texas Water Commission ("TWC Reports") at its Current Wastewater Treatment Plants; or 2) as determined based on sampling conducted in accordance with section 4.d. of this Agreement. "Current Wastewater Treatment Plants," as that term is used in this Agreement, are the wastewater treatment plants currently owned by the City: Dos Rios, Salado and Leon Creek. ACRD shall obtain and forward to CPSB the TWC Reports promptly after their publication.

c. Compliance with Category B Standards. ACRD shall use its best efforts to comply with and seek compliance with the Category B Standards. Compliance with the Category B Standards shall be determined based on the flow-weighted results of 24-hour composite

samples taken and analyzed once per month by ACRD from the Current Wastewater Treatment Plants, except if CPSB conducts sampling in accordance with section 4.d. ACRD shall forward the results of the analyses to CPSB at the same time the TWC Reports required under section 4.b. are forwarded to CPSB.

d. Sampling. CPSB reserves the right to conduct its own samplings of the quality of the treated wastewater to determine compliance with Category A, B and C Standards by taking flow-weighted samples in a reasonable manner generally accepted in the industry at the Current Wastewater Treatment Plants. If CPSB conducts samplings, each average or composite sample shall be split into three parts. The first part shall be analyzed by CPSB at CPSB's cost. The second part shall be given to ACRD, which ACRD may analyze at its cost. The third part shall be kept at the offices of CPSB. CPSB shall promptly provide the results of its analyses to ACRD. The results of the samples analyzed by CPSB shall control, unless 1) ACRD analyzes its sample and believes the results of the analysis of its samples are significantly different from the results of the CPSB samples, and 2) ACRD requests that the third part of the samples be analyzed. In such event, CPSB shall deliver the third part of the samples to an independent laboratory acceptable to CPSB and ACRD, and the results of the analyses by the independent laboratory shall control. The cost of the third set of analyses shall be divided equally between CPSB and ACRD. If such sampling is conducted, the results of the sampling shall control,

for purposes of this Agreement, over the results reported in the TWC Reports or the results of the ACRD sampling conducted under section 4.c. CPSB also may install and operate continuous quality monitoring equipment at one or more of the Current Wastewater Treatment Plants. At CPSB's request, ACRD shall obtain permission for sampling to be conducted by CPSB and for CPSB monitoring equipment to be placed at the Current Wastewater Treatment Plants.

e. Failure to Meet the Category A Standards. The Maximum Category A Standards for each constituent are set forth in Attachment I. In the event the contaminant level of the wastewater exceeds a Category A Standard, but does not exceed a Maximum Category A Standard, the Monthly Payment for that month shall be reduced by a percentage determined as follows:

$$\begin{array}{l} \text{Percentage} \\ \text{Reduction} \end{array} = 50\% \times \frac{\text{Actual Contaminant Level} \\ \text{less Category A Standard}}{\text{Maximum Category A Standard} \\ \text{less Category A Standard}}$$

In the event that the contaminant levels of the wastewater exceed two or more of the Category A Standards, but do not exceed the Maximum Category A Standards, the percentage reduction shall be calculated for each Standard. The largest percentage reduction (closest to 50%) shall be used to reduce the Monthly Payment. However, in no instance shall the price reduction for failure to meet one or more Category A Standards be applied to reduce the

Monthly Payment by more than 50% in any given month. If the wastewater exceeds one or more of the Maximum Category A Standards for three consecutive months, ACRD shall refund to CPSB the payments made for those three months, and CPSB shall have no obligation to make further payments until the wastewater does not exceed the Maximum Category A Standards.

f. Failure to Meet Category B Standards. ACRD shall use its best efforts to comply and seek compliance with the Category B Standards. The Maximum Category B Standards for each constituent are set forth in Attachment I. If the treated wastewater exceeds one or more of the Maximum Category B Standards, as set forth in Attachment I, for three or more consecutive months, ACRD shall refund to CPSB the payments made for those three months and CPSB shall have no obligation to make further payments until the wastewater does not exceed the Maximum Category B Standards.

g. Determination of Category C Standards. For a period not less than 12 months and not more than 18 months after execution of this Agreement, ACRD shall sample and analyze the treated wastewater from the Current Wastewater Treatment Plants at least once per month for the constituents listed on Attachment II. The results shall be determined based on flow weighted results of 24-hour composite samples at the Current Wastewater Treatment Plants. For the same period, CPSB shall sample and analyze the water in Calaveras Lake for the constituents listed on Attachment II. At

the end of the 18 months, CPSB and ACRD shall meet and determine, based on the test results and taking into account the National Drinking Water Standards for each constituent: 1) a Category C Standard for each constituent listed in Attachment II; 2) a Maximum Category C Standard for each constituent; 3) the appropriate consecutive monthly time period after which, if the treated wastewater exceeds the Maximum Category C Standard, ACRD shall refund the monthly payments to CPSB and CPSB shall make no further payments until such time as the Maximum Category C Standard is met ("Refund Period"). If by 21 months after the execution of this Agreement, CPSB and ACRD are unable to agree on one or more Category C Standard, one or more Maximum Category C Standard or one or more Refund period, such dispute shall be submitted to an independent engineer acceptable to both parties for resolution prior to the end of 24 months after the execution of this Agreement. The decision of the independent engineer shall be binding upon both parties and shall become a part of this Agreement.

h. Compliance with Category C Standards. Beginning two years after the execution of this Agreement, ACRD shall use its best efforts to comply and seek compliance with the Category C Standards determined in accordance with section 4.g. Such compliance shall be determined by sampling conducted in accordance with section 4.d. ACRD shall promptly notify CPSB of any noncompliance with a Category C Standard of which ACRD becomes

aware. ACRD shall refund to CPSB the monthly payments made during the Refund Period if the treated wastewater exceeds the Maximum Category C Standards, as determined in accordance with section 4.g., and CPSB shall have no further obligation to make payments under this Agreement until the wastewater does not exceed the Maximum Category C Standards.

i. Cooperation in Obtaining Other Water Which Meets the Quality Standards. If ACRD is unable to deliver treated wastewater which meets the Category A, Category B or Category C Standards, ACRD shall cooperate with CPSB in CPSB's efforts to obtain water from other sources which meets these Standards, including alternative, cleaner sources available to ACRD. Before obtaining water from entities other than ACRD, CPSB shall first provide ACRD with an opportunity to provide water from alternative, cleaner sources available to ACRD which meets the Category A, Category B and Category C Standards, under the terms and conditions of this Agreement. ACRD agrees that it will not oppose CPSB applications for bed and banks or other water permits or rights if ACRD is unable to deliver treated wastewater meeting the Category A, Category B or Category C Standards.

5. Price

a. Monthly Payments. Except to the extent limited or provided elsewhere in this Agreement, CPSB shall make payments to

ACRD as follows: CPSB shall make a payment each month ("Monthly Payment") to ACRD for the Annual Wastewater Requirement. The Basic Amount Acre Foot Charge shall be \$50.00. Until one or more Options are exercised, the Monthly Payment shall be calculated by multiplying 40,000 by the Basic Amount Acre Foot Charge as adjusted according to section 5.b. of this Agreement and then dividing such product by 12. After one or more Options are exercised, the Monthly Payment shall be calculated by dividing by 12 the sum of (1) 40,000 multiplied by the Basic Amount Acre Foot Charge as adjusted according to section 5.b. of this Agreement; and (2) the acre feet of Firm and Contingent Option Amounts to which CPSB has exercised its Option multiplied by the applicable Option Amount Acre Foot Charge as determined according to sections 5.b. and 5.c. of this Agreement. CPSB has an obligation to pay these Monthly Payments to ACRD, subject to the terms and conditions of this Agreement, whether or not CPSB pumps and uses the full Annual Wastewater Requirement, it being expressly understood that CPSB has undertaken this obligation in order to have wastewater available pursuant to the provisions of this Agreement, whether or not such wastewater is actually pumped and used. CPSB shall become obligated for these payments effective February 1, 1990, and shall make the first cumulative payment in the month following execution of this Agreement. Each Monthly Payment thereafter shall be due within 15 days after CPSB receives the TWC Report from ACRD for such month as required under section 4.b.

b. Acre Foot Charge Adjustment. Except as provided in section 5.c., the Basic Amount Acre Foot Charge and the Option Amount Acre Foot Charge shall be subject to an adjustment on January 1 of every fourth year after January 1, 2000, commencing January 1, 2004, as follows: on January 1, 2004, and each fourth year thereafter ("Adjustment Date") the Basic Amount Acre Foot Charge and the Option Amount Acre Foot Charge shall be increased in proportion to the increase in the Consumer Price Index of the Bureau of Labor Statistics of the United States Department of Labor, U. S. City Average for All Items for All Urban Consumers ("CPI-U") for the January prior to the Adjustment Date over the corresponding CPI-U index figure for January 2000 or the January preceding the prior Adjustment Date for Adjustment Dates after 2004. There shall be no adjustment if the CPI-U for the Adjustment Date has decreased from, or is the same as, the CPI-U on the prior Adjustment Date. However, the adjustment shall in no event be more than 17% since the last such adjustment.

c. Option Amount Acre Foot Charge. The Option Amount Acre Foot Charge shall be \$50.00 adjusted every January 1 beginning January 1, 1991, as follows: the Option Amount Acre Foot Charge shall be increased on each January 1 in proportion to one-half of the increase in the CPI-U for the current January over the corresponding CPI-U index figure for the January twelve months prior ("Half CPI-U Increase"). The Option Amount Acre Foot Charge shall not be adjusted if the CPI-U for this time period has

decreased. The Half CPI-U Increase adjustment shall end on the next Adjustment Date which occurs after the Option becomes effective, or if the Option becomes effective on an Adjustment Date, the Half CPI-U Increase adjustment shall immediately end. The Option Amount Acre Foot Charge then shall not be increased or decreased for a period of four years until the next succeeding Adjustment Date, at which time the Option Amount Acre Foot Charge shall be adjusted as provided in Section 5.b.

d. Reconciliation. For purposes of sections 5.b. and 5.c., since the most recent CPI-U will not as yet have been published as of January 1, CPS shall begin paying an adjusted Basic Amount Acre Foot Charge and Option Amount Acre Foot Charge based on the most recent CPI-U and, as soon as the January index is published, the CPSB payments shall be reconciled so that CPSB shall pay the additional increase, or be credited with any difference between the most recent CPI-U and the CPI-U used to make the adjustment as provided above.

e. Demise of CPI-U. If the CPI-U referred to above shall no longer be published, then the index most closely resembling said Consumer Price Index, which is published by an agency of the Federal government, at such time shall be used for the purposes of computing the adjustment called for in this Agreement. If ACRD and CPSB are unable to agree on a suitable substitute index, or if no such index is published, ACRD and CPSB shall, by mutual agreement,

determine and state such adjustment. If ACRD and CPSB are unable to so agree within a period of 120 days following such Adjustment Date, ACRD shall, not later than 150 days following such Adjustment Date, designate, by notice to CPSB, any public college or university within the State of Texas as arbitrator, and the decision of the head of the Economics Department of such college or university shall be final and binding upon both parties, and the expense, if any, of such arbitration shall be borne one-half by ACRD and one-half by CPSB.

f. Price Increases--Additional Amount of Treated Wastewater.

CPSB may request an amount of treated wastewater which exceeds the Maximum Monthly Take or which exceeds the Annual Wastewater Requirement ("Additional Amount"). The Additional Amount shall not increase, or its availability affect, the Annual Wastewater Requirement or Option Water amounts or entitlements under section 2 hereof. If ACRD has treated wastewater available for sale not subject to outstanding ACRD contractual commitments, CPSB shall have the first right to purchase the treated wastewater on a month-to-month basis. The Monthly Payment for the month in which the Additional Amount is delivered shall be increased by an amount to be negotiated at time of purchase; however, in no event shall the Monthly Payment be increased by more than the amount equal to the product of the Additional Amount delivered (expressed in acre feet) multiplied by 150% of the Basic Amount Acre Foot Charge.

g. Price Reductions.

i) Maximum Price. Notwithstanding any other provision of this Agreement, the Basic Amount Acre Foot Charge and the Option Amount Acre Foot Charge for the entire calendar year shall be reduced so that neither is greater than the lowest price paid for wastewater of similar quality delivered by ACRD during any portion of the calendar year to any other customer expressed in dollars per acre foot. This provision shall not apply to treated wastewater (1) provided under contracts or agreements entered into prior to the execution of this Agreement; (2) treated wastewater sold to customers using less than 600 acre feet per year; or (3) sales of wastewater for delivery only during the months of October, November, December, January, February and March.

ii) Reduction for Failure to Develop Users. In calendar year 2002 and each subsequent calendar year, the Monthly Payment amount shall be reduced by 50% if the total amount of acre feet of treated wastewater sold to all other customers of ACRD for reuse in the previous calendar year does not exceed the lesser of a) 10,000 acre feet or b) the amount of treated wastewater ACRD has available to sell from the Major Wastewater Treatment Plants, after deducting the amount of the Annual Wastewater Requirement and any amount required to be discharged to the San Antonio River and its tributaries for

water quality purposes or to others who are not customers of ACRD. At the end of calendar year 2005, and at the end of every calendar year thereafter, CPSB need make no further payment under this Agreement until the total amount of acre feet of treated wastewater sold to all other customers of ACRD for reuse exceeds the amount described above. In determining the total amount of treated wastewater sold to all other customers of ACRD for reuse, amounts to be sold to customers 1) for which facilities are under construction; and 2) to which delivery will commence within the following twelve months shall be included.

iii) Reductions for Yearly Deficiencies. In addition to other reductions and remedies of CPSB, there shall be reductions in the Monthly Payments due under this Agreement if a) CPSB has requested the entire Annual Wastewater Requirement in a calendar year; and b) ACRD did not deliver the Annual Wastewater Requirement. To determine the reduction, the difference between the amount delivered in the calendar year and the Annual Wastewater Requirement for the year shall be multiplied by 150% of the Basic Amount Acre Foot Charge. The amount of the reduction shall be deducted from the first Monthly Payments due in the calendar year following such yearly deficiency.

h. Payment for Option Rights. In addition to the other payments due under this Agreement, CPSB shall pay ACRD as provided below for option rights until such time as the options have lapsed, have been terminated, or have become effective by the exercise of the Option. For the Firm Option Amounts, CPSB shall pay \$7.50 per acre foot per year beginning in 1991. ACRD shall bill CPSB for the Firm Option rights each year beginning in 1991. Within 30 days of the receipt of the bill, CPSB shall pay such amount unless CPSB elects to terminate all or part of its Firm Option rights by delivering notice to ACRD of such termination. If CPSB elects to terminate only a portion of the Firm Option rights, CPSB shall make payment for the number of acre feet per year not terminated. For the Contingent Option Amounts, CPSB shall pay \$3.75 per acre foot per year beginning in 1993, but only in the years and only to the extent the Average Annual Wastewater Discharge, as defined in section 2.c. of this Agreement, exceeds 140,000 acre feet per year. ACRD shall bill CPSB for the Contingent Option rights each year beginning in 1993, along with documentation of the Average Annual Wastewater Discharge certified correct by the City Manager of San Antonio or his designee. Within 30 days after receipt of the bill, CPSB shall pay each amount unless CPSB elects to terminate all or part of its Contingent Option rights by delivering notice to ACRD of such termination. If CPSB elects to terminate only a portion of the Contingent Option rights, CPSB shall make payment only for the number of acre feet per year not terminated.

6. Permits and Approvals

Each party will cooperate and use reasonable diligence to assist the other in meeting the requirements and obligations of the respective parties under water and other permits necessary to perform this Agreement, including regulatory and reporting requirements. The parties shall determine what modifications, if any, are necessary under existing permits or prior adjudications in order to carry out this Agreement.

ACRD agrees that it will take all necessary and appropriate action, to the extent the same is within its control, to fulfill the requirements and obligations of the City's water permits for the CPSB cooling lakes. CPSB agrees to notify ACRD when it learns of questions or issues concerning such requirements or obligations, in order that ACRD may perform its obligations hereunder. ACRD shall be responsible for obtaining all permits and approvals necessary to the performance of its obligations under this Agreement, including but not limited to any permission which may be required for the use of the bed and banks of the San Antonio River. In connection with any such efforts or other activities related to its functions, ACRD shall not modify, affect or jeopardize in any way the City's water rights for CPSB's cooling lakes nor shall anything in this Agreement be construed or interpreted to modify, affect or jeopardize such rights. ACRD shall assist and support CPSB in connection with any approvals or permits sought by CPSB

which are not inconsistent with ACRD's own interests. CPSB shall assist and support ACRD in connection with any approvals or permits sought by ACRD which are not inconsistent with CPSB's or the City of San Antonio's own interests. If, after a contested hearing has been called and held before the Texas Water Commission, CPSB counsel and the City Attorney deliver a written opinion to the CPSB Board of Trustees and the City Council that this Agreement or the performance of any part of this Agreement may jeopardize, affect or modify CPSB water rights under Certificate of Adjudication 19-2162, and that a termination of this Agreement would avert such jeopardy, effect or modification, CPSB may terminate this Agreement on written notice to ACRD.

7. Priority of Rights

It is understood and agreed by both parties to this Agreement that the delivery of treated wastewater pursuant to this Agreement is of vital importance to the San Antonio area for the production of electricity. There shall be no restrictions on CPSB's rights to pump the quantity of treated wastewater provided for under this Agreement, provided, however, that CPSB meets the minimum flow requirements of its water permits. ACRD also agrees that if there is a deficiency in the amount of treated wastewater ACRD is required to deliver to CPSB under this Agreement, ACRD may not deliver water to any other customer or user until such time that the deficiency is cured.

In marketing and furnishing treated wastewater to other customers, ACRD shall make provision for protection of CPSB's rights to the quantities of treated wastewater, including Firm Option Water, provided for under this Agreement. ACRD shall make and include explicit provisions with subsequent users and purchasers that their rights to wastewater acquired from ACRD are subordinate and junior to the Annual Wastewater Requirement and Firm Option Water amounts to which CPSB may be entitled under this Agreement.

If ACRD shall notify CPSB of its problems or concerns as to the ability to deliver the nominated quantities, CPSB shall in good faith attempt to cooperate with ACRD to adjust the dates and times of its pumpage, or to accelerate or postpone the time that it takes the wastewater, in order to accommodate the ability of ACRD to supply its other users, as long as such good faith attempts to cooperate with ACRD do not interfere with the efficient use of the cooling lakes, the reliable production of electricity or result in increased costs to CPSB. This provision shall not affect the rights of CPSB to take such amount of wastewater as is necessary or convenient for CPSB to operate its generating facilities in the event that its good faith efforts to make adjustments are not successful.

8. Direct Delivery

At CPSB's option, CPSB may require ACRD to deliver all or any portion of the treated wastewater provided for under this Agreement directly to CPSB's cooling reservoirs. In the event CPSB elects such option, CPSB, at its cost, will be responsible for designing, constructing and obtaining necessary permits and approvals for any delivery and treatment facilities which may be required in connection with such direct delivery, or, at CPSB's option, CPSB may contract with ACRD for the performance of any or all of such services at CPSB's cost. In the event CPSB exercises this option, title to the wastewater shall pass to CPSB upon entry into the CPSB delivery system. In electing the option to require such direct delivery, CPSB may choose the Current Wastewater Treatment Plant or Plants from which such direct delivery is to be and can be made in quantities needed by and acceptable to CPSB, notwithstanding the "Maximum Monthly Take." If CPSB elects direct delivery, compliance with the Category A and B Standards in section 4 of this Agreement shall be determined for Category A based on monthly flow-weighted averages contained in the TWC Reports for the plant or plants from which delivery is made, and for Category B based on results of 24-hour composite samples taken and analyzed once per month by ACRD for the plant or plants from which delivery is made, unless sampling of the delivered treated wastewater is conducted in accordance with section 4.d. If sampling is conducted for compliance with Categories A and B under section 4.d., 1) the

sampling shall be conducted in accordance with the procedures set forth in section 4.d. of this Agreement; 2) the samples shall be taken at the point of entry into the CPSB delivery system; and 3) the results of the sampling shall control over the figures reported in the TWC Reports or the results of ACRD sampling.

Compliance with Category C Standards shall be determined based on samples taken at the point of entry into the CPSB delivery system in accordance with the procedures set forth in section 4.d. of this Agreement. CPSB agrees to notify ACRD when CPSB plans the direct delivery facilities, and shall oversize the delivery facilities for use by ACRD and negotiate in good faith toward agreements acceptable to both parties regarding joint use and allocation of costs. If agreement is not reached, CPSB shall proceed with the facilities without ACRD participation.

9. Term

The term of this Agreement shall be 40 years from the date of execution of this Agreement, unless terminated as provided for in this Agreement.

10. Audit

Each party to this Agreement shall have the right at all reasonable times to examine, at its expense, the books and records of the other party to the extent necessary to verify the accuracy

of any statement, charge, computation or demand made under or pursuant to this Agreement, to verify the price charged to other ACRD customers, to verify the Total Supply figure, or the quantities of treated wastewater delivered or diverted under this Agreement or the amount of treated wastewater allocated by ACRD among its customers, or with regard to the performance of any other duty or obligation of either party related to this Agreement. CPSB's and ACRD's books shall be retained and available for examination for as long as necessary to make any adjustments or corrections provided herein. Any statement shall be final as to both parties unless questioned within two (2) years after the statement has been made.

11. Obligation to Develop Customers; Limitation on Use of Funds

ACRD agrees to use its best efforts to develop other industrial and commercial reusers of treated wastewater. Both parties to this Agreement agree that the funds acquired by ACRD under this Agreement are dedicated for use by ACRD for lawful purposes, including the development of supplementary water sources, water reuse and wastewater reuse projects, including, but not limited to, capital improvement projects constructed by ACRD, and ACRD agrees that it will not use the funds for any other purpose. ACRD agrees that it will not make any payments to the City, except reasonable and prudent payments to the City for the fair market

value of goods, services or property purchased or received by ACRD from the City.

12. Small Business Concerns

ACRD and CPSB agree to comply with 48 C.F.R. §52.219-8, Utilization of Small Business Concerns and Small Disadvantaged Business Concerns. ACRD shall adopt and deliver to CPSB a small business/small disadvantaged business subcontracting plan similar to the plan required in 15 U.S.C. §637(d), Public Law 95-507, within 90 days of the execution of this Agreement by both parties.

13. Agreement Assignability

Neither ACRD nor CPSB may assign their rights or delegate their duties under this Agreement without the prior written consent of the other party, provided, however, that ACRD shall assign its rights and duties hereunder to any governmental entity which becomes the successor to ACRD's rights to the City's wastewater. Any assignment which is consented to or which occurs by operation of law or pursuant to the terms hereof shall be binding on successors and assigns, including the City of San Antonio, its agencies and instrumentalities.

14. Termination

If either party fails to perform any of its obligations under this Agreement or breaches this Agreement in any manner, the other party shall have the right to terminate this Agreement under the following procedure: The non-defaulting party shall notify the other party of the breach or failure of performance. The other party shall have 90 days to cure or correct such breach or failure, or to implement changes to prevent similar future breaches or failures. If, at the end of such 90 days the other party has not cured or corrected the breach or failure, or has not implemented changes to prevent similar future breaches or failures, the non-defaulting party, at its option, may terminate this Agreement. In addition, if the City Council of the City determines to use Calaveras Lake as part of a comprehensive regional program for potable water, and if the City Council determines that impoundment of wastewater in Calaveras Lake purchased under this Agreement should be terminated, CPSB may terminate this Agreement upon 60 days notice to ACRD.

15. Resale of Wastewater.

CPSB shall not be permitted to resell wastewater acquired under this Agreement except to the extent of pre-existing commitments under its contract with Golden Aluminum and the

additional resale of 2,000 acre feet per year to users located at or within one-half (1/2) mile of Calaveras and Braunig Lakes.

16. Remedies

The remedies provided for in this Agreement are cumulative and are not exclusive, but are in addition to any other remedies which may be provided for in law or in equity. CPSB and ACRD agree that the treated wastewater to be delivered to CPSB under this Agreement is the source of water for which CPSB electric generating plants at Calaveras Lake are designed and upon which they have been and are dependent; that such treated wastewater is of vital importance to the City, CPSB and their citizens and ratepayers; that there is no readily available source of such water as needed by CPSB for the operation of its electric generating plants; and that, therefore, the treated wastewater to be delivered to CPSB by ACRD is unique. CPSB and ACRD also agree that monetary damages would be inadequate to compensate CPSB for any failure of ACRD to deliver the quantity of treated wastewater provided under this Agreement and that CPSB would have inadequate remedies at law for such failure. ACRD and CPSB agree, therefore, that in addition to whatever other remedies CPSB may have under this Agreement, at law or equity for breach of this Agreement, the obligation of ACRD to deliver the quantity of wastewater provided for herein shall be enforceable by order of specific performance.

17. Miscellaneous Provisions

This Agreement shall be binding upon and inure to the benefit of the parties. ~~The provisions of this Agreement and Ordinance to~~ which it is attached constitute the entire agreement, understanding and representations, express or implied, between ACRD and CPSB. ~~If~~ any provision of the Agreement is found to be invalid or unenforceable, the remaining provisions shall not be impaired. Nothing in this Agreement, express or implied, is intended or shall be construed to confer upon any person other than the City, ACRD, and CPSB, any right, remedy, or claim, legal or equitable. All provisions of this Agreement are for the sole and exclusive benefit of the City, ACRD, and CPSB, and of the holders of their bonds and/or securities.

18. Waiver and Amendment.

Failure to timely enforce, or the waiver of, any provision of this Agreement or any breach of nonperformance by ACRD or CPSB shall not be deemed a waiver by either of the parties of the right in the future to demand strict compliance and performance of any provision of this Agreement. No waiver or waivers of any breach or default (or any breaches or defaults) by any party hereto or of performance shall be deemed a waiver thereof in the future, nor shall any such waiver or waivers be deemed or construed to be waiver of subsequent breaches or defaults of any kind, character,

or description, under any circumstances. Only duly-authorized officers or employees of ACRD or CPSB are authorized to waive or modify any provision of this Agreement. No modifications to or rescission of this Agreement may be made except by a written document signed by the authorized officers or employees of ACRD and CPSB.

19. Force Majeure.

If for any reason of "force majeure," either ACRD or CPSB shall be rendered unable, wholly or in part, to carry out its obligations under this Agreement, then if the party shall give notice of the reasons in writing to the other party within a reasonable time after the occurrence of the event, or cause relied on, the obligation of the party giving the notice, so far as it is affected by the "force majeure," shall be suspended during the continuance of the inability then claimed, but for no longer period. The party giving notice of "force majeure" shall use best efforts to remedy, correct and remediate the effects of the force majeure, and to perform its obligations to the extent it is able. The term "force majeure" as used in this Agreement shall mean acts of God, strikes, lockouts, acts of public enemy, orders or actions of any kind of government of the United States or of the State of Texas or political subdivision other than ACRD, City or CPSB, or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, floods or

explosions. If a force majeure renders ACRD unable to perform its obligation under this Agreement for a continuous period of three months or more, CPSB need make no further payments under this Agreement until performance is restored except in the following instance: if, despite the force majeure, ACRD is able to deliver a portion of the quantity of wastewater required to be delivered under this Agreement, CPSB shall pay ACRD the Basic Amount Acre Foot Charge times the number of acre feet of wastewater delivered.

20. Notice

Any notice or request provided for in this Agreement, and any correspondence or other mailing associated with this Agreement ("Notice"), shall be mailed or delivered as follows:

ACRD:
ALAMO CONSERVATION AND REUSE DISTRICT
P.O. Box 839966

SAN ANTONIO, TEXAS 78283-3966

Attention: Executive Director

Attachment I
QUALITY REQUIREMENTS

Category A Standards

Constituent	Category A	Maximum Category A
BOD	10	30
TSS	15	45
Nitrogen as Ammonia	2	10

Category B Standards

Constituent	Category B	Maximum Category B
TDS	700	1050
Phosphorus	10	20
Total Nitrogen	20	40

Attachment II

CONSTITUENTS FOR CATEGORY C STANDARDS

Arsenic
Barium
Cadmium
Chromium
Lead
Mercury
Selenium
Silver
Endrin
Lindane
Methoxychlor
Toxaphene
2, 4-D
2,4,5-TP Silvex
Trihalomethanes
Radium-226
Radium-228
Gross alpha, beta and photon radioactivity
Tritium
Strontium-90
Copper
Iron
Manganese
Zinc

CPSB:

City Public Service Board

Attention: General Manager

P.O. Box 1771

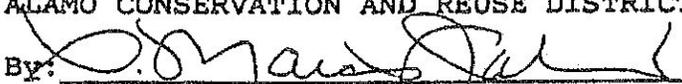
San Antonio, Texas 78296-1771

Such Notice shall be effective upon telecopying or hand-delivery in person or two days after placing such notice in the U.S. mail or in the control of Federal Express or other courier service.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in multiple counterparts by their duly authorized respective officer or general manager.

ALAMO CONSERVATION AND REUSE DISTRICT

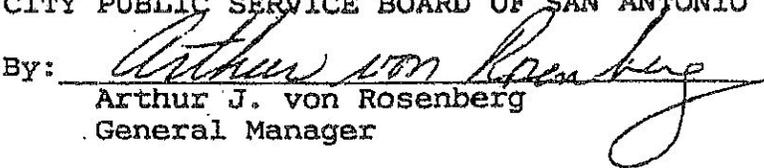
Date: Sept 14, 1990

By: 

Marcus Jahns
Executive Director

CITY PUBLIC SERVICE BOARD OF SAN ANTONIO

Date: Sept 20, 1990

By: 

Arthur J. von Rosenberg
General Manager

APP00067:dm
09/06/90-Final

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 25, 2016

Mr. Jim Mathews
Mathews & Freeland, LLP
8140 N. Mopac, Bldg. 2 Suite 260
Austin, Texas 78759-8942

CERTIFIED MAIL

91 7199 9991 7033 2841 7979

RE: San Antonio Water Systems
WRPERM 13098
CN600529069, RN107107526
Application No. 13098 for a Water Use Permit
Texas Water Code § 11.042, Requiring Limited Mailed Notice
Multiple Watercourses, San Antonio River and Guadalupe River Basins
Multiple Counties

This acknowledges receipt of additional information for the referenced application on August 8, 2015 and fees in the amount of \$990.60 (Receipt Nos. R434247A & R434247B enclosed).

Additional information is required before the application can be declared administratively complete.

1. Explain how SAWS will divert and reuse water for navigation, recreation, hydropower, fisheries, game preserves, stock raising, park purposes, aesthetics, water quality protection, and aquatic and riparian wildlife habitat.
2. Clarify the amount of water that will be used for instream flows and freshwater inflows and explain how water will be diverted to support these uses. SAWS' application states "It is unnecessary to restrict the amount of water SAWS may reuse to protect instream uses and inflows to bays and estuaries because SAWS' groundwater discharges to the San Antonio River supplement existing surface flows and will be conveyed from the points of discharge through the San Antonio River to the point of diversion near the mouth of the Guadalupe River at San Antonio Bay."
3. Revise the specific volumes of groundwater-based return flows SAWS is requesting to reuse. SAWS proposes that concerns related to "double permitting" be addressed through an accounting plan. Staff would be unable to recommend granting a reuse authorization for return flows that are already authorized for reuse under SAWS' existing reuse permits and cannot address this as an accounting plan issue. SAWS would need to provide the maximum volumes of groundwater-based return flows that are not currently permitted and that are requested in the application.

Staff recognizes that some of the discharged return flows authorized for reuse in other permits could be contracted to users that are not using the full amount of their contracts. Staff could consider an authorization allowing SAWS to reuse already permitted but unused return flows; however, SAWS would need to amend its application to provide specific amounts from specific permits that may be available for SAWS' use.

- a. Medio Creek Water Recycling Center - SAWS indicates in its August 8, 2014 response that it has an existing amendment application to reuse some of the return flows from this facility. The amount requested for reuse in the pending application for Certificate of Adjudication 19-4768C would need to be deducted from the amount requested in Application 13098.
- b. Dos Rios Water Recycling Center and Salado Creek Water Recycling Center - Explain the relationship between the Salado Creek Water Recycling Center and the Dos Rios Water Recycling Center. Staff's review indicates that although there is an active TPDES permit for the Salado Creek facility, the facility is inactive and the outfall is assigned to the Dos Rios facility. Staff would not be able to consider the discharges from an inactive facility as an amount available for a reuse permit application because the amount is already taken into account in the amount requested from the Dos Rios facility. Should the Salado Creek facility subsequently be reactivated, SAWS can apply to reuse those discharges at that time. In addition, the volume of return flows authorized for reuse under Water Use Permit 5705 (Dos Rio Water Recycling Center) should be deducted from the volume requested for reuse in this application because that water has already been permitted.
- c. Provide copies of all SAWS contracts for discharged return flows. Certificate of Adjudication 19-2162, owned by the City of San Antonio, authorizes diversion of conveyed return flows. To the extent this conveyance is authorized in that certificate, staff would likely be unable to consider those return flows as part of Application 13098.

Please submit the requested information by **February 29, 2016** or the application may be returned pursuant to Title 30 Texas Administrative Code § 281.18.

If you have questions concerning this application, please contact me by e-mail at michael.gill@tceq.texas.gov or by phone at (512) 239-2274.

Sincerely,



Michael Gill, Work Leader
Water Rights Permitting Team
Water Rights Permitting and Availability Section

Enclosures

cc: South Texas Watermaster
Mr. Doug Caroom
Ms. Molly Cagle

MATHEWS & FREELAND, L.L.P.

ATTORNEYS AT LAW

JIM MATHEWS
JOE FREELAND

Westpark II, Suite 260
8140 North MoPac Expressway
AUSTIN, TEXAS 78759

(512) 404-7800
FAX: (512) 703-2785

August 8, 2014

Via Mail and email

Mr. Michael Gill
Water Rights Permitting Team,
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

**Re: San Antonio Water System
WRPERM 13098
CN600529069, RN 107107526
Application No. 13098 for a Bed and Banks Authorization
Texas Water Code §11.042(b)**

Dear Mr. Gill,

Thank you for your recent letter responding to San Antonio Water System's (SAWS) December 30, 2013 application for a bed and banks authorization pursuant to Texas Water Code §11.042(b).

Before providing the additional information you requested in order to declare the application administratively complete, I thought it would be useful if I addressed your concerns related to the limitations on the Commission's authority to issue the a new permit as expressed in Texas Water Code §§11.0235(d)¹ and §11.0237. Both sections relate to a limitation on issuing a new water right permit appropriating state water for in-stream uses that are dedicated solely to environmental needs or inflows to bays and estuaries. SAWS application does not seek a permit to appropriate state water. Instead, SAWS seeks a bed and banks authorization under Tex. Water Code §11.042(b) to reuse its privately owned groundwater-based return flows.

Your letter acknowledges that SAWS has requested an authorization under §11.042(b), but states that SAWS' application does not fall under this statute because the application "requests a diversion point from which no water will be diverted". You base this characterization of SAWS' application on your belief that "the application specifically states that water at the diversion point will be used solely for instream uses; therefore, no water will be

¹ Your letter referred to §11.0235(a), but this appears to be a typo. The section that is consistent with your description of the legislative intent is 11.0235(d)

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TCEQ
WATER RIGHTS DIV.
AUG 8 PM 3 56

diverted under any permit that could be granted.” This is a misreading of SAWS’ application. The portions of the application related to diversion and use relevant to this issue state:

“SAWS intends to reuse 50,000 acre feet of its B&B authorized return flows, less carriage losses, solely for instream use as defined in 30 TAC 297.1(25) in Bexar, Wilson, Karnes, Goliad, Victoria, Refugio, and Calhoun counties. SAWS intends to use the remainder of its B&B authorized return flows for municipal, agricultural, industrial, mining, and instream use in Bexar, Wilson, Karnes, Goliad, Victoria, Refugio and Calhoun counties. Through this application SAWS is requesting a single diversion point near the mouth of the Guadalupe River.”²

.....
“Through this application SAWS is seeking authority to convey through state watercourses and subsequently divert/reuse *all* of its groundwater based return flows less carriages losses...”³

This language does not state or mean, and was not intended to state or mean, that SAWS seeks authorization solely to use only a portion of its return flows at the diversion point for instream purposes. The requested authorization encompasses all authorized return flows and all requested uses at the single diversion point. Moreover, even if your characterization of SAWS application was correct, the instream use authorization requested by SAWS covers a wide variety of uses including, but not limited to, navigation, recreation, hydropower, fisheries, game preserves, stock raising, park purposes, aesthetics, water quality protection, aquatic and riparian wildlife habitat, freshwater inflows to bays and estuaries and other instream uses recognized by law. Most, if not all, of these uses may be facilitated by diversion.

Your acknowledgment that SAWS application requests an authorization under §11.042 (b) is correct. Although we have not identified any language in SAWS’ application that could potentially support the misreading expressed in your letter that “the application specifically states that water at the diversion point will be used solely for instream uses”, we will be glad to address such language by clarification or correction if it is identified.

As you know the Texas Commission on Environmental Quality has previously determined, as a matter of law, that applications made under §11.042(b) do not involve state water. Accordingly the Commission has ruled that such applications are to be reviewed solely under §11.042(b) and the Commission’s bed and banks authorization rules and not under statutes and rules applicable to state water.⁴ Accordingly, the restrictions contained in Tex. Water Code §§ 11.0235(a) and 11.0237 do not apply to SAWS’ application.

Responses to Requests for Information

² Supplemental Information, Page 1, second paragraph.

³ Supplemental Information, Page 7, §c.

⁴ TCEQ’s interim order in the Bryan and College Station bed and banks application was provided at Attachment 2 of SAWS’ application.

1. Indicate the specific points in Bexar, Wilson, Karnes, Goliad, Victoria, Refugio, and Calhoun Counties where groundwater based return flows will be diverted for municipal, agricultural, industrial and mining use.

RESPONSE: Through this application SAWS is seeking authorization to divert its groundwater based return flows for all uses described in the application at a single diversion point in Calhoun County. The location of that diversion point was described at Page 5, Section B.2.e.ii of the Supplemental Information submitted with SAWS' December 30, 2013 original application. SAWS response to RFI 2 below and Attachment 1 provide corrected coordinates for the location of this diversion point. After the requested authorization is granted and SAWS has a better understanding of the quantities of return flow it is authorized to reuse, SAWS may seek additional diversion points at other locations by way of amendment.

2. Review and revise the location information for the discharge points requested in the application and for the diversion point at the mouth of the Guadalupe River. Many of these locations do not plot at the location where the outfall enters the stream, are not located on the stream, or are located on the wrong bank of the stream. Because of issues with the locations of the points, bearing and distances for some locations could not be confirmed. Please provide revised bearing and distance information that is consistent with the revised locational information and review the survey information for discharge point 002.

RESPONSE: As required by TCEQ instructions for a §11.042 application, SAWS' original application indicated the method of identifying the discharge and diversion points. The method described in the application was based on U.S.G.S. maps and IGage software.⁵ IGage All Topo Maps-Texas is a dedicated software package for identifying locations on USGS topographic maps. The software package uses the Geographic Coordinate System North American Datum 1927 (GCS NAD27). You have advised us that TCEQ staff plotted the coordinates provided in the application using ESRI ArcGIS 10.1 software and the Geographic Coordinate System North American Datum 1983 (NAD83).

Although both geodetic datums used by SAWS and TCEQ are commonly used in surveying and cartography, they are based on slightly different assumptions and measurements. It is therefore not surprising that points did not plot consistently given that TCEQ used software different than that identified in SAWS' application.

To facilitate processing of its application, SAWS has re-plotted the locations of the discharge and diversion points using the locational method you have now identified as used by TCEQ staff. A shapefile was developed using ESRI ArcGIS 10.0 and GCS NAD83. Figure 1 shows the ArcGIS layer properties source information.

Latitude and longitude coordinates were exported from ArcGIS and are listed in Table 1 below. These coordinates have been used to develop new bearing and distance information.

⁵ Supplemental Information, Page 2, §2.

Screen images showing the location of each point and the associated coordinates, bearings and distances are provided at Attachment 1.

FIGURE 1

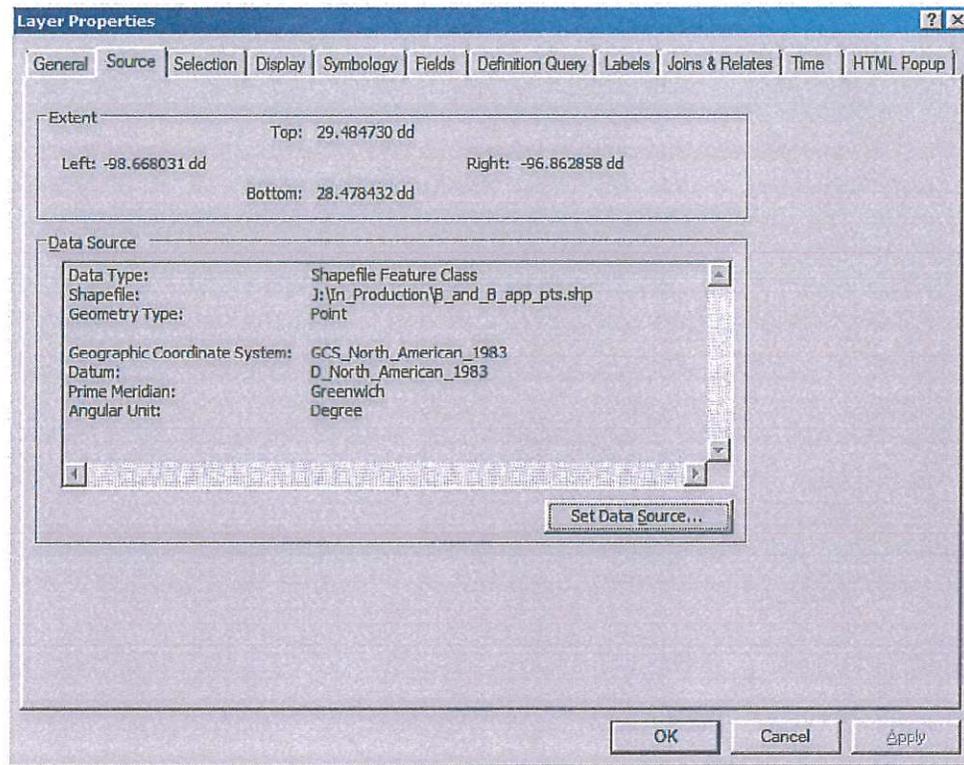


TABLE 1

POINT NUMBER	DESCRIPTION	LATITUDE	LONGITUDE
SAWS APPLICATION 13098, DISCHARGE POINT 1	DOS RIOS WRC OUTFALL 001	29.235827	-98.416244
SAWS APPLICATION 13098, DISCHARGE POINT 2	DOS RIOS WRC OUTFALL 002	29.461615	-98.468752
SAWS APPLICATION 13098, DISCHARGE POINT 3	DOS RIOS WRC OUTFALL 003	29.446454	-98.480740
SAWS APPLICATION 13098, DISCHARGE POINT 4	DOS RIOS WRC OUTFALL 004	29.484730	-98.416819
SAWS APPLICATION 13098, DISCHARGE POINT 5	DOS RIOS WRC OUTFALL 005	29.420978	-98.485352
SAWS APPLICATION 13098, DISCHARGE POINT 6	DOS RIOS WRC OUTFALL 006	29.275560	-98.428978
SAWS APPLICATION 13098, DISCHARGE POINT 7	LEON CREEK WRC OUTFALL 001	29.275319	-98.513008
SAWS APPLICATION 13098, DISCHARGE POINT 8	MEDIO CREEK WRC OUTFALL 001	29.398847	-98.668031
SAWS APPLICATION 13098, DISCHARGE POINT 9	SALADO CREEK WRC OUTFALL 001	29.275560	-98.428978
SAWS APPLICATION 13098, DIVERSION POINT 1	STATE HWY 35 AT GUADALUPE RIVER	28.478432	-96.862858

3. Indicate the purposes of use for which water will be diverted at the downstream diversion point. TWC, 11.042(b) applies to applications to discharge and then subsequently divert and reuse groundwater based return flows. The application does not request authorization to divert water at this point.

RESPONSE: As indicated above in our response to your concerns regarding §§11.0235(d) and 11.0237, this request is based on a misreading of SAWS' application. SAWS' application seeks authorization to divert and reuse all of its return flows, less channel losses, at the single downstream diversion point for all the uses identified in the application. These uses identified in the application include instream use (including, but not limited to, navigation, recreation, hydropower, fisheries, game preserves, stock raising, park purposes, aesthetics, water quality protection, aquatic and riparian wildlife habitat, freshwater inflows to bays and estuaries and other instream uses recognized by law), municipal, agricultural, industrial, and mining use.

4. Revise the volume of groundwater based return flows SAWS is requesting to reuse. Provide the maximum amount by outfall, excluding all discharges that are already authorized for reuse, or that are derived from surface water diversions. SAWS' application indicates that it would retain its existing reuse permits and add a new permit for a new amount of return flows that includes SAWS existing authorizations. As discussed in a meeting with SAWS on December 13, 2013, staff may not "double permit" this water. If reuse of the return flows is authorized in an existing permit, these return flows cannot be again authorized in a new permit and addressed by an accounting plan.

RESPONSE: SAWS does not request to "double permit" its return flows. SAWS proposes to avoid "double permitting" by requesting that the authorization it seeks through its December 30, 2013 application include a special provision that limits diversions and reuse of return flows covered by the requested authorization in accordance with the most recently approved indirect reuse accounting plan that will be developed by SAWS and subject to approval by the Executive Director. One of the elements this accounting plan would identify, on a daily basis, would be the diversions of return flows that are made pursuant to any other bed and banks authorization that SAWS holds. Such diversions would be subtracted from the discharged amount in calculating the amount of remaining return flows, less channel losses, that SAWS would be authorized to divert and use at the diversion point in Calhoun County. The special provision limiting actual diversions on a daily basis to the amount calculated by the accounting plan would be the limiting factor defining the scope of SAWS' authorization. The Commission has previously approved new reuse authorizations for parties that have other existing reuse authorizations based on similar special conditions and accounting plans that address return flow diversions under those existing authorizations.

SAWS' accounting plan would also identify on a daily basis the volume of the surface water component of the return flow discharge. This quantity is dynamic and changes frequently based on operation of SAWS' drinking water supply system. Attachment 1 to SAWS December 30, 2013 application provides data showing the variability of this component. This variable component as reflected in the accounting plan would be subtracted from the total

discharge when determining the daily authorized diversion amount. If this component was addressed on a static rather than dynamic basis, SAWS could be deprived of the ability to fully utilize its privately owned groundwater based return flows.

The following information is provided in response to your request to provide the maximum amount by outfall that SAWS is requesting by. This information also identifies the volume of those discharges that are currently authorized for reuse or that are subject to a pending application.

Medio Creek Water Recycling Center

The Medio Creek Water Recycling Center has one TPDES permitted outfall that discharges only groundwater based effluent. The maximum amount requested for reuse is provided below.

WRC	Permit No.	Outfall No.	Maximum Requested for Reuse
Medio Creek	WQ0010137040	001	16 mgd annual average 17,922 af/yr

There are currently no reuse authorizations for discharges from Medio Creek WRC. SAWS has a pending application to amend Certificate of Adjudication 19-4768 in a manner that could authorize bed and banks conveyance and subsequent diversion of 1,000 acre feet of the return flows from the Medio Creek WRC.

Leon Creek Water Recycling Center

The Leon Creek Water Recycling Center has two TPDES permitted outfalls that discharge primarily groundwater based effluent with a small and variable surface water based component. Of these two outfalls, SAWS is requesting authorization for reuse from only one, Outfall 001. The maximum amount requested for reuse is provided below.

WRC	Permit No.	Outfall No.	Maximum Requested for Reuse
Leon Creek	WQ0010137003	001	46 mgd annual average 51,526 af/yr

There are currently no reuse authorizations for discharges from Leon Creek outfall 001. Leon Creek WRC outfall 002 discharges to Mitchell Lake, but that outfall is not included in SAWS December 30, 2013 application and thus is not relevant to your request. SAWS does

hold Certificates of Adjudication 19-2153 A&B which authorize diversion for reuse from Mitchell Lake, but those diversions are unrelated to discharges from outfall 001.

Salado Creek Water Recycling Center

The Salado Creek Water Recycling Center has one TPDES permitted outfall that discharges primarily groundwater based effluent with a small and variable surface water based component. The maximum amount requested for reuse is provided below.

WRC	Permit No.	Outfall No.	Maximum Requested for Reuse
Salado Creek	WQ0010137008	001	46 mgd annual average 51,526 af/yr

There are currently no reuse authorizations for discharges from the Salado Creek WRC.

Dos Rios Water Recycling Center

The Rios Water Recycling Center has six TPDES permitted outfalls that discharge primarily groundwater based effluent with a small and variable surface water based component. The maximum amount requested for reuse is 140,017 acre-feet per year. This volume reflects the total permitted discharge of 125 mgd. The maximum amount requested for each outfall is provided below. Please note these volumes are not additive.

WRC	Permit No.	Outfall No.	Maximum Requested for Reuse
Dos Rios	WQ0010137033	001	125 mgd annual average 140,017 af/yr
Dos Rios	WQ0010137033	002	10 mgd annual average 11,201 af/yr
Dos Rios	WQ0010137033	003	10 mgd annual average 11,201 af/yr
Dos Rios	WQ0010137033	004	3 mgd annual average 3,360 af/yr
Dos Rios	WQ0010137033	005	2.6 mgd annual average 2,912 af/yr
Dos Rios	WQ0010137033	006	46 mgd annual average 51,526 af/yr

There is currently one authorized diversion for reuse from Dos Rios WRC outfall 002. Permit 5705A authorizes diversion and subsequent discharge of up to 1.0 cfs (723.9 af/yr) for streamflow maintenance purposes in Brackenridge Park. Actual diversions are highly variable. Diversions for 2008 through 2012 are summarized below.

Year	Diversion Volume (af)
2008	295.71
2009	248.12
2010	19.61
2011	328.84
2012	428.95

5. Remit fees in the amount of \$990.60 as described below....

Filing Fee (50,000 ac/ft)	\$	1,000.00
Recording Fee (1.25x6 pages)	\$	7.50
Notice Fee (\$0.94 x 115 water rights)	\$	108.10
<hr/>		
TOTAL FEES	\$	1,115.60
FEES RECEIVED	\$	125.00
<hr/>		
BALANCE DUE	\$	990.60

RESPONSE: Enclosed please find SAWS check in the amount of \$990.60. The portion of this payment that is made to address the filing fee of \$1000 based on 50,000 acre feet is made under protest. This portion of the requested fee appears to be based on 30 TAC 295.132. This rule applies to an application for a water use permit and is based on the amount of state water to be appropriated. SAWS has not applied for a water use permit and does not seek to appropriate state water. It has filed an application requesting an authorization to use the bed and banks of a state watercourse to convey and subsequently divert and reuse its privately owned groundwater based return flow. Accordingly the fees required for a water use permit based on the amount to be appropriated are inapplicable.

Thank you for the opportunity to respond. We look forward to working with you to obtain the requested authorization.

Sincerely,



Jim Mathews

CC: Steve Kosub

Attachment 1

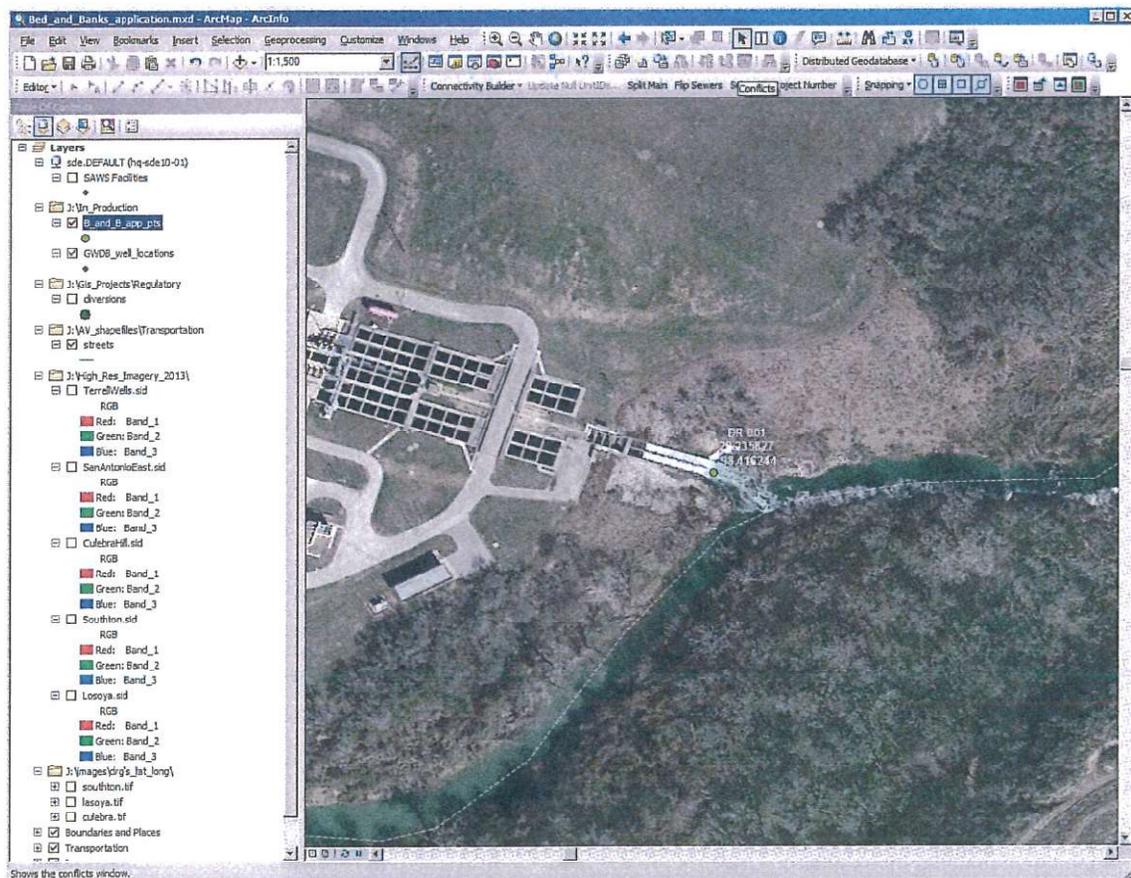
Discharge Point 1: Dos Rios Water Recycling Center Outfall 001

Discharge from Dos Rios Water Recycling Center Outfall 001 is to the Medina River below Medina Diversion Lake in Segment No. 1903 of the San Antonio River Basin.

Location of discharge point for Outfall 001 is at Latitude 29.235827° N, Longitude -98.416244° W, also bearing N 83.462500 , E 437.9 feet from the Northwest corner of the Dolores Casanova Original Survey No. 34, Abstract No. 129, in Bexar County, Texas.

Location from County Seat: 13.8 miles in a Southeasterly direction from San Antonio, Bexar County, Texas.

Zip Code: 78205



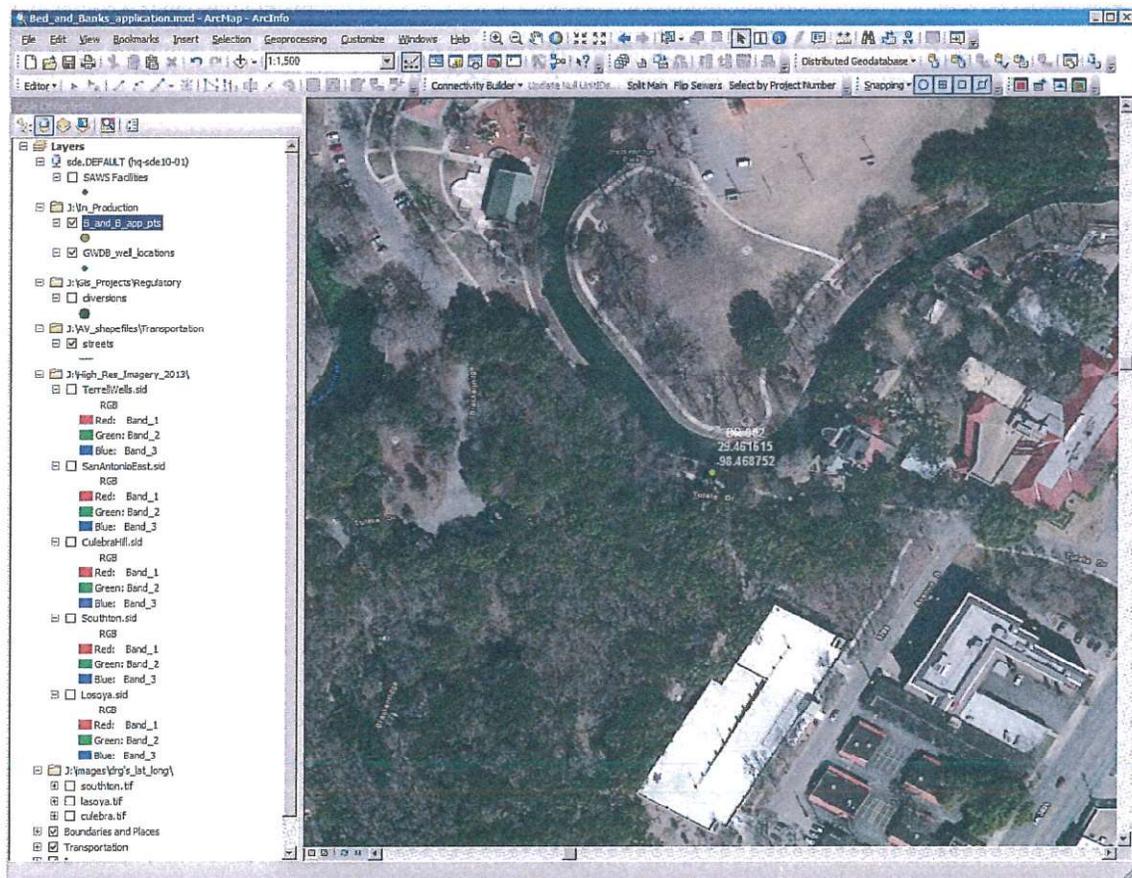
Discharge Point 2: Dos Rios Water Recycling Center Outfall 002

Discharge from Dos Rios Water Recycling Center Outfall 002 is through approximately 15 miles of pipeline to the Upper San Antonio River in Segment No. 1911 of the San Antonio River Basin at a point approximately 600 feet northwest of the intersection of Tuleta Street and Broadway.

Location of discharge point for Outfall 002 is at Latitude 29.461615° N, Longitude -98.468752° W, also bearing N 40.527222 W, 20,691.1feet from the Easterly corner of the San Antonio Town Tract Grant, an interior Corner of Guillerma Nunez Original Survey No. 151, Abstract No. 548, in Bexar County, Texas.

Location from County Seat: 3.1 miles in a Northerly direction from San Antonio, Bexar County, Texas.

Zip Code: 78205



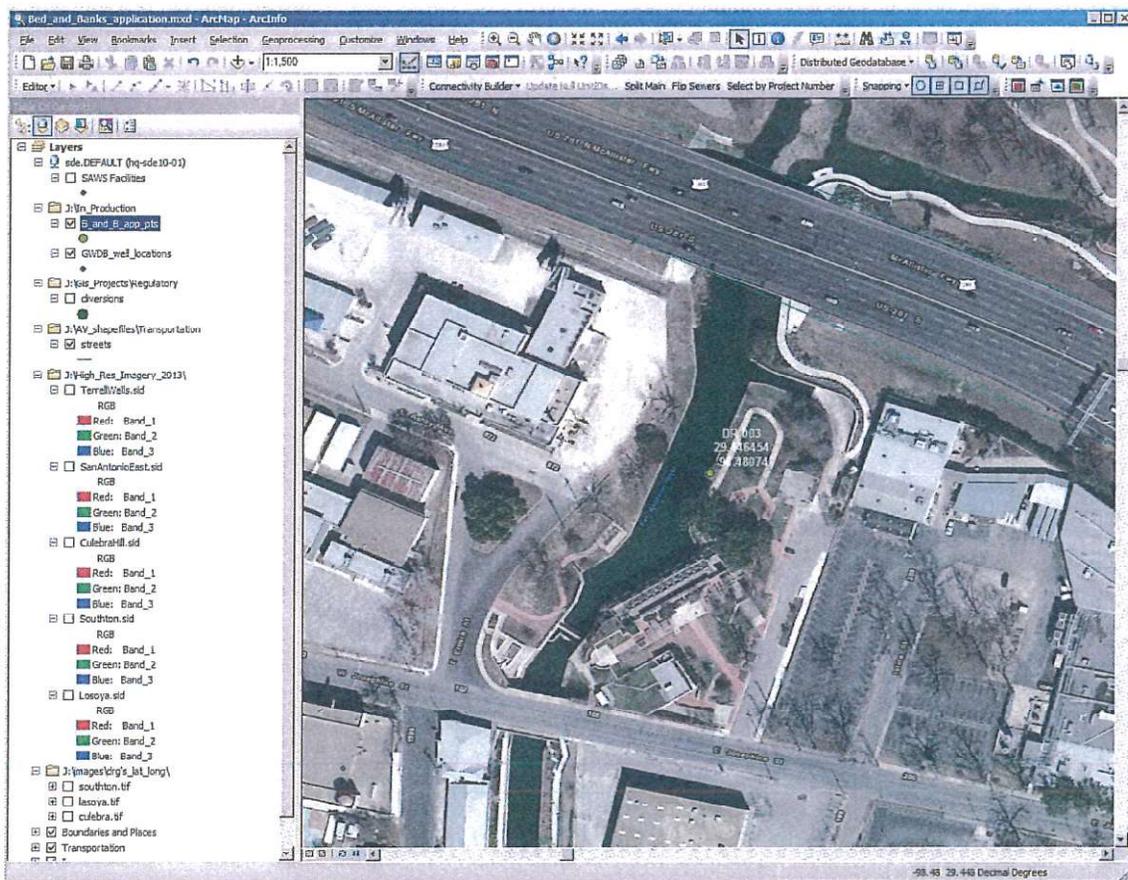
Discharge Point 3: Dos Rios Water Recycling Center Outfall 003

Discharge from Dos Rios Water Recycling Center Outfall 003 is through approximately 14 miles of pipeline to the Upper San Antonio River in segment No. 1911 of the San Antonio River Basin at a point approximately 500 feet northwest of the intersection of Isleta Street and East Josephine Street.

Location of discharge point for Outfall 003 is at Latitude 29.446454° N, Longitude -98.480740° W, also bearing S 59.068333 E, 20,104.9 feet from the Easterly corner of the San Antonio Town Tract Grant, an interior Corner of the Guillerma Nunez Original Survey No. 151, Abstract No. 548, in Bexar County, Texas.

Location from County Seat: 1.8 miles in a Northerly direction from San Antonio, Bexar County, Texas.

Zip Code: 78205



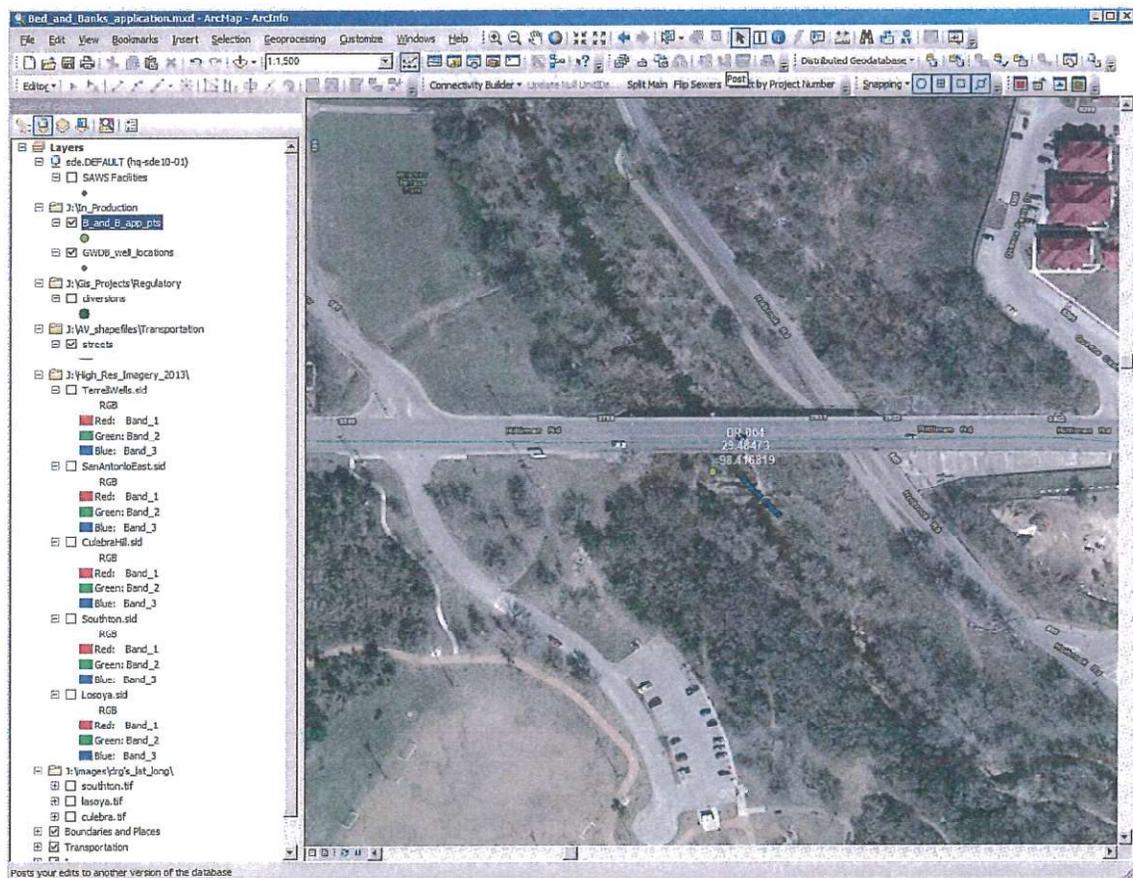
Discharge Point 4: Dos Rios Water Recycling Center Outfall 004

Discharge from Dos Rios Water Recycling Center Outfall 004 is through approximately 20 miles of pipeline to Salado Creek in Segment No. 1910 of the San Antonio River Basin at a point approximately 100 feet south of the intersection of Salado Creek and Rittiman Road.

Location of discharge point for Outfall 004 is at Latitude 29.484730° N, Longitude -98.416819° W, also bearing N 24.540000, W 1302.9 feet from the corner of the Gonafacio Rodriguez Original Survey No. 131, Abstract No. 621, in Bexar County, Texas.

Location from County Seat: 6.3 miles in a Northeasterly direction from San Antonio, Bexar County, Texas.

Zip Code: 78205



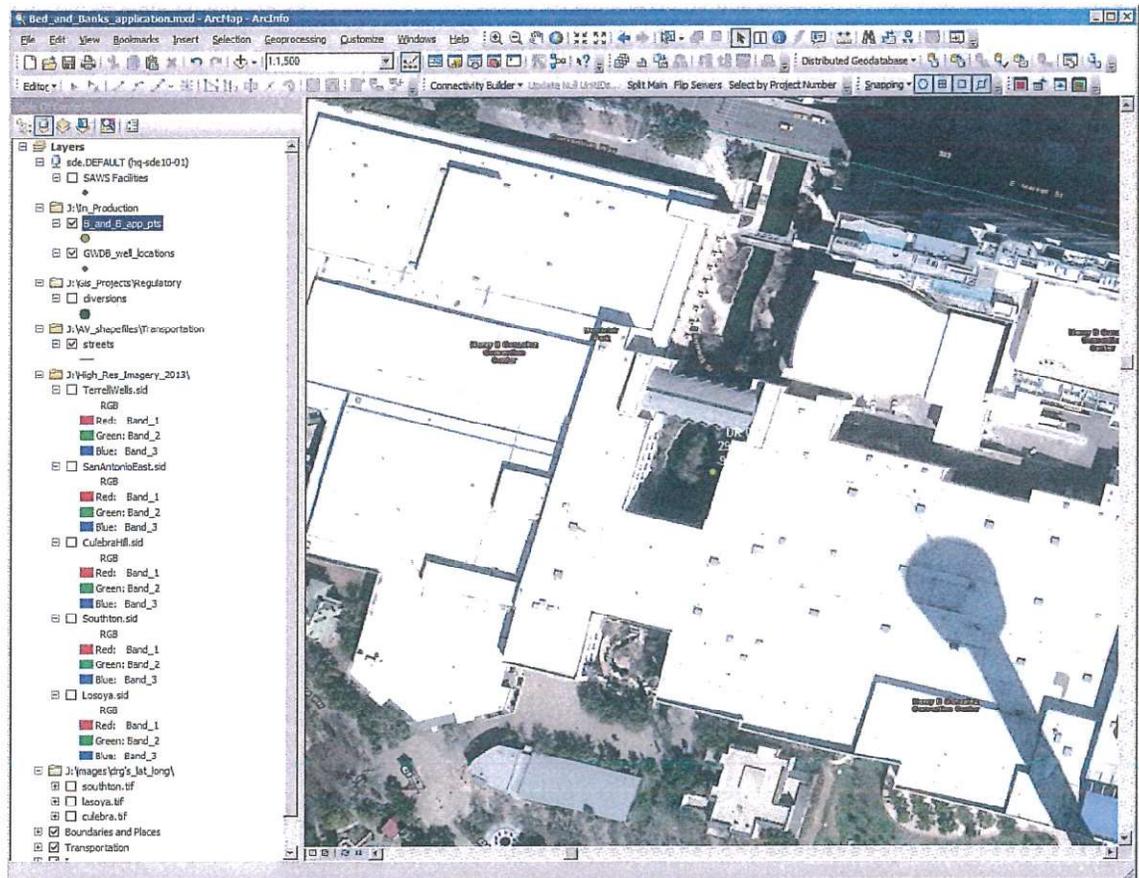
Discharge Point 5: Dos Rios Water Recycling Center Outfall 005

Discharge from Dos Rios Water Recycling Center Outfall 005 is through a pipeline to the Upper San Antonio River in Segment No. 1911 of the San Antonio River Basin at a point approximately 800 feet southeast of the intersection of South Alamo Street and East Market Street.

Location of discharge point for Outfall 005 is at Latitude 29.420978° N, Longitude -98.485352° W, also bearing N 87.521389 W, 18,651.5 feet from the Easterly corner of the San Antonio Town Tract Grant, an interior Corner of the Guillerma Nunez Original Survey No. 151, Abstract No. 548, in Bexar County, Texas.

Location from County Seat: 0.6 miles in an Easterly direction from San Antonio, Bexar County, Texas.

Zip Code: 78205



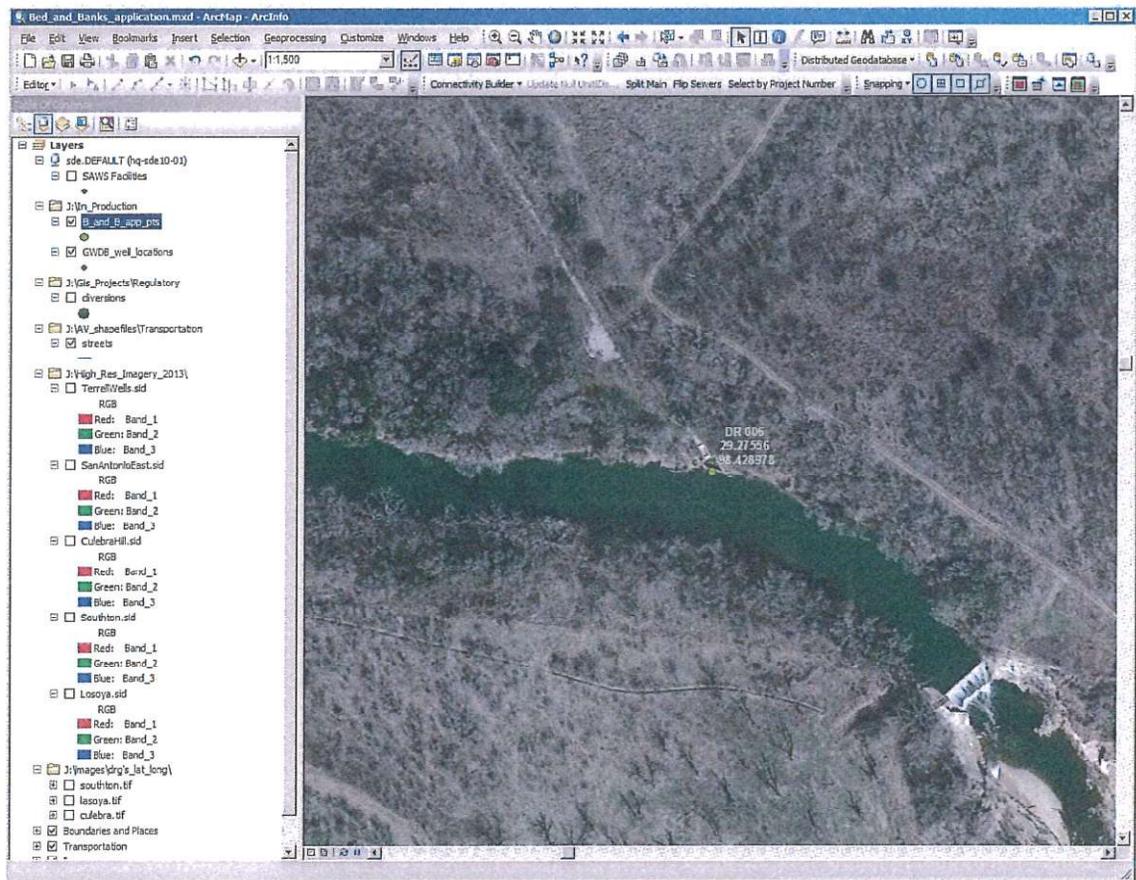
Discharge Point 6: Dos Rios Water Recycling Center Outfall 006

Discharge from Dos Rios Water Recycling Center Outfall 006 is to the Upper San Antonio River in Segment No. 1911 of the San Antonio River Basin.

Location of discharge point for Outfall 006 is at Latitude 29.275560° N, Longitude -98.428978° W, also bearing S 26.908056 W, 27,649.4 feet from the Northernmost corner of the Juan Montes Original Survey, Abstract No. 11, in Bexar County, Texas.

Location from County Seat: 10.9 miles in a SSE direction from San Antonio, Bexar County, Texas.

Zip Code: 78205



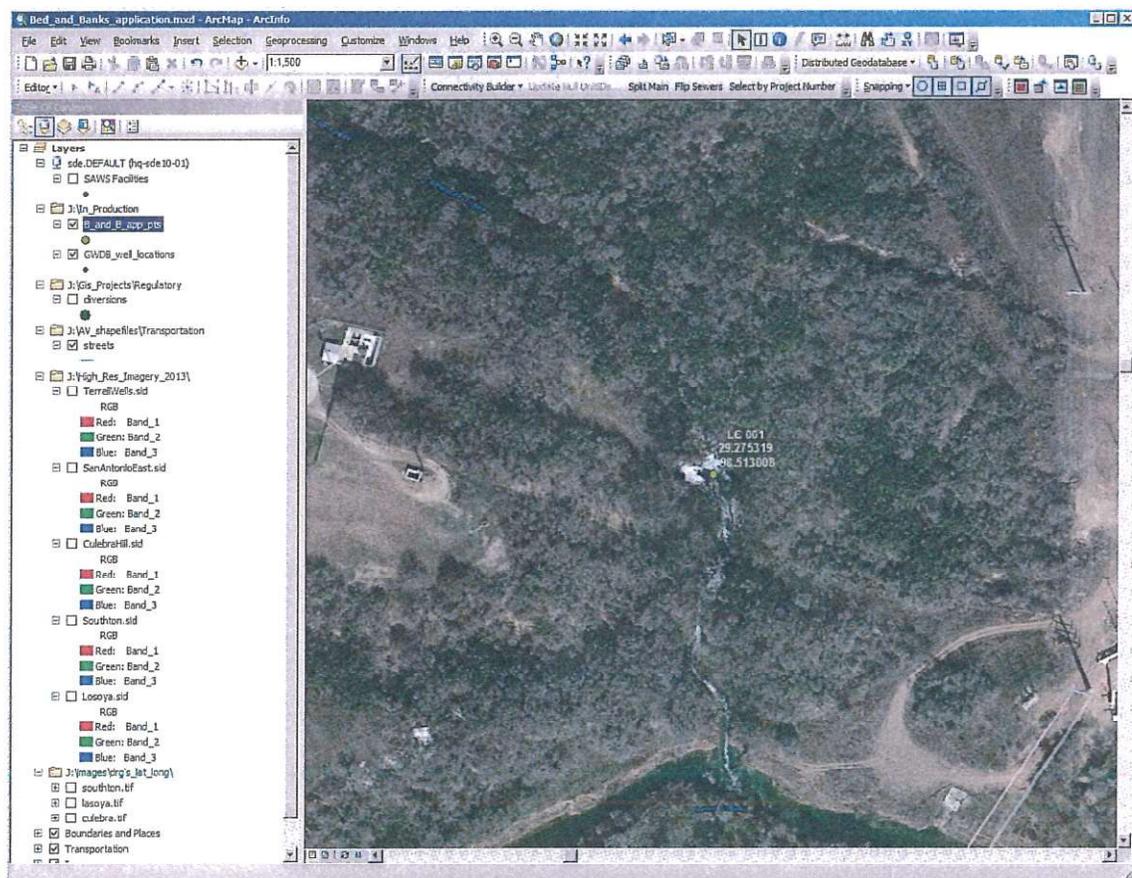
Discharge Point 7: Leon Creek Water Recycling Center Outfall 001

Discharge from Leon Creek Water Recycling Center Outfall 001 is to Comanche Creek, thence to the Lower Leon Creek in Segment No. 1906 of the San Antonio River Basin.

Location of discharge point for Outfall 001 is at Latitude 29.275319° N, Longitude -98.513008° W, also bearing N 9.214444 W, 3911.3 feet from the Southeast corner of the Fernando Rodriquez Original Survey, Abstract No. 15, in Bexar County, Texas.

Location from County Seat: 10.2 miles in a Southerly direction from San Antonio, Bexar County, Texas.

Zip Code: 78205



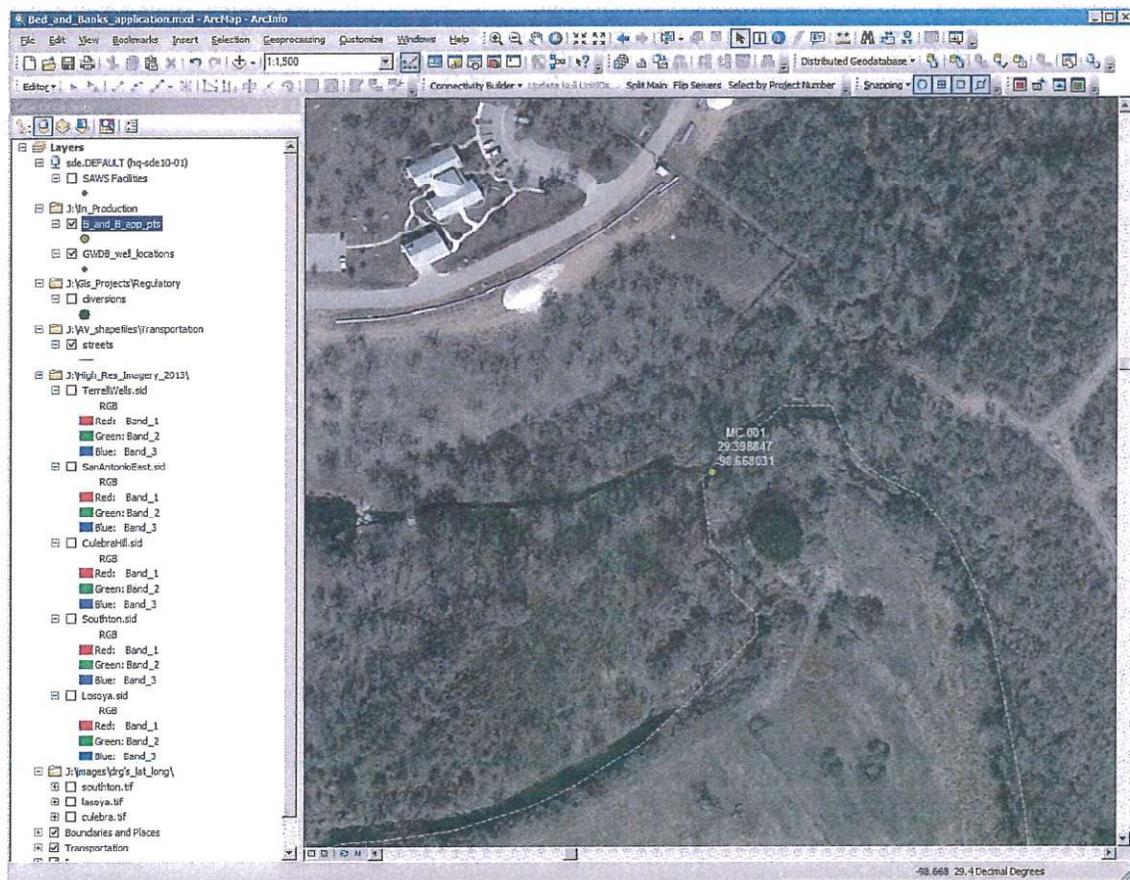
Discharge Point 8: Medio Creek Water Recycling Center Outfall 001

Discharge from Medio Creek Water Recycling Center Outfall 001 is to the unclassified portion of Medio Creek, thence to an unclassified lake, thence to Medio Creek in Segment No. 1912 of the San Antonio River Basin.

Location of discharge point for Outfall 001 is at Latitude 29.398847° N, Longitude -98.668031° W, also bearing N 28.314444 W, 3152.4 feet from the Southeast corner of the Clement Texada Original Survey No. 69, Abstract No. 548, in Bexar County, Texas.

Location from County Seat: 10.6 miles in a Westerly direction from San Antonio, Bexar County, Texas.

Zip Code: 78205



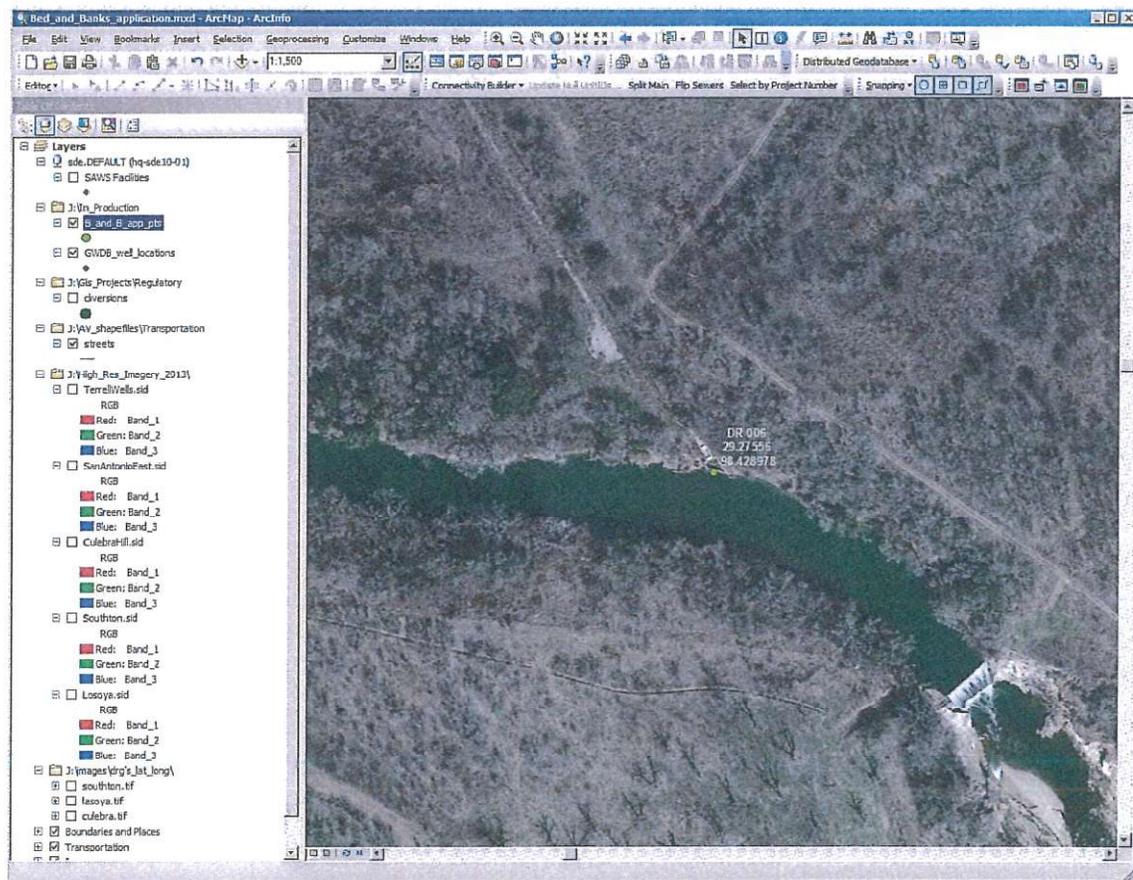
Discharge Point 9: Salado Creek Water Recycling Center Outfall 001

Discharge from Salado Creek WRC Outfall 001 is to the Upper San Antonio River in Segment No. 1911 of the San Antonio River Basin.

Location of discharge point for Outfall 001 is at Latitude 29.275560° N, Longitude -98.428978° W, also bearing S 26.908056° W, 27,649.4 feet from the Northernmost corner of the Juan Montes Original Survey, Abstract No. 11, in Bexar County, Texas.

Location from County Seat: 10.9 miles in a SSE direction from San Antonio, Bexar County, Texas.

Zip Code: 78205



Diversion Point 1

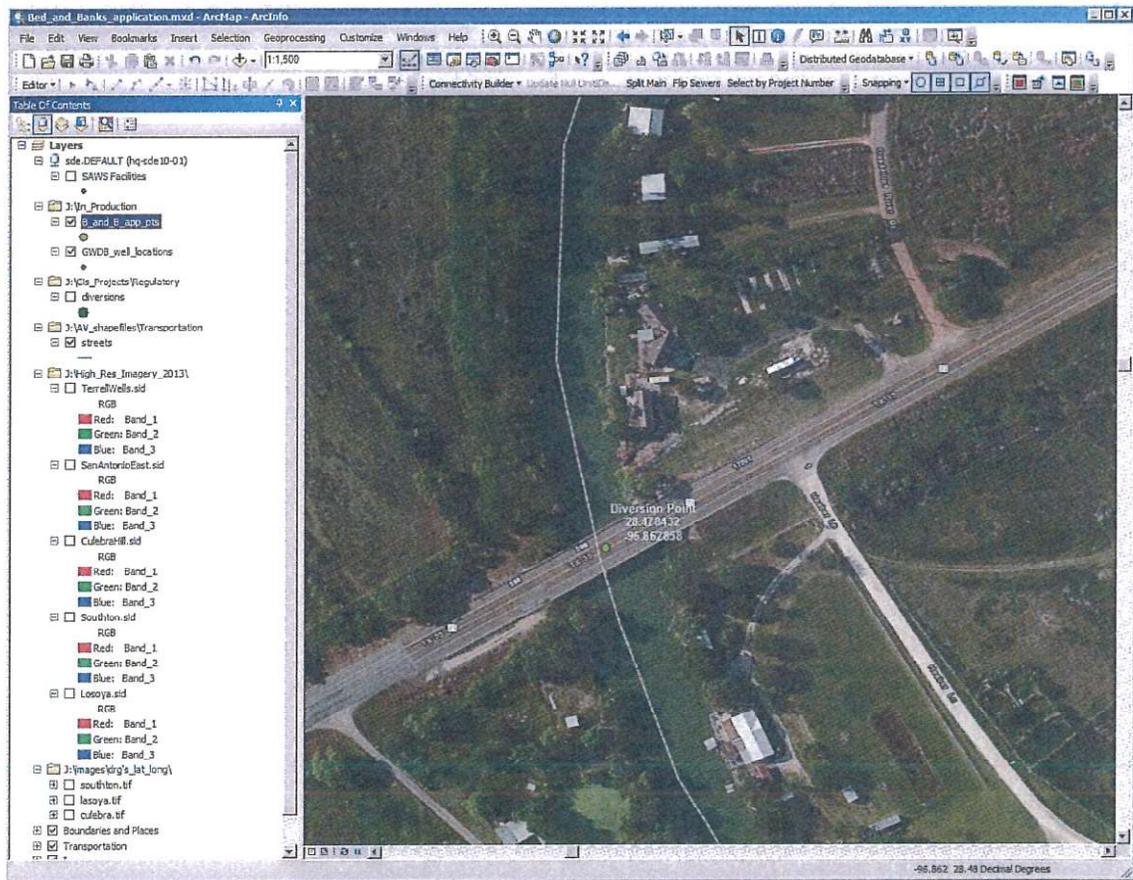
The location of the proposed approximately 214 to 247 river miles from the points of discharge described above.

The diversion will be directly from the Guadalupe River.

Location of point of diversion is at Latitude 28.478432° N, Longitude 96.862858° W, also bearing S 23.723611 E, 289.70 feet from the Northwest corner of the Joseph Farquhare Original Survey , Abstract No. 67, in Calhoun County, Texas.

Location from County Seat: 17.1 miles in a Southwesterly direction from Port Lavaca, Calhoun County, Texas.

Zip Code: 77979



Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 8, 2014

Mr. Jim Mathews
Mathews & Freeland, LLP
8140 N. Mopac, Bldg. 2 Suite 260
Austin, TX 78759-8942

CERTIFIED MAIL

91 7108 2133 3935 1947 3575

RE: San Antonio Water System
WRPERM 13098
CN600529069, RN107107526
Application No. 13098 for a Water Use Permit
Texas Water Code §11.042, Requiring Limited Mailed Notice
Multiple Watercourses, San Antonio River and Guadalupe River Basins
Multiple Counties

Dear Mr. Mathews:

This acknowledges receipt, on December 30, 2013, of the above referenced application and fees in the amount of \$125.00 (Receipt No. R413173 enclosed).

Staff believes that TCEQ does not have authority under statute to issue a permit based on this application. Under TWC, §11.0235(a) the legislature has recognized that it has not authorized granting water rights exclusively for instream flows dedicated to environmental needs or inflows to the state's bay and estuary systems. Moreover, TWC, §11.0237 expressly states that the commission may not issue a new permit for instream needs or freshwater inflows.

Although SAWS has requested this authorization under TWC, §11.042(b), the application does not fall under this statute because the statute requires that a permittee divert and reuse any groundwater based return flows discharged into the stream. SAWS requests a diversion point from which no water will be diverted. The application specifically states that water at the diversion point will be used solely for instream uses; therefore, no water will be diverted under any permit that could be granted.

In order to recommend that the application be granted, SAWS must amend the application to comply with TWC, §11.042(b). Although staff does not believe it can recommend that the application be granted, the following additional information would be required before the application can be declared administratively complete:

1. Indicate the specific points in Bexar, Wilson, Karnes, Goliad, Victoria, Refugio, and Calhoun Counties where groundwater based return flows will be diverted for municipal, agricultural, industrial and mining use.
2. Review and revise the location information for the discharge points requested in the application and for the diversion point at the mouth of the Guadalupe River. Many of these locations do not plot at the location where the outfall enters the stream, are not located on

the stream, or are located on the wrong bank of the stream. Because of issues with the locations of the points, bearing and distances for some locations could not be confirmed. Please provide revised bearing and distance information that is consistent with the revised locational information and review the survey information for discharge point 002.

3. Indicate the purposes of use for which water will be diverted at the downstream diversion point. TWC, 11.042(b) applies to applications to discharge and then subsequently divert and reuse groundwater based return flows. The application does not request authorization to divert water at this point.
4. Revise the volume of groundwater based return flows SAWS is requesting to reuse. Provide the maximum amount by outfall, excluding all discharges that are already authorized for reuse, or that are derived from surface water diversions. SAWS' application indicates that it would retain its existing reuse permits and add a new permit for a new amount of return flows that includes SAWS existing authorizations. As discussed in a meeting with SAWS on December 13, 2013, staff may not "double permit" this water. If reuse of the return flows is authorized in an existing permit, these return flows cannot be again authorized in a new permit and addressed by an accounting plan.
5. Remit fees in the amount of **\$990.60** as described below. Please make checks payable to the TCEQ or Texas Commission on Environmental Quality:

Filing Fee (50,000 ac/ft)	\$	1,000.00
Recording Fee (\$1.25 x 6 pages)	\$	7.50
Notice Fee (\$0.94 x 115 water rights)	\$	108.10
TOTAL FEES	\$	1,115.60
FEES RECEIVED	\$	125.00
BALANCE DUE	\$	990.60

Please submit the requested information and fees by **August 8, 2014**, or the application may be returned pursuant to Title 30 TAC §281.18.

If you have questions concerning this application, please contact me by e-mail at michael.gill@tceq.texas.gov or by phone at (512) 239-2274.

Sincerely,



Michael Gill, Work Leader
Water Rights Permitting Team
Water Availability Division

Enclosure

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
APPLICATION FOR PERMIT TO CONVEY AND REUSE
PRIVATELY OWNED GROUNDWATER BASED RETURN FLOWS
(SECTION 11.042 (b), TEXAS WATER CODE)

TAC CHAPTERS 288, 295 AND 297

Water Supply Division, Water Rights Permitting MC-160

P.O. Box 13087

Austin, Texas 78711-3087

Telephone (512) 239-4691, FAX (512) 239-4770

(if including a check, mail directly to P.O. Box 13088, Austin, TX 78711-3088)

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

1. Applicant Information.

A. Applicant Name(s): San Antonio Water System

Mailing Address: 2800 U.S. Hwy 281 North, San Antonio, TX 78212

Telephone Number: (210) 233-3872 Fax Number: (210) 233-4292

Email Address: [REDACTED]

B. Customer Reference Number CN600529069

Note: If you do not have a Customer Reference Number, complete Section II of the Core Data Form (TCEQ-10400) and submit it with this application.

C. Fees and Penalties

Applicant owes fees or penalties?

Yes No

If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:

D. Lienholder Information

Provide this information on the holder of any liens on any land to which the water right would be appurtenant): N/A.

2. Dam (structure), Reservoir and Watercourse Data. N/A This application requests issuance of a bed and banks authorization under Texas Water Code Section 11.042(b) for groundwater based return flows. It does not seek an appropriation of state water. See attached Supplemental Information for the information required by statute and rule for this application.

A. Type of Storage Reservoir (indicate by checking (√) all applicable)

on-channel off-channel existing structure proposed structure* exempt structure**

* Applicant shall provide a copy of the notice that was mailed to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir, will be located as well as copies of the certified mailing cards.

** TWC Section 11.143 for uses of water for other than domestic, livestock, or fish and wildlife from an existing, exempt reservoir with a capacity of 200 acre-feet or less. Please complete Paragraph 6 below if proceeding under TWC 11.143.

Date of Construction: _____

B. Location of Structure No. _____

1) Watercourse: _____

RECEIVED
TCEQ
WATER SUPPLY DIV.
2013 DEC 30 PM 3:59

2) Location from County Seat: _____ miles in a _____ direction from _____, _____ County, Texas.

Location from nearby town (if other than County Seat): _____ miles in a _____ direction from _____, a nearby town shown on county highway map.

3) Zip Code: _____

4) The dam will be/is located in the _____ Original Survey No. _____, Abstract No. _____ in _____ County, Texas.

5) Station _____ on the centerline of the dam is _____° _____ (bearing), _____ feet (distance) from the _____ corner of _____ Original Survey No. _____, Abstract No. _____, in _____ County, Texas, also being at Latitude _____°N, Longitude _____°W. Provide the Latitude and Longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location.

C. Reservoir:

1) Acre-feet of water impounded by structure at normal maximum operating level: _____

2) Surface area in acres of reservoir at normal maximum operating level: _____

D. Drainage Area

The drainage area above the dam is _____ acres or _____ square miles.

E. Other

1) If this is a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure, provide the Site No. _____ and watershed project name _____.

2) Do you request authorization to close the "ports" or "windows" in the service spillway?

Yes No

3. **Appropriation/Diversion Request (total amount of water needed, including maximum projected uses and accounting for evaporative losses for off-channel storage, if applicable). See attached Supplemental Information.**

A. Appropriated water will be used as follows:

	Purpose*	Place of Use	Acre-feet per year
1)			
2)			
3)			

*If agricultural use, list crops(s) to be irrigated:

B. Lands to be irrigated (if applicable):

1) 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, Texas. A copy of the deed(s) describing the overall tract(s) with the recording information from the county records is attached.

- 2) Location of land to be irrigated: In the _____
Original Survey No. _____, Abstract No. _____.

C. Diversion Point No.1.

- 1) Watercourse: _____
2) Location of point of diversion at Latitude _____°N, Longitude _____°W,
Provide Latitude and Longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location..

also bearing _____° _____ feet
(distance) from the _____ corner of the _____ Original
Survey No. _____, Abstract No. _____, County, Texas.

- 3) Location from County Seat: _____ miles in a _____ direction from
_____, _____ County, Texas.

Location from nearby town (if other than County Seat): _____ miles in a _____
direction from _____, a nearby town shown on county
highway map.

- 4) Zip Code: _____

- 5) The diversion will be (check (√) all appropriate boxes and if applicable, indicate whether existing or proposed):

	Existing	Proposed
Directly from stream		
From an on-channel reservoir		
From stream to an off-channel reservoir		
From a stream to an on-channel reservoir		
From an off-channel reservoir		
Other method (explain fully, use additional sheets if necessary)		

- 6) Rate of Diversion (Check (√) applicable provision):

___ 1. Diversion Facility:

- A. Maximum gpm (gallons per minute)
B. _____ Number of pumps
C. _____ Type of pump
D. _____ gpm, Pump capacity of each pump
E. Portable pump _____ Yes or _____ No.

___ 2. If by gravity:

- A. ___ Headgate _____ Diversion Dam _____ Maximum gpm

B. ____ Other method (explain fully - use additional sheets if necessary)

7) The drainage area above the diversion point is _____ acres or _____ square miles.

D. Return Water or Return Flow (location and quantity information, provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location):

Water which is diverted but not consumed as a result of the above stated use, will be returned to

_____, tributary of _____

_____, tributary of _____,

_____ Basin, at a point which is at Latitude _____

_____°□□□N, Longitude _____°W, also, bearing

_____° (direction), _____ feet (distance) from the

_____ corner of the _____ Original Survey

No. _____, Abstract No. _____, in _____ County, Texas.

Zip Code: _____

Estimated **annual** amount of return flow to said stream will be _____ acre-feet.

E. Surplus Water (provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location):

Water which is diverted but not used beneficially will be returned to _____

tributary of _____ Basin at a point

which is at Latitude _____°N, Longitude _____°W, also

bearing _____° (direction), _____ feet

(distance) from the _____ corner of the _____ Original Survey

No. _____, Abstract No. _____, in _____ County, Texas.

Zip Code: _____

4. Discharge Point Information (if applicable, provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location).

Discharge Point No. or Name: **See attached Supplemental Information.**

A. Select the appropriate box for the source of water being discharged:

Treated effluent

Groundwater

Other

B. Location of discharge point will be/is at Latitude _____° N, Longitude _____°W,

also bearing _____° _____ feet from the _____ corner of the _____

Original Survey No. _____, Abstract No. _____, in _____

_____ County, Texas.

What method was used to determine the Latitude and Longitude for the discharge point? (i.e., GPS Unit, USGS 7.5 Topographic Map, etc.)

C. Location from County Seat: _____ miles in a _____ direction from _____,

_____ County, Texas.

Location from nearby town (if other than County Seat): _____ miles in a _____ direction from _____, a nearby town shown on county highway map.

D. Zip Code: _____

E. Water will be discharged into
(tributaries) _____,
_____ Basin.

F. Water will be discharged at a maximum rate of ___ cfs (___ gpm) .

G. The amount of water that will be discharged is _____ acre-feet per year.

H. The purpose of use for the water being discharged will be _____

I. Additional information required:

For groundwater

- 1) Provide water quality analysis and 24 hour pump test for the well if one has been conducted.
- 2) Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map
- 3) Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District.
- 4) What aquifer the water is being pumped from?

For treated effluent

- 1) What is the TPDES Permit Number? Provide a copy of the permit.
- 2) Provide the monthly discharge data for the past 5 years.
- 3) What % of treated water was groundwater, surface water?
- 4) If any original water is surface water, provide the base water right number.

5. General Information. See attached Supplemental Information

A. The proposed _____ or existing _____ works will be (are) located on the land of _____

B. If an application for the appropriation is granted, either in whole or in part, construction works will begin within _____ after such permit is issued. The proposed work will be completed within _____ from the date the permit is issued.

C. A Water Conservation Plan is attached? _____ Yes _____ No. N.A. See attached Supplemental Information.

D. _____ Interbasin transfer is not requested.
_____ Applicant requests authorization to transfer acre-feet of water per year from the _____ Basin to the _____ Basins of which _____ acre-feet of water will be used for _____ purposes.

E. Bed and Banks request to transfer _____ acre-feet of water per year within the bed and banks of _____

F. Is this project located within 200 river miles of the coast? _____ Yes _____ No _____ Unknown

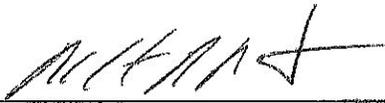
5. **Maps, plats, plans, and drawings accompany this application as required by applicable TAC Sections. See attached Supplemental Information**

_____ Yes _____ No. Attach additional sheets.

6. N/A The dam(s) and reservoir(s) shown on the attached application was (were) constructed for domestic and livestock purposes and I/we elect to seek a permit under Section 11.143 of the Texas Water Code.

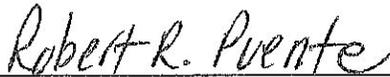
7. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement.

N/A See attached Supplemental Information.



Applicant Name (Sign)

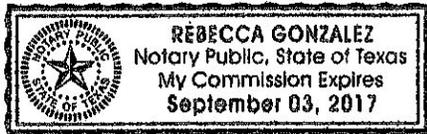
Applicant Name (Sign)



Applicant Name (Printed)

Applicant Name (Printed)

SWORN TO AND SUBSCRIBED before me this 26 day of December, 2013.



Notary Public for the State of Texas

Supplemental Environmental Information Sheet

Water right projects have the potential to alter environmental conditions in the state's rivers and streams through flow modification, sediment load alteration, loss of wetlands, and removal of riparian vegetation. The Resource Protection Team assess the effects issuance or amendment of a water right may have on existing instream uses. Instream uses include, but are not limited to, water quality, fish and wildlife habitat, recreation, and freshwater inflows to bays and estuaries.

The following items are suggested guidelines for data to be submitted depending on the nature of the particular application. Please note that *not* all the information identified below is required for the water right application to be considered administratively complete. However, depending on the magnitude and scope of the proposed project, failure to provide requested information for technical review may result in delayed processing times or a recommendation of denial of the application.

ITEMS TO BE PROVIDED FOR ALL APPLICATIONS: See attached Supplemental Information

1. USGS 7.5 minute topographic map with all diversion points, discharge points, reservoirs, and/or land to be irrigated clearly indicated.
2. Photographs of the stream at the project area (i.e., diversion point/dam location) including upstream and downstream views. Photographs should be in color and reflect the existing conditions of the stream and the riparian vegetation. Each photograph should include a description of what is depicted as well as be referenced to the USGS topographic map indicating the location and direction of the shot.
3. Brief description of the affected stream or water body at the project location including:
 - a) Average and maximum channel width and depth;
 - b) Flow characteristics of the stream (i.e., is the stream perennial, intermittent with pools, or intermittent?);
 - c) Description of land uses upstream within the watershed, if known.
4. Any known recreation or other public uses of the affected stream or water body.

ADDITIONAL ITEMS TO BE PROVIDED IF AN EXISTING DAM AND RESERVOIR ARE SOUGHT TO BE PERMITTED: N/A

1. Date dam constructed.
2. Will the reservoir be maintained at normal pool elevation with an alternate source of water? If so, identify the source of water. If groundwater will be used, see below.
3. Does the dam have an operational low flow outlet or other means to pass state water?

MINIMAL ADDITIONAL ITEMS TO BE PROVIDED IF A DAM AND RESERVOIR ARE PROPOSED TO BE CONSTRUCTED: N/A

1. In addition to indicating the location of the project location on the USGS topographic map, please identify the area of lake inundation at normal pool level.
2. Provide a brief description of the area to be affected by the proposed dam and reservoir.
3. The local U.S. Army Corps of Engineers (USACE) district should be notified of the proposed project. If the USACE determines that a 404 permit is required, provide the project number and name of the USACE Project Manager.

4. Will the reservoir be maintained at normal pool elevation with an alternate source of water? If so, identify the source of water. If groundwater will be used, see below.
5. Will the dam have a low flow outlet or other means to pass state water?

POSSIBLE ADDITIONAL ITEMS TO BE PROVIDED IF A DAM AND RESERVOIR ARE PROPOSED TO BE CONSTRUCTED: N/A

1. A quantitative or qualitative evaluation of existing aquatic, riparian, wetland, and terrestrial habitats that will be subject to impact by the proposed reservoir project, preferably performed by a qualified third party. Acceptable evaluation procedures to be used may include, but are not limited to, USFWS's Habitat Evaluation Procedures or TPWD's Wildlife Habitat Appraisal Procedure. Any habitat evaluation should include an assessment of the effects of the project on habitats in the river segment downstream.
2. Description of the alternatives that were examined to meet the water needs that the proposed project is intended to fulfill. Were other site locations examined that may result in less environmental impact? How was the size of the proposed reservoir determined? Would a smaller reservoir be adequate to meet the projected water needs? Habitat mitigation shall be considered only after the complete sequencing (avoidance, minimization or modification, and compensation/replacement) process has been performed.
3. Should habitat losses be found to be unavoidable, a mitigation plan should be developed that will compensate for lost or altered ecosystem functions and values imposed by the proposed project. This plan should address both the direct and indirect impacts to aquatic, riparian, and terrestrial habitats, as well as short- and long-term effects that may result from the proposed project. Habitat mitigation plans shall be ensured through binding legal contracts or conservation easements and shall include goals and schedules for completion of those goals. Mitigation areas shall be managed in perpetuity by a party approved by the Commission to maintain the habitat functions and values that will be affected by the proposed project.

ADDITIONAL ITEMS TO BE PROVIDED IF GROUNDWATER WILL BE USED:

Information regarding the groundwater wells to be used in this project and groundwater quality data from each well to be used. Well information should include the following: **N/A water to be reused under this application is permitted discharge of groundwater based treated effluent. See attached Supplemental Information regarding water quality permits.**

- a) Depth of well;
- b) Name of aquifer from which water is withdrawn;
- c) Pumping capacity of well.

Water chemistry information should include but not be limited to the following parameters:

- a) Chlorides;
- b) Sulfates;
- c) Total Dissolved Solids (TDS);
- d) pH;
- e) Temperature.

If data for on-site wells are unavailable, historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, please note that on-site data may still be required when it becomes available.

Alternatives Analysis Worksheet for Wetland Impacts

1. Alternatives **The project will have no adverse impacts on wetlands. See attached Supplemental Information at Paragraph B.7.**
 1. How could you satisfy your needs in ways which do not affect wetlands?
 2. How could the project be re-designed to fit the site without affecting wetlands?
 3. How could the project be made smaller and still meet your needs?
 4. What other sites were considered?
 1. What geographic area was searched for alternative sites?
 2. How did you determine whether other non-wetland sites are available for development in the area?
 5. What are the consequences of not building the project?

2. Comparison of alternatives
 1. How do the costs for the alternatives considered above?
 2. Are there logistic (location, access, transportation, etc.) factors that limit the alternatives considered?
 3. Are there technological limitations for the alternatives considered?
 4. Are there other reasons certain alternatives are not feasible?

3. If you have not chosen an alternative which would avoid wetland impacts, explain:
 1. Why your alternative was not selected?
 2. What you plan to do to minimize adverse effects on the wetlands impacted?

4. Please provide a comparison of each criterion (from Part II) for each site evaluation in the alternatives analysis.

San Antonio Water System
Bed and Banks Authorization Application
Supplemental Information
12/26/2013

A. Introduction and Scope of Application

The San Antonio Water System ("SAWS") owns four water recycling centers ("WRC") that are authorized by TPDES permits to discharge a total of 233 million gallons per day (261,000 acre feet per year) of treated effluent into various streams that are tributary to the San Antonio River. Until approximately 2000, the water discharged from SAWS' WRCs was composed solely of groundwater used by SAWS and other providers to supply water to retail customers. Beginning approximately 2000 small quantities of surface water were added as a source of supply.¹ This application applies solely to SAWS groundwater based return flows. These return flows are "developed" water by virtue of the fact that they are derived from privately owned groundwater that would not be present in the San Antonio River, but for actions taken by SAWS.

SAWS is submitting this bed and banks (B&B) application to convey and reuse return flows derived from privately owned groundwater as authorized by section 11.042(b) of the Texas Water Code. SAWS intends to reuse 50,000 acre feet of its B&B authorized return flows, less carriage losses, solely for instream use as defined in 30 TAC 297.1(25), in Bexar, Wilson, Karnes, Goliad, Victoria, Refugio and Calhoun Counties. SAWS intends to use the remainder of its B&B authorized return flows for municipal, agricultural, industrial, mining, and instream use in Bexar, Wilson, Karnes, Goliad, Victoria, Refugio and Calhoun counties. Through this application SAWS is requesting a single diversion point near the mouth of the Guadalupe River.

SAWS is not applying for an appropriative right to use state water because no such right is needed to reuse its return flows derived from privately owned groundwater. The commission has previously determined that an application under Texas Water Code §11.042(b) by an owner of privately owned groundwater seeking to retain ownership of groundwater after discharge into a state watercourse should be processed solely under section 11.042(b) of the Texas Water Code and the TCEQ's bed and banks authorization rules, and not under statutes and rules applicable to state water.² This Supplemental Information submission addresses the requirements of TCEQ's rules governing a Texas Water Code section 11.042(b) application.

B. Information required by 30 TAC §295.112.

1. Applicant

San Antonio Water System

¹ For the past five years water supplied to SAWS customers was composed of 90.35% groundwater, 4.86% surface water resulting from interbasin transfers, and 4.79% surface water from within the San Antonio Basin. See Attachment 1-Water Supplies 2008-2012.

² See Interim Order, Motion to Overturn filed by the Cities of Bryan and College Station, TCEQ docket nos. 2006-1832-WR, 2006-1831-WR (Attachment 2).

2800 US Hwy 281
San Antonio, TX 78212
(210) 233-3872

Contact Person

Please send all correspondence or requests for information regarding this application to:

Jim Mathews
Mathews & Freeland, LLP
8140 N. MoPac, Bldg. 2 Suite 260
Austin, Texas 78759--8942
512/404-7800
[REDACTED]

2. Stream Name, Points of Discharge and Diversion

U.S.G.S maps and photographs for each of the points of discharge and diversion are provided at Attachments 3 and 4 respectively. The coordinates for all discharge and diversion points were determined using U.S.G.S maps and iGage software.

Discharges may be made from four separate water recycling centers, through a total of 9 permitted outfalls. The locations of those outfalls are described below and are shown on the 7.5 min. U.S.G.S maps at Attachment 3.

a. The discharges from SAWS' Dos Rios WRC may be made through six separate permitted outfalls.

i. outfall 001 to the Medina River below Medina Diversion Lake in Segment No. 1903 of the San Antonio River Basin.

Location of discharge point for outfall 001 is at Latitude 29.235827° N, Longitude 98.414111° W, also bearing N 83.462500 E, 437.9 feet from the Northwest corner of the Dolores Casanova Original Survey No. 34, Abstract No. 129, in Bexar County, Texas.

Location from County Seat: 13.8 miles in a Southeasterly direction from San Antonio, Bexar County, Texas.

Zip Code: 78205

ii. outfall 002 through approximately 15 miles of pipeline to the Upper San Antonio River in Segment No. 1911 of the San Antonio River Basin at a point approximately 600 feet northwest of the intersection of Tuleta Street and Broadway.

Location of discharge point for outfall 002 is at Latitude 29.461506° N,

Longitude 98.468294° W, also bearing N 40.527222 W, 20,691.1 feet from the Easterly corner of the San Antonio Town Tract Grant, an interior Corner of Guillerma Nunez Original Survey No. 151, Abstract No. 548, in Bexar County, Texas.

Location from County Seat: 3.1 miles in a Northerly direction from San Antonio, Bexar County, Texas.

Zip Code: 78205

iii. outfall 003 through approximately 14 miles of pipeline to the Upper San Antonio River in segment no. 1911 of the San Antonio River Basin at a point approximately 500 feet northwest of the intersection of Isleta Street and East Josephine Street.

Location of discharge point for outfall 003 is at Latitude 29.446721°N, Longitude 98.480314°W, also bearing S 59.068333 E, 20,104.9 feet from the Easterly corner of the San Antonio Town Tract Grant, an interior Corner of the Guillerma Nunez Original Survey No. 151, Abstract No. 548, in Bexar County, Texas.

Location from County Seat: 1.8 miles in a Northerly direction from San Antonio, Bexar County, Texas.

Zip Code: 78205

iv. outfall 004 through approximately 20 miles of pipeline to Salado Creek in Segment No. 1910 of the San Antonio River Basin at a point approximately 100 feet south of the intersection of Salado Creek and Rittiman Road.

Location of discharge point for outfall 004 is at Latitude 29.484502° N, Longitude 98.416424° W, also bearing N 24.540000 W, 1302.9 feet from the corner of the Gonafacio Rodriquez Original Survey No. 131, Abstract No. 621, in Bexar County, Texas.

Location from County Seat: 6.3 miles in a Northeasterly direction from San Antonio, Bexar County, Texas.

Zip Code: 78205

v. outfall 005 through a pipeline to the Upper San Antonio River in Segment No. 1911 of the San Antonio River Basin at a point approximately 800 feet southeast of the intersection of South Alamo Street and East Market Street.

Location of discharge point for outfall 005 is at Latitude 29.420535°N, Longitude 98.484807° W, also bearing N 87.521389 W, 18,651.5 feet from the Easterly corner of the San Antonio Town Tract Grant, an interior Corner of the Guillerma Nunez Original Survey No. 151, Abstract No. 548, in Bexar County, Texas.

Location from County Seat: 0.6 miles in an Easterly direction from San Antonio, Bexar County, Texas.

Zip Code: 78205

vi. outfall 006 to the Upper San Antonio River in Segment No. 1911 of the San Antonio River Basin.

Location of discharge point for outfall 006 is at Latitude 29.275191° N, Longitude 98.428733° W, also bearing S 26.908056 W, 27,649.4 feet from the Northernmost corner of the Juan Montes Original Survey, Abstract No. 11, in Bexar County, Texas.

Location from County Seat: 10.9 miles in a SSE direction from San Antonio, Bexar County, Texas.

Zip Code: 78205

- b. The discharges from SAWS' Leon Creek WRC may be made through outfall 001 into Comanche Creek, thence to the Lower Leon Creek in Segment No. 1906 of the San Antonio River Basin.

Location of discharge point for outfall 001 is at Latitude 29.275246° N, Longitude 98.496157° W, also bearing N 9.214444 W, 3911.3 feet from the Southeast corner of the Fernando Rodriquez Original Survey, Abstract No. 15, in Bexar County, Texas.

Location from County Seat: 10.2 miles in a Southerly direction from San Antonio, Bexar County, Texas.

Zip Code: 78205

- c. The discharge from SAWS' Medio Creek WRC may be made into the unclassified portion of Medio Creek, thence to an unclassified lake, thence to Medio Creek in Segment No. 1912 of the San Antonio River Basin.

Location of discharge point is at Latitude 29.397958° N, Longitude 98.667762° W, also bearing N 28.314444 W, 3152.4 feet from the Southeast corner of the Clement Texada Original Survey No. 69, Abstract No. 548, in Bexar County, Texas.

Location from County Seat: 10.6 miles in a Westerly direction from San Antonio, Bexar County, Texas.

Zip Code: 78205

- d. The discharge from SAWS' Salado Creek WRC may be made into the Upper San Antonio River in Segment No. 1911 of the San Antonio River Basin.

Location of discharge point is at Latitude 29.275191° N, Longitude 98.428733° W, also bearing S 26.908056 W, 27,649.4 feet from the Northernmost corner of the Juan Montes Original Survey, Abstract No. 11, in Bexar County, Texas.

Location from County Seat: 10.9 miles in a SSE direction from San Antonio, Bexar County, Texas.

Zip Code: 78205

e. Proposed Diversion point information.

i. Authority to access proposed diversion point.

SAWS has access to the proposed diversion point through its authority to contract and to acquire property and through its eminent domain authority.

ii. Location.

The location of the proposed diversion point is identified on the USGS 7.5 minute topographical map at Attachment 3. The point of diversion is approximately 214 to 247 river miles from the points of discharge described above.

The diversion will be directly from the Guadalupe River.

Location of point of diversion is at Latitude 28.478113° N, Longitude 96.862426° W, also bearing S 23.723611 E, 289.70 feet from the Northwest corner of the Joseph Farquhare Original Survey, Abstract No. 67, in Calhoun County, Texas.

Location from County Seat: 17.1 miles in a Southwesterly direction from Port Lavaca, Calhoun County, Texas.

Zip Code: 77979

iii. Average and maximum stream width and depth at proposed diversion point.

Average width: 125.25 feet

Maximum width: 157 feet

Average depth: 12.9 feet

Maximum depth: 16.06 feet

These values were obtained from field measurements conducted by the USGS between 4/11/13 and 8/14/13 in association with installation of gage 08188810 at State Highway 35 near Tivoli.

iv. Flow characteristics

The Guadalupe River flow in this location is tidally influenced and may be influenced by operation of the salt water barrier and diversions to the Calhoun

Canal, both located approximately 2.75 river miles upstream. During the measurement period mentioned above, stream velocities ranged from 0.02 ft/sec to 1.77 ft/sec, and flow ranged from 24.6 cfs to 3,100 cfs.

v. Land use upstream within the watershed

The Guadalupe/San Antonio river watershed above the diversion point is 10,280 square miles and contains a diversity of land uses.

Both streams originate on the Edwards Plateau, which is predominantly rural with livestock, ranching, hunting, limited agriculture, and small pockets of urban development in Kerrville, Fredericksburg, Boerne, and Bandera.

Along the Balcones Escarpment on the southern and eastern boundary of the Edwards Plateau, the watersheds contain the urban centers of San Antonio, New Braunfels, and San Marcos, where land use is primarily residential and commercial.

Below the Balcones Escarpment, which separates the Edwards Plateau from the Gulf Coastal Plain, there is an abrupt transition in soil types and topography from very thin alkaline soils and ruggedly dissected limestone to deep clay and sandy soils and gently rolling prairie. Land use here is predominantly livestock ranching and agriculture.

3. Source, Amount and Rates of Discharges and Diversions

a. Source of Discharges

The source of the groundwater based discharges will be from SAWS' existing water recycling centers, as summarized in the chart below. Excerpted portions of relevant parts of SAWS' TPDES permits are at Attachment 5. SAWS' groundwater originates from wells that produce groundwater from the Edwards, Trinity and Carrizo-Wilcox Aquifers. Some of SAWS' wells are permitted by the Edwards Aquifer Authority, Trinity-Glen Rose Groundwater Conservation District, and the Gonzales County Underground Water Conservation District. Some of SAWS' wells are not subject to permitting. A summary of SAWS groundwater wells is provided at Attachment 6.

b. Amount and Rates of Discharges from Water Recycling Centers

SAWS' authorized and actual discharges (2012 and five year average) are summarized in the table below. SAWS actual discharges, by outfall, for the past five years are provided at Attachment 7.

WRC	Permit No.	Authorized discharge (mgd a.f./year)	Last five year average discharge (a.f./year)	2012 discharge (a.f./yr)
Dos Rios	WQ0010137033	125 mgd 140,018 a.f.	84,006	86,530
Leon Creek	WQ0010137003	46 mgd 51,527 a.f.	35,178	37,601
Medio Creek	WQ0010137040	16 mgd 17,922 a.f.	7,586	8,192
Salado Creek	WQ0010137008	46 mgd 51,527 af	0.00	0.00
TOTALS		233 mgd 260,994 a.f.	126,770	132,323

SAWS will measure the discharges of its return flows at SAWS' water recycling centers using continuous flow recorder metering devices.

c. Amount and Rates of Diversions/Reuse

Through this application SAWS is seeking authority to convey through state watercourses and subsequently divert/reuse all of its groundwater based return flows less carriage losses and those amounts determined necessary to protect existing water rights granted based on the use or availability of SAWS' return flows. SAWS recognizes that actual diversions/reuse will be subject to an accounting plan which accounts for the amount of return flows originating from surface water sources not covered by this authorization, carriage losses, and the amounts necessary to protect existing water rights granted based on the use or availability of SAWS' return flows. Following a determination of these quantities, SAWS will develop an accounting plan that will ensure that the amount of water attributable to those three categories is not made available for reuse. SAWS requests authorization to divert/reuse no more than 360.53 cfs, less any reduction required by the accounting plan.

4. Water Quality Information.

a. SAWS discharges its groundwater based return flows from the Dos Rios WRC facility pursuant to permit number WQ0010137033 in accordance with the following final limitations:³

CBOD-5	10 mg/l daily avg.
TSS	15 mg/l daily avg.
Ammonia Nitrogen	2 mg/l daily avg.
E. coli	126 mg/l daily avg.
pH	6.0 – 9.0 standard units
DO	at least 4.0 mg/l

b. SAWS discharges its groundwater based return flows from the Leon Creek WRC pursuant to permit number WQ0010137003 in accordance with the following final limitations:

CBOD-5	7 mg/l daily avg.
TSS	15 mg/l daily avg.
Ammonia Nitrogen	2 mg/l daily avg.
E. coli	126 mg/l daily avg.
pH	6.0 – 9.0 standard units
DO	at least 5.0 mg/l

c. SAWS discharges its groundwater based return flows from the Medio Creek WRC facility water pursuant to permit number WQ0010137040 in accordance with the following final limitations:

CBOD-5	7 mg/l daily avg.
TSS	15 mg/l daily avg.
Ammonia Nitrogen	2 mg/l daily avg.

³ These are the permit parameters for the majority of the outfalls at Dos Rios. See permit for individual outfalls if additional information is needed. Relevant portions of the TPDES permits are at Attachment 5.

E. coli	126 mg/l daily avg.
pH	6.0 – 9.0 standard units
DO	at least 6.0 mg/l

d. SAWS discharges its groundwater based return flows from the Salado Creek WRC facility pursuant to permit number WQ0010137008 in accordance with the following final limitations:

CBOD-5	10 mg/l daily avg.
TSS	15 mg/l daily avg.
Ammonia Nitrogen	2 mg/l daily avg.
E. coli	126 mg/l daily avg.
pH	6.0 – 9.0 standard units
DO	at least 4.0 mg/

5. Dates of Initial Discharge and Relevant Discharge Information.

Between 1894 and 1900 San Antonio designed and installed the city's first wastewater collection system in order to improve public health and sanitation by preventing wastewater from reaching the river. All wastewater flows were conveyed by this system to farms south of San Antonio where the wastewater was used for irrigation. The city supplemented its system in 1901 by constructing Mitchell Lake to store wastewater flows that were surplus to irrigation needs.

In 1930 San Antonio constructed its first wastewater treatment plant, the Rilling Road plant. Treated effluent from the Rilling Road plant replaced the untreated wastewater previously used for irrigation. As initially constructed, the Rilling Road plant had no effluent channel to the river. Instead effluent from the plant was conveyed by irrigation canals to nearby farms for irrigation reuse. Effluent that was surplus to irrigation needs was conveyed to Mitchell Lake for storage. Rilling Road plant records indicate that discharges to the San Antonio River of effluent surplus to the capacity of the irrigation disposal system and Mitchell Lake commenced in January 1950.

The Rilling Road plant continued in operation from January 1950 to October 1987 utilizing the irrigation disposal system, including Mitchell Lake, with effluent surplus to the capacity of the irrigation system going to the San Antonio River. In 1987 the Rilling Road influent flows were transferred to the newly constructed Dos Rios Plant and use of the irrigation disposal method was phased out. However, San Antonio has continued to

provide treated effluent discharges to Mitchell Lake in order to maintain water levels and the ecosystem for birds, waterfowl and other wildlife at Mitchell Lake. These discharges are currently provided by the Leon Creek Water Recycling Center as authorized by its TPDES permit.

The initial dates of discharge of SAWS' return flows derived from privately owned groundwater at its water recycling centers are as follows:

Plant	Permit No.	Date of Initial Discharge	Quantity of Initial Discharge
Rilling Road Plant		Jan. 1950	7.7 mgd
Leon Creek WRC	WQ0010137003	6/8/1965	6.39 mgd
Salado Creek WRC	WQ001013708	1/14/1971	4.14 mgd
Dos Rios WRC	WQ0010137033	9/19/1987	3.4 mgd
Medio Creek WRC	WQ0010137040	12/3/1991	2.92 mgd

A spreadsheet providing a record of discharges from water recycling centers operated by SAWS and its predecessor agencies since 1950 is provided at Attachment 8.

6. Estimated Amount of Carriage Loss:

The estimated carriage losses were determined from the Guadalupe-San Antonio Water Availability Model and are shown in Attachment 9.

7. Instream Uses, and Bay and Estuary Freshwater Inflows

It is unnecessary to restrict the amount of water SAWS may reuse to protect instream uses and inflows to bays and estuaries because SAWS' groundwater discharges to the San Antonio River supplement existing surface flows and will be conveyed from the points of discharge through the San Antonio River to the point of diversion near the mouth of the Guadalupe River at San Antonio Bay. The authorization that SAWS seeks through this application will have a positive effect on instream flows and fresh water inflows into the bays and estuaries.

SAWS' discharges from its wastewater treatment plants are authorized by permits issued pursuant to the Texas Surface Water Quality Standards. These standards ensure that existing uses of the receiving waters are maintained and that no significant degradation occurs. Because SAWS' groundwater based return flows protect water quality and uses and supplement existing surface water flows, authorizing the conveyance of those return flows through state watercourses and diverting those flows less carriage loss should not adversely affect water quality or instream uses.

C. Additional Information

1. Downstream Water Right Holders

The TCEQ may impose special conditions on SAWS' reuse of its groundwater based return flows if necessary to protect an existing water right that was granted based on the use or availability of SAWS' return flows.⁴ SAWS requests that such a special condition be included only in the event that the TCEQ identifies specific existing water rights that expressly provide that the right was issued based on the use or availability of SAWS' return flows. SAWS is aware of the following water rights and/or bed and banks authorizations that were issued based on the use or availability of SAWS return flows: Certificate of Adjudication 19-2162 as amended, 19-2153 as amended and permit 5705 as amended. SAWS also has pending an application to amend Certificate of Adjudication 19-4768 in a manner that could authorize bed and banks conveyance and subsequent diversion of a portion of the return flows from the Medio Creek WRC. If that amendment is granted, such diversions would be addressed in the accounting plan for this requested authorization.

Furthermore, for authorizations to reuse groundwater based return flows, it is appropriate to include a provision in the permit stating that the groundwater based return flows authorized to be conveyed via the bed and banks of a state watercourse do not have a priority date and are not subject to priority calls from senior water rights.

2. Consistency with State Water Plan

SAWS is not required to demonstrate its application for a bed and banks authorization to reuse its groundwater based return flows is consistent with the State Water Plan.⁵ However, the proposed project nevertheless is consistent with that Plan and the Region L Plan because both plans recognize reuse as a recommended water management strategy. See 2011 South Central Texas Regional Water Plan 4B.1.2.9 and 2012 State Water Plan at 7.2.4.

3. Fees: SAWS has enclosed the required filing and recording fees to process an 11.042 (b) application. SAWS will supplement with the required amount of the postage fees once these have been determined. Use fees have not been included because they are required only for the processing of an application to appropriate state water.
4. SAWS previously submitted its Water Conservation and Drought Contingency Plan to the TCEQ on May 1, 2009. Excerpts from that plan and TCEQ's letter confirming that the plan was administratively complete are provided at Attachment 10
5. Authorization to Submit Application: SAWS' Resolution 13-298 authorizing the filing of this application with the TCEQ is provided at Attachment 11.

⁴ Tex. Water Code §11.042 (b).

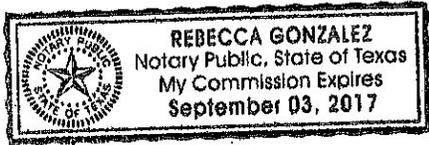
⁵ This is not an application for an appropriative right under sections 11.121 or 11.134 of the Texas Water Code and thus the requirements of section 11.134 regarding consistency with the state and regional plans do not apply. Moreover, section 11.042 (b) of the Code does not require that an applicant demonstrate that its project is consistent with the applicable regional water plan or the state water plan.

Witness by my hand in San Antonio, Texas, this the 26 day of December, 2013.

Robert Puente

Robert Puente, President, San Antonio Water System

SWORN TO AND SUBSCRIBED before me this 26 day of December, 2013.



Rebecca Gonzalez
Notary Public for the State of Texas

Index of Attachments

- Attachment 1: Water Supplies 2008-2012
- Attachment 2: Interim Order
- Attachment 3: U.S.G.S. Maps showing discharge and diversion locations
- Attachment 4: Photographs of discharge and diversion points
- Attachment 5: TPDES Permits Excerpts
- Attachment 6: Summary of SAWS Groundwater Well
- Attachment 7: Water recycling center discharges by Outfall 2008-2012
- Attachment 8: Discharges by plant 1950-2012
- Attachment 9: Carriage loss estimate
- Attachment 10: Water Conservation and drought contingency plan excerpts
- Attachment 11: Resolution authorizing filing of bed & banks application

Attachment 1: Water Supplies 2008-2012

Month/Year	Total Groundwater to Distribution (af)	In-Basin Surface Water to Distribution (af)	Interbasin Surface Water to Distribution (af)	Total to Distribution (af)	Percent Groundwater to Distribution	Percent In-Basin Surface Water To Distribution	Percent Interbasin Surface Water To Distribution
Jan-08	15,193.65	881.51	1,009.56	17,084.72	88.93	5.16	5.91
Feb-08	14,797.77	875.61	1,084.01	16,757.39	88.31	5.23	6.47
Mar-08	16,705.58	897.08	1,158.72	18,761.38	89.04	4.78	6.18
Apr-08	18,303.05	126.07	1,173.09	19,602.21	93.37	0.64	5.98
May-08	21,609.62	1,034.99	1,245.20	23,889.81	90.46	4.33	5.21
Jun-08	27,281.89	1,174.59	767.42	29,223.90	93.35	4.02	2.63
Jul-08	22,386.20	1,104.90	769.29	24,260.39	92.27	4.55	3.17
Aug-08	19,949.29	1,100.25	754.10	21,803.64	91.50	5.05	3.46
Sep-08	20,438.46	1,095.43	728.30	22,262.19	91.81	4.92	3.27
Oct-08	20,109.75	1,137.41	1,012.50	22,259.66	90.34	5.11	4.55
Nov-08	17,488.17	1,056.30	1,128.81	19,673.28	88.89	5.37	5.74
Dec-08	15,926.14	1,049.74	1,133.12	18,109.00	87.95	5.80	6.26
Jan-09	15,463.76	1,048.95	1,162.16	17,674.87	87.49	5.93	6.58
Feb-09	14,635.80	978.67	1,123.87	16,738.34	87.44	5.85	6.71
Mar-09	17,175.04	1,110.33	1,151.77	19,437.14	88.36	5.71	5.93
Apr-09	16,151.35	1,195.33	1,095.24	18,441.92	87.58	6.48	5.94
May-09	18,351.69	1,217.73	1,144.51	20,713.93	88.60	5.88	5.53
Jun-09	21,313.64	1,219.88	1,130.78	23,664.30	90.07	5.15	4.78
Jul-09	24,140.87	1,170.17	1,179.64	26,490.68	91.13	4.42	4.45
Aug-09	24,911.39	1,066.44	726.20	26,704.03	93.29	3.99	2.72
Sep-09	16,883.54	1,096.82	727.60	18,707.96	90.25	5.86	3.89
Oct-09	13,812.76	1,067.05	776.80	15,656.61	88.22	6.82	4.96
Nov-09	13,326.62	1,017.64	737.20	15,081.46	88.36	6.75	4.89
Dec-09	12,606.29	841.80	924.69	14,372.78	87.71	5.86	6.43
Jan-10	12,867.61	956.94	1,041.33	14,865.88	86.56	6.44	7.00
Feb-10	11,475.22	864.55	1,008.34	13,348.11	85.97	6.48	7.55
Mar-10	13,448.65	1,027.53	1,102.93	15,579.11	86.32	6.60	7.08
Apr-10	15,107.16	1,017.97	715.20	16,840.33	89.71	6.04	4.25
May-10	17,310.64	1,090.62	749.98	19,151.24	90.39	5.69	3.92
Jun-10	18,549.64	1,114.49	730.90	20,395.03	90.95	5.46	3.58
Jul-10	18,818.59	1,132.40	762.10	20,713.09	90.85	5.47	3.68
Aug-10	26,988.70	1,164.04	725.00	28,877.74	93.46	4.03	2.51
Sep-10	18,795.62	1,036.46	710.60	20,542.68	91.50	5.05	3.46
Oct-10	19,244.24	1,046.25	774.10	21,064.59	91.36	4.97	3.67
Nov-10	17,457.06	999.56	730.00	19,186.62	90.99	5.21	3.80
Dec-10	17,081.93	964.66	759.80	18,806.39	90.83	5.13	4.04
Jan-11	15,785.86	759.88	776.00	17,321.74	91.13	4.39	4.48
Feb-11	15,374.95	790.60	695.90	16,861.45	91.18	4.69	4.13
Mar-11	19,380.13	1,044.72	752.20	21,177.05	91.51	4.93	3.55
Apr-11	21,484.27	1,049.97	717.70	23,251.94	92.40	4.52	3.09
May-11	21,816.15	1,060.52	735.20	23,611.87	92.39	4.49	3.11
Jun-11	23,210.42	1,103.37	745.85	25,059.64	92.62	4.40	2.98
Jul-11	22,946.28	1,162.34	1,193.30	25,301.92	90.69	4.59	4.72
Aug-11	25,273.43	1,144.17	1,261.33	27,678.93	91.31	4.13	4.56
Sep-11	21,892.86	1,207.05	1,160.24	24,260.15	90.24	4.98	4.78
Oct-11	18,650.73	1,124.54	1,130.40	20,905.67	89.21	5.38	5.41
Nov-11	16,631.66	1,090.31	1,067.25	18,789.22	88.52	5.80	5.68
Dec-11	14,917.32	1,011.10	1,195.32	17,123.74	87.11	5.90	6.98
Jan-12	15,301.22	994.97	1,134.60	17,430.79	87.78	5.71	6.51
Feb-12	13,702.56	946.40	1,046.85	15,695.81	87.30	6.03	6.67
Mar-12	15,815.45	948.58	994.11	17,758.14	89.06	5.34	5.60
Apr-12	19,180.16	1,033.49	711.20	20,924.85	91.66	4.94	3.40
May-12	18,790.00	1,025.15	803.60	20,618.75	91.13	4.97	3.90
Jun-12	22,138.24	1,062.72	761.00	23,961.96	92.39	4.44	3.18
Jul-12	21,605.78	587.01	785.30	22,978.09	94.03	2.55	3.42
Aug-12	24,057.80	33.05	1,106.94	25,197.79	95.48	0.13	4.39
Sep-12	20,024.33	0.00	964.06	20,988.39	95.41	0.00	4.59
Oct-12	17,783.86	34.19	1,216.48	19,034.53	93.43	0.18	6.39
Nov-12	16,706.81	403.44	1,158.43	18,268.68	91.45	2.21	6.34
Dec-12	15,005.45	417.33	1,242.88	16,665.66	90.04	2.50	7.46
				Five Year Percentages	90.35	4.79	4.86

Attachment 2: Interim Order

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS
COUNTY OF TRAVIS

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

LaDonna Castanuela DEC 20 2006

LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality

AN INTERIM ORDER

concerning the Motion to Overturn filed by the City of Bryan and the City of College Station regarding the Executive Director's decisions to return Application Nos. 5912 and 5913 pursuant to 30 Texas Administrative Code Section 281.18 without prejudice to their re-submission; TCEQ Docket Nos. 2006-1832-WR and 2006-1831-WR..

On December 13, 2006, the Texas Commission on Environmental Quality (the "Commission") considered during its open meeting the Motion to Overturn (the "Motion") filed by the City of Bryan and the City of College Station (Cities) requesting the Commission overturn the Executive Director's September 21, 2006, decisions to return Application Nos. 5912 and 5913 pursuant to 30 Texas Administrative Code Section 281.18 without prejudice to their re-submission. In his letters dated September 21, 2006, the Executive Director stated that he was returning the applications because the Cities had not submitted certain specific information with regard to quantified targets for water savings, including goals for water loss programs and municipal use, and evidence indicating official adoption of water conservation plans that included these specified minimum requirements. The Commission also considered all related filings, the oral argument of the Cities, the Executive Director, and the Office of Public Interest Counsel, and answers to the Commission's questions during the public meeting

After such consideration and subsequent deliberation in open meeting, the Commission determined that it has the jurisdiction and authority to act on the Cities' request to reverse the Executive Director's decisions that the Cities' applications were not administratively complete under the general powers in Chapter 5 of the Water Code, and in particular, under Section 5.221 of the Water Code. The Commission also determined as a matter of law with regard to bed and banks authorization applications that request authorization to divert and reuse return flows derived exclusively from privately owned groundwater that, based on Water Code Section 11.042(b), such applications do not involve state water.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

1. The Commission has jurisdiction under the general powers in Chapter 5 of the Water Code, particularly, Section 5.221 of Chapter 5, to consider and act on the Cities' Motion to Overturn;
2. The Commission determines as a matter of law that the Cities' applications do not involve state water based on Section 11.042(b) of the Water Code, which provides the criteria for the owner of privately owned groundwater to retain ownership of groundwater after discharge into a state watercourse;
3. The Executive Director is directed to process the Cities' applications solely under Section 11.042(b) and the Commission's bed and banks authorization rules and not under statutes and rules applicable to state water;
4. The Cities' applications are remanded to the Executive Director for administrative and technical review; and

5. This Order is confined to bed and banks authorization applications that involve exclusively groundwater-based return flows.

Issue Date: DEC 20 2006

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

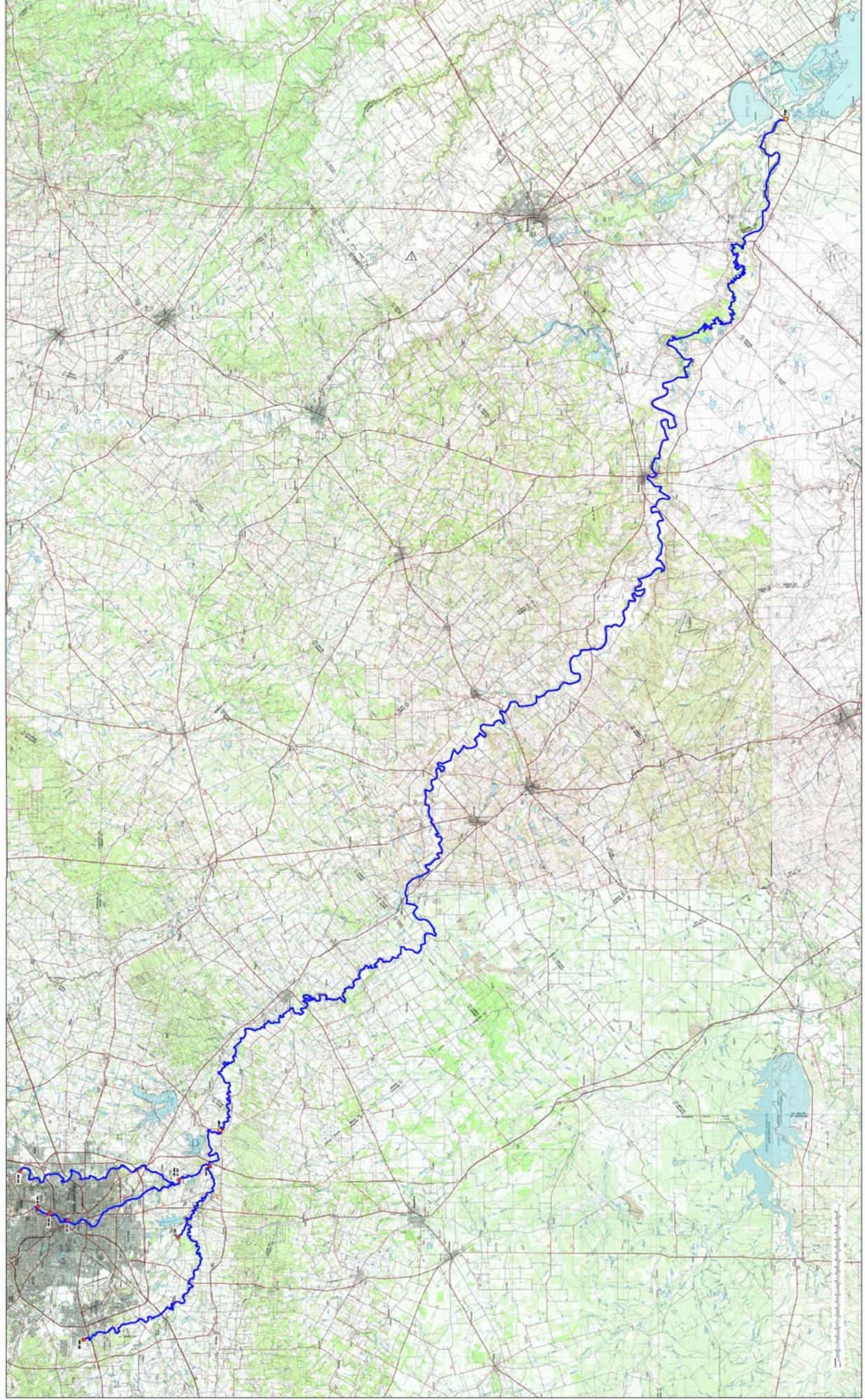

Kathleen Hartnett White, Chairman

Attachment 3: U.S.G.S. Maps showing discharge and diversion locations



Discharge Routes to Diversion Point

discharge_routes
06/11/2013

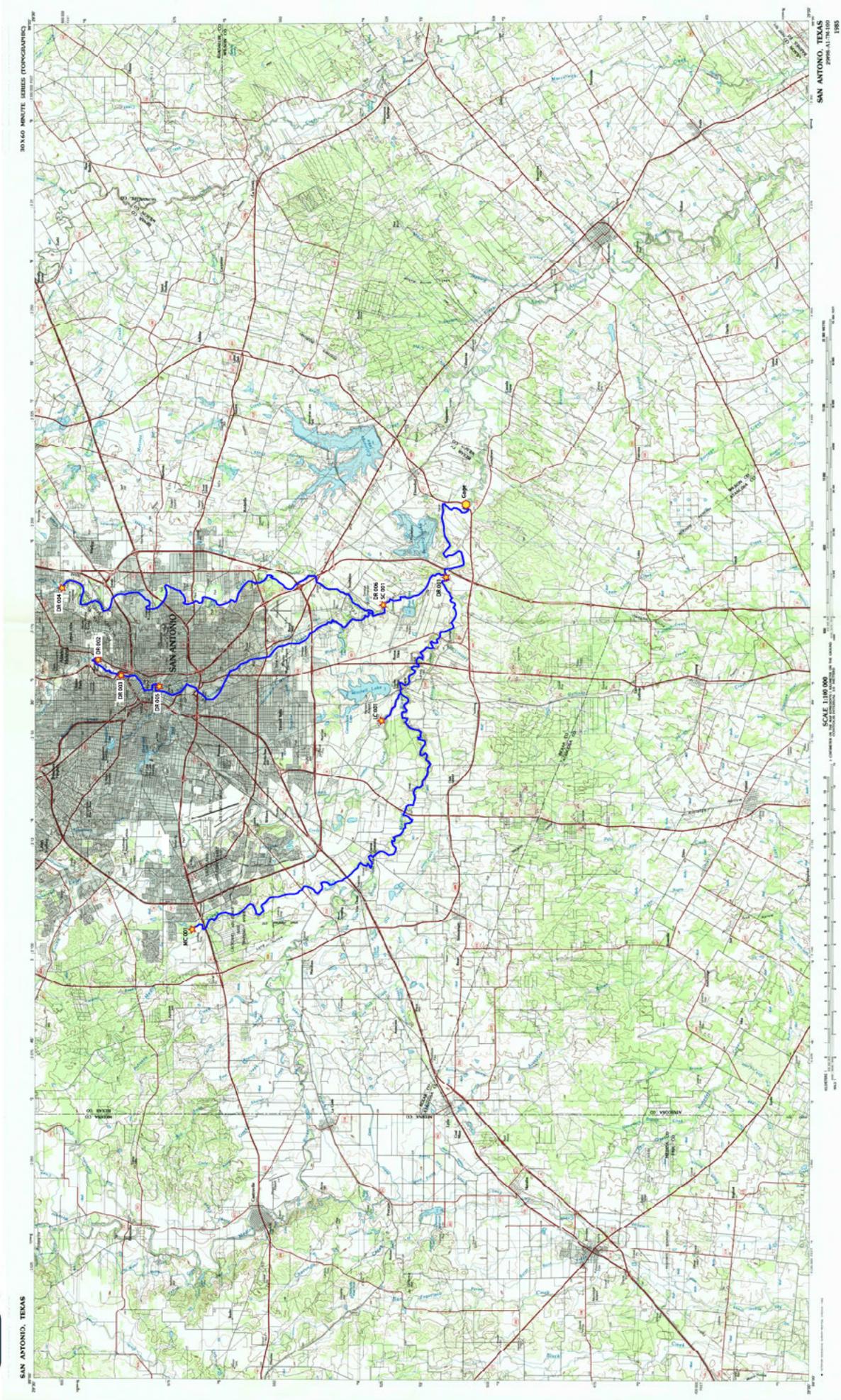


San Antonio Water System
11/11/2013



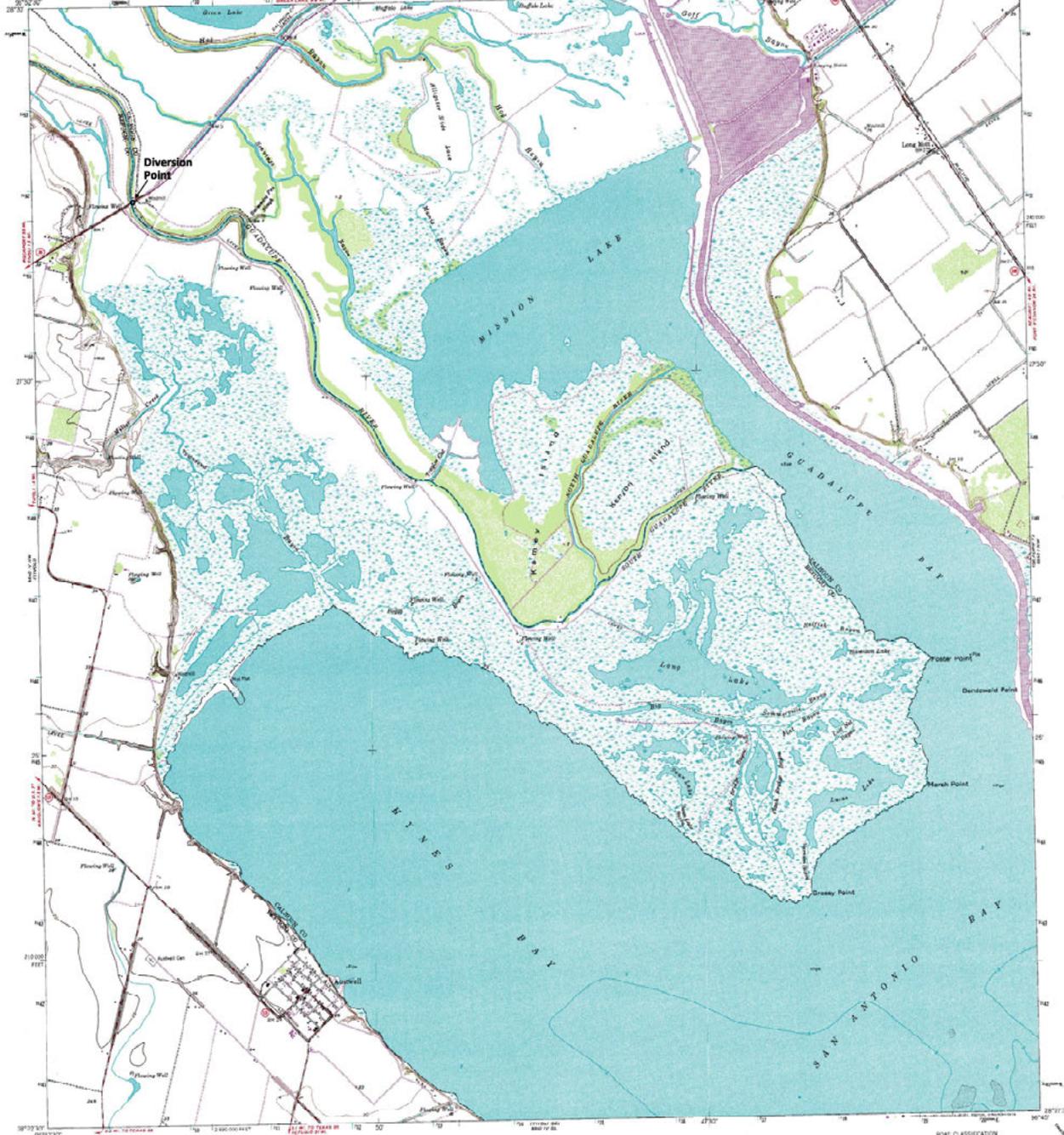
Discharge Routes to Elmendorf Gage

delivered
per 11/17/13



UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

AUSTWELL QUADRANGLE
TEXAS
15 MINUTE SERIES (TOPOGRAPHIC)
25000 FEET



Maped, edited, and published by the Geological Survey
Control by USGS and USCGS
Contours and elevations part compiled from aerial photographs
taken 1946-1947. Topography by stereoscopic method 1952
Photographs from USCGS Chart 1388 (© 1952).
Projection: projection, 1967 North American datum
31000-foot grid based on 1983 coordinate system,
south central zone
1000-foot Universal Transverse Mercator grid zone
zone 14, ocean in 248
Revisions shown in double outlined blue aerial photographs
taken 1947. This information not used checked



SCALE 1:24,000
CONTOUR INTERVAL 1 FEET
VERTICAL SCALE TO HORIZONTAL SCALE OF 1:2500
DEPTH CHIEFS AND SOUNDINGS IN FEET - LATHE IS MEAN LOW WATER
SOUNDINGS IN FEET - LATHE IS MEAN LOW WATER
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80202 OR RESTON, VIRGINIA 20192
A 5000 SERIES TOPOGRAPHIC MAPS AND TRENDS IS AVAILABLE ON REQUEST



ROAD CLASSIFICATION
Heavy duty
Light duty
Riparian cut
Unimproved dirt
State Road

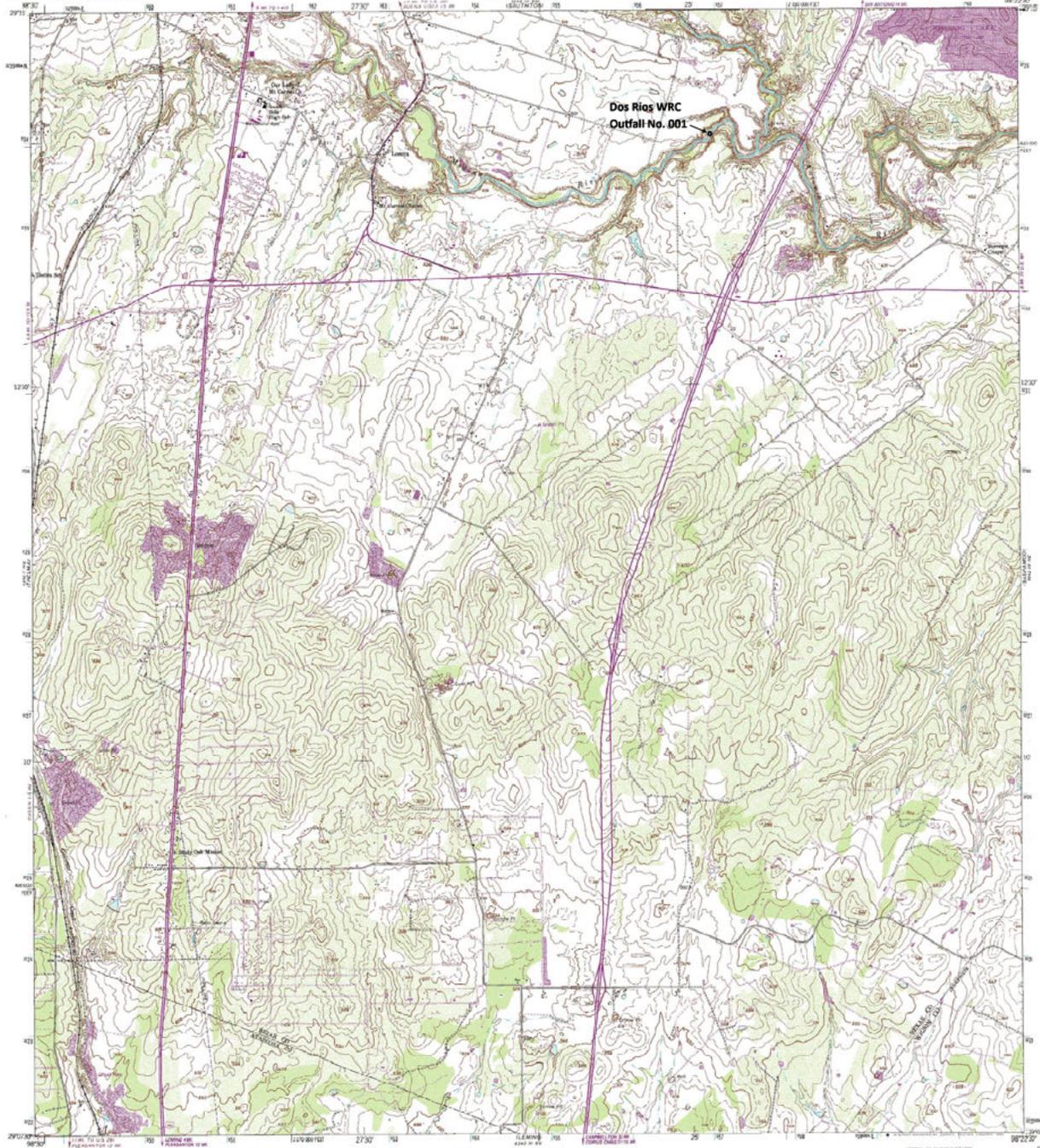
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DEPARTMENT OF THE INTERIOR
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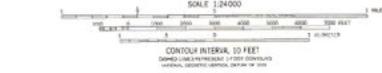
UNITED STATES
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS

LOBOYA QUADRANGLE
TEXAS
7.5-MINUTE SERIES (TOPOGRAPHIC)



Maped by the Army Map Service
Published for sale by the Geological Survey
Control by USGS, 1955, 1956, and 1958
Topographic from aerial photographs by photogrammetric methods
Aerial photographs taken 1953-1956. Field check 1956
Polyconic projection, 1983 North American Datum
63,000-foot grid based on Texas coordinate system
South-central zone
1983 North American Datum
1983 North American Datum
To check on the unadjusted North American Datum 1983
more the projection lines 22 meters south and
23 meters east as shown by dashed corner ticks

UTM AND UTM ZONE NUMBER
CONTOUR INTERVAL, 10 FEET
Dashed lines represent 1-foot contours
CONTOUR INTERVAL, 10 FEET

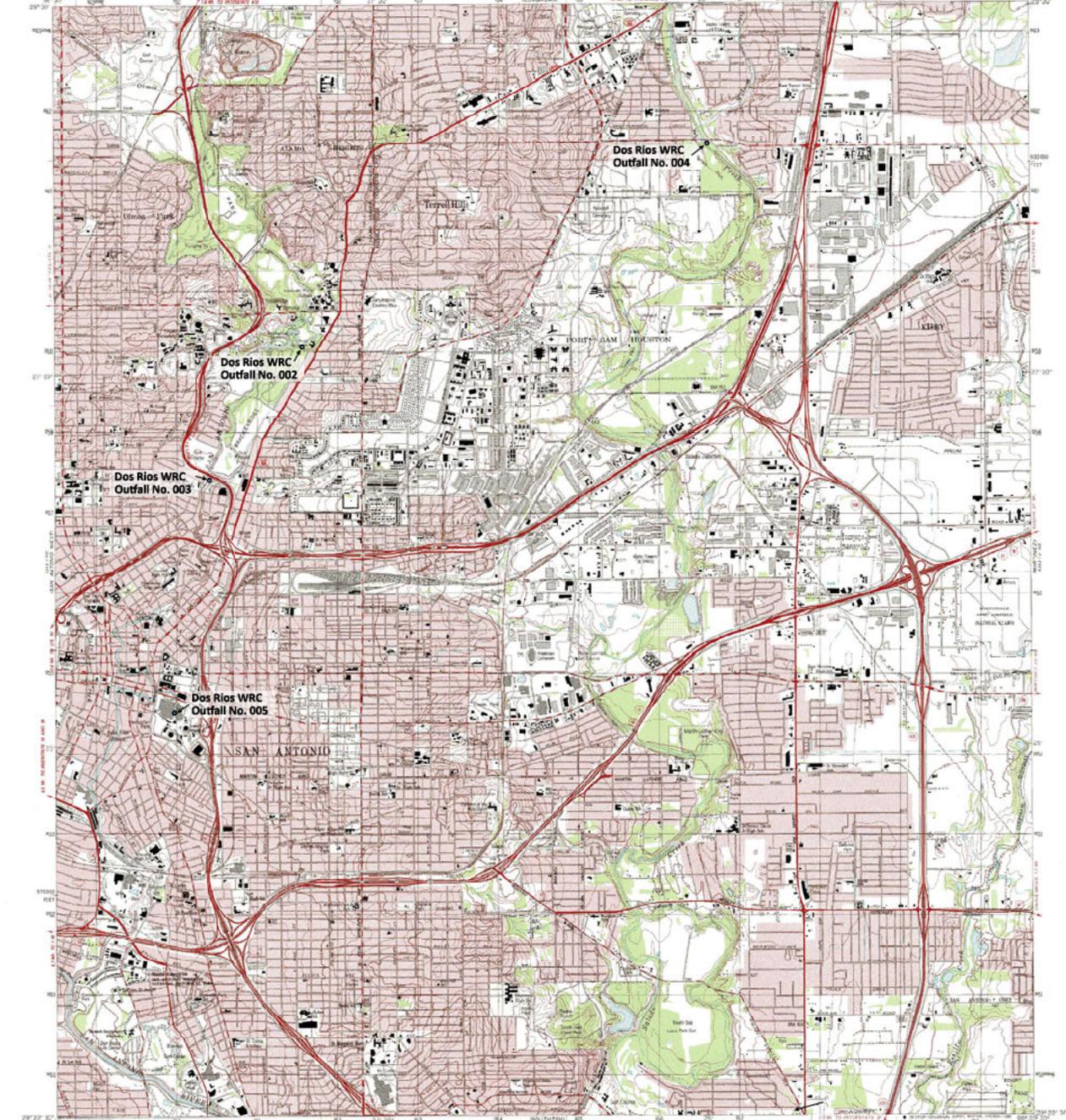


ROAD CLASSIFICATION
Primary highway: Light duty road, hard or
hard surface
Secondary highway: Unimproved road
Interstate Route: U.S. Route: State Route



LOBOYSA, TEX.
INDEX MAP, 1:24,000
1956
PHOTOGRAPHIC 1953-1956
DMS 6252, 2119, 462110, 1952

THIS MAP CONFORMS WITH NATIONAL MAP ACCURACY STANDARDS
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A COLOR DEGREEING TRIANGULAR MAP AND SYMBOLS IS AVAILABLE ON REQUEST



Produced by the United States Geological Survey
Contracted by USGS, NONGRAIN and USGS
Compiled by Bureau Mapping Agency from aerial photographs
taken 1982. Produced by the United States Geological Survey
and other agencies. 4000
North American Datum of 1983 (NAD 83). Projection and
10,000-foot grid scale. Terrain contours
contour interval 10 feet. Contour interval 10 feet. 14
The difference between NAD 83 and North American Datum of
1983 (NAD 83) for Texas is approximately 0.15 meters (6 inches).
1983. The NAD 83 is shown in capital letters on
This map is printed on paper that is 100% recycled and is
National or State wastewater effluent of this map
Red ink indicates areas in which only street buildings are shown.



SCALE 1:24,000
CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929



ROAD CLASSIFICATION
Primary Highway: Lightly red line with or
hard surface
Secondary Highway: Red line with or
hard surface
Unimproved Rd.: Dashed line
Interstate Route: Red line with shield
U.S. Route: Red line with shield
State Route: Red line with shield

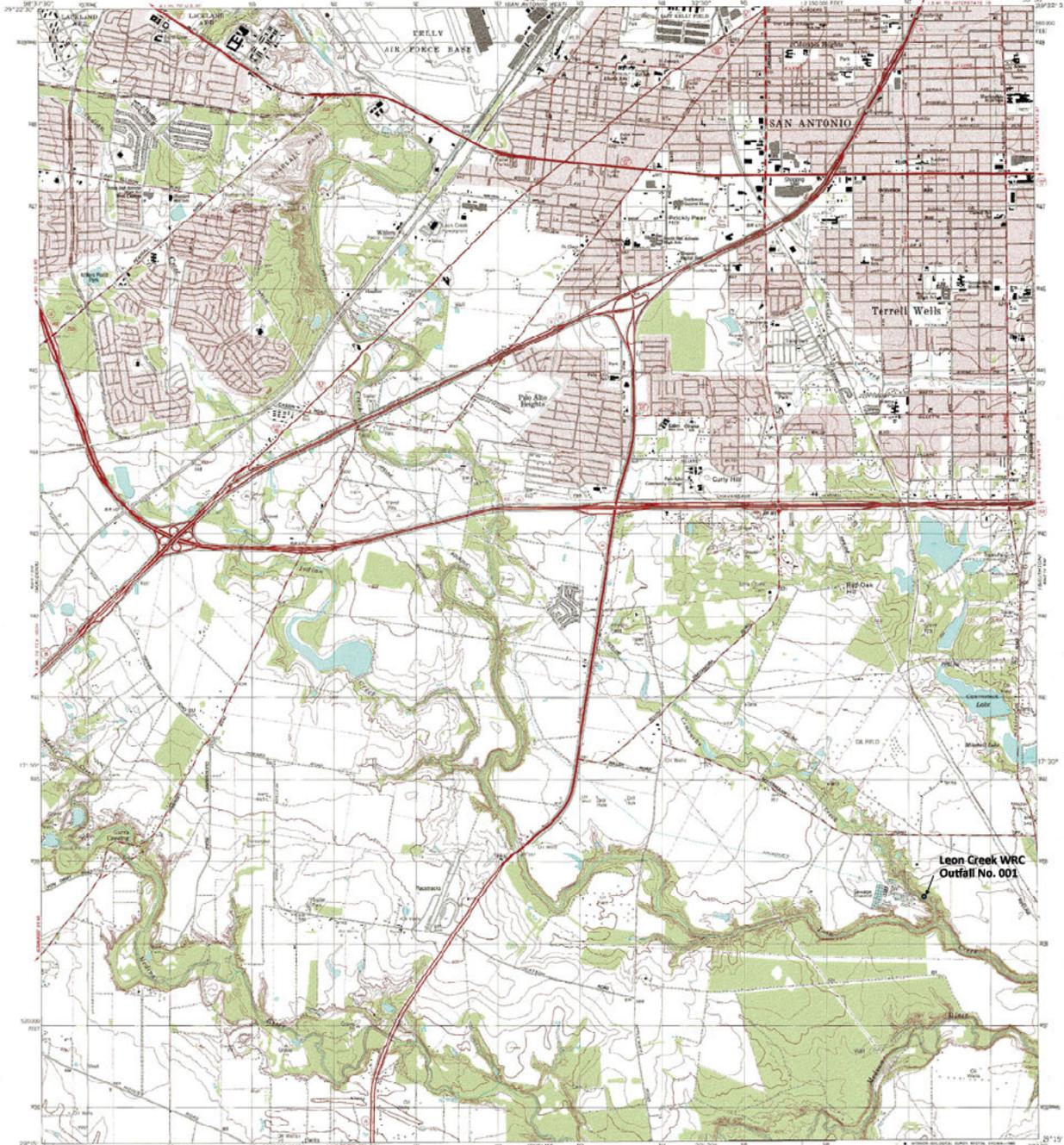
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FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 20192
A COLOR COPYING, REPRODUCTION, AND TRANSMISSION IS ALLOWED BY REQUEST

SAN ANTONIO EAST, TEX.
0506-04-004
1982

3998-133

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

TERRELL WELLS QUADRANGLE
TEXAS - BEXAR CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



Produced by the United States Geological Survey
Contract USGS and 10800AA
Compiled by Barbara Muehlen Agency from aerial photographs
taken 1962. Revised from final photographs taken 1966
and other source data. First edition 1966. Map dated 1992
North American Datum of 1983 (NAD 83). Projection and
scale as shown. Contour interval 10 feet. Contour lines
shown in brown. Contour lines are shown in brown.
The difference between NAD 83 and North American Datum of
1983 (NAD 83) for 7.5 minute quadrangles is generally USGS
sheet 1070. The NAD 83 is shown by dashed corner ticks.
There may be some minor differences between the boundaries of the
regions of color over various sheets of this map.
Red line indicates areas in which only ground buildings are shown.
Pink and dashed red lines indicate bridge and rail lines where
generally visible in aerial photographs. This information is unchecked.



VERTICAL SCALE
SCALE 1:24,000
CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC DATUM OF 1983

THIS MAP COMPLES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SCALE BY U.S. GEOLOGICAL SURVEY, CENTER, COLORADO SPRINGS, OR RESTON, VIRGINIA 20192
A COLOR REPRODUCING TRANSPARENT MAP AND SYMBOLS IS AVAILABLE ON REQUEST



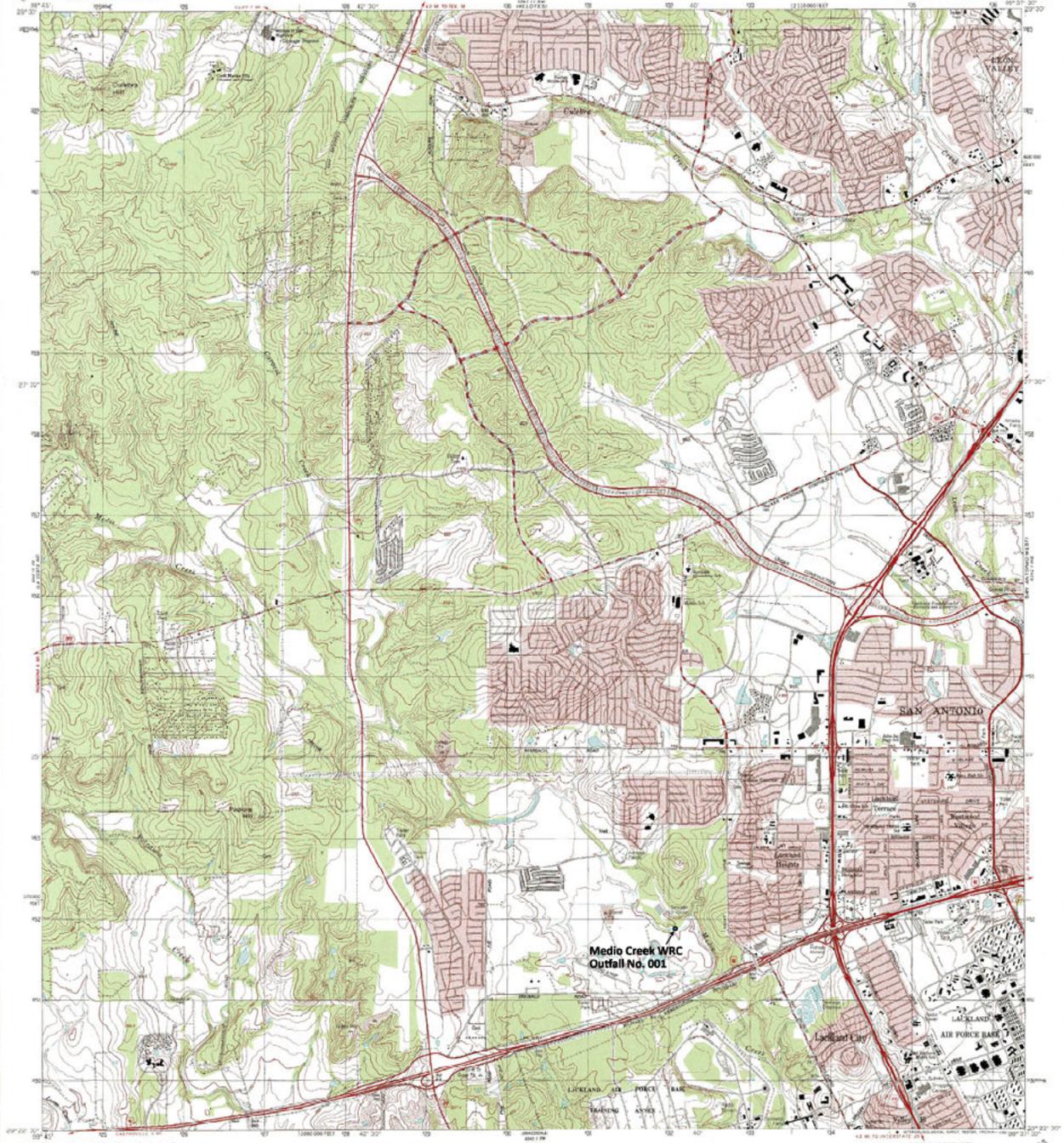
ROAD CLASSIFICATION
Primary Highway: Lightly red line or
road surface
Secondary Highway: Red line
Hard surface: Dashed red line
Unimproved road: Dotted red line
Unimproved Road: U.S. Route
State Route

TERRELL WELLS, TEXAS
3709N-C57-024
1992
DMA 6302 | 5-MINUTE 1982

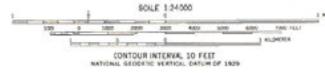
2980-241

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

CULEBRA HILL QUADRANGLE
TEXAS-OZARK CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
CARED BY USGS AND NOSADAA
Compiled from various sources including aerial photographs taken 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025.



ROAD CLASSIFICATION

- Primary highway: Light gray real, hard or hard surface
- Secondary highway: Red dashed surface
- Interstate Route: Red double line
- U.S. Route: Red dashed line with shield
- State Route: Red dashed line with shield
- Light duty real, hard or improved surface: Light gray dashed
- Unimproved road: Dotted line
- Quadrangle road: Dotted line

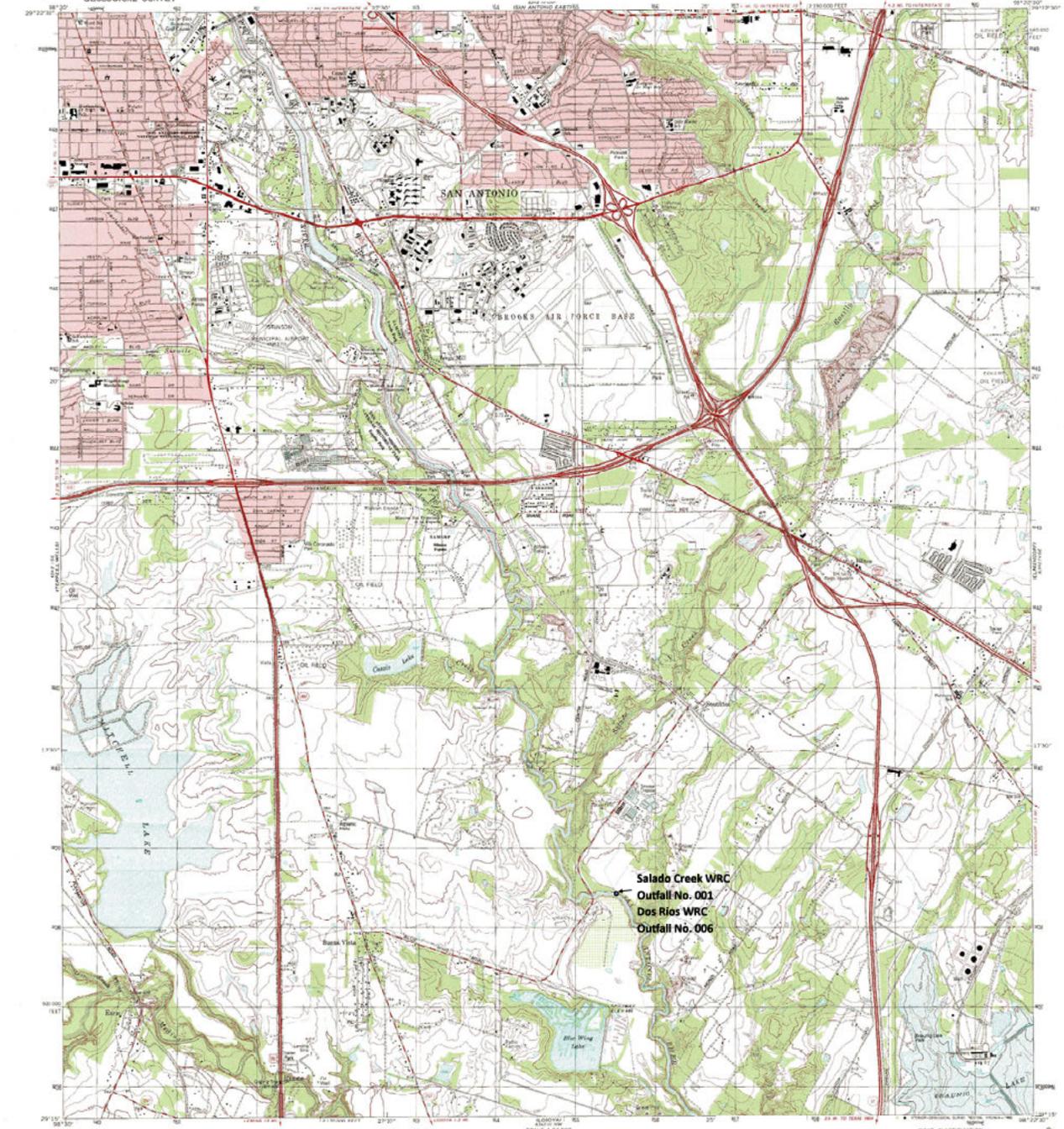


THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER COLORADO 80202, OR RESTON, VIRGINIA 20192
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

CULEBRA HILL, TEX.
750908 (7-02)
183
DMA 5082 1 750-5082 1806

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

SOUTHTON QUADRANGLE
TEXAS-BEAR CO
7.5 MINUTE SERIES (TOPOGRAPHIC)



Salado Creek WRC
Outfall No. 001
Dos Rios WRC
Outfall No. 006

Produced by the United States Geological Survey
Control by USGS, NAD83 and UTM
Compiled by the National Mapping Agency from aerial photographs
taken 1952. Revised from the topographic maps taken 1950
and other source data. Horizontal scale: 1 inch = 1 mile.
North American Datum of 1983 (NAD83). Projection and
UTM zone: UTM Zone 16N. Coordinate System: South Central Zone
Universal Transverse Mercator. 1000-meter Universal Transverse
Mercator. The ellipsoid is the North American Datum of
1983 (NAD83) with a spheroid of the same name. The datum is
shown by dashed contour lines.
There may be some minor discrepancies between the
horizontal and vertical scales shown on this map.
Red ink indicates areas in which only the horizontal scale is shown.
Blue ink indicates areas in which only the vertical scale is shown.
This map complies with National Map Accuracy Standards
FOR SALE BY U.S. GEOLOGICAL SURVEY, PAPER COORDINATE SYSTEM, REGIONAL VIRGINIA ZONE
A COLOR COORDINATE SYSTEM MAP AND SYMBOLS IS AVAILABLE ON REQUEST



ROAD CLASSIFICATION
Primary highway: Light-duty road, hard or
hard surface
Secondary highway: Unimproved road
Interstate Route: U.S. Route: State Route

SOUTHTON, TEX.
2500-152
1982
DMA 4302 B (24-4300) 152

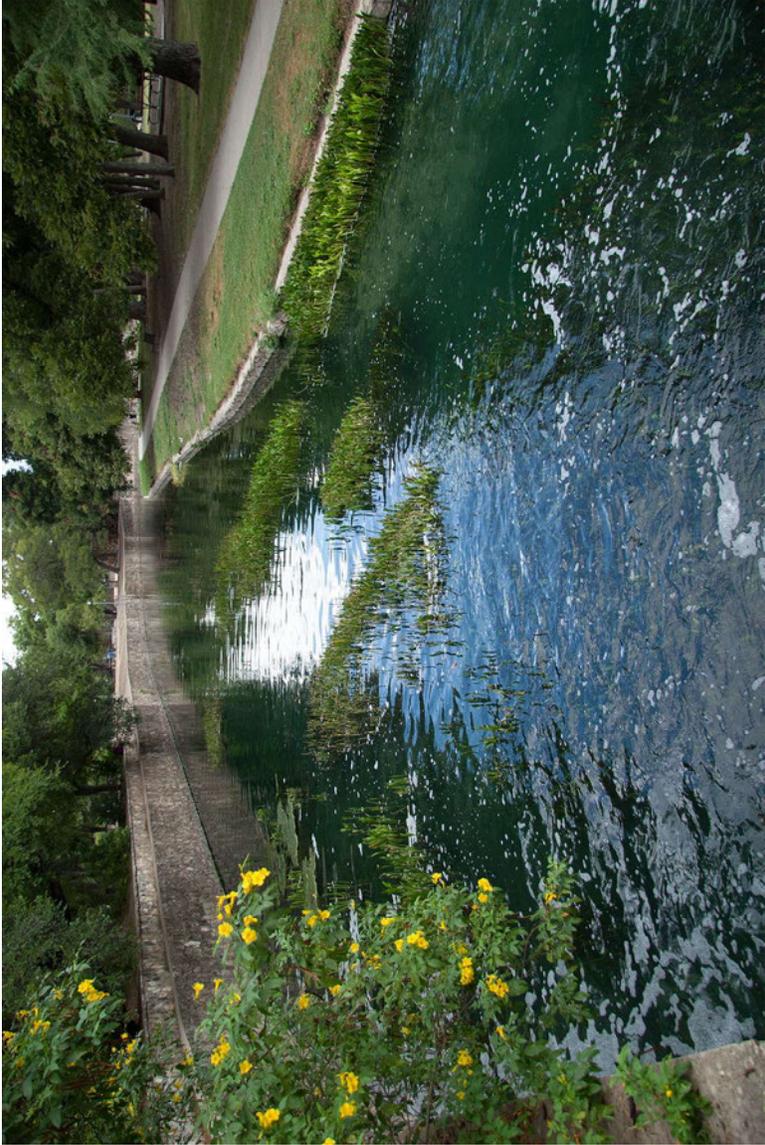
Attachment 4: Photographs of discharge and diversion points







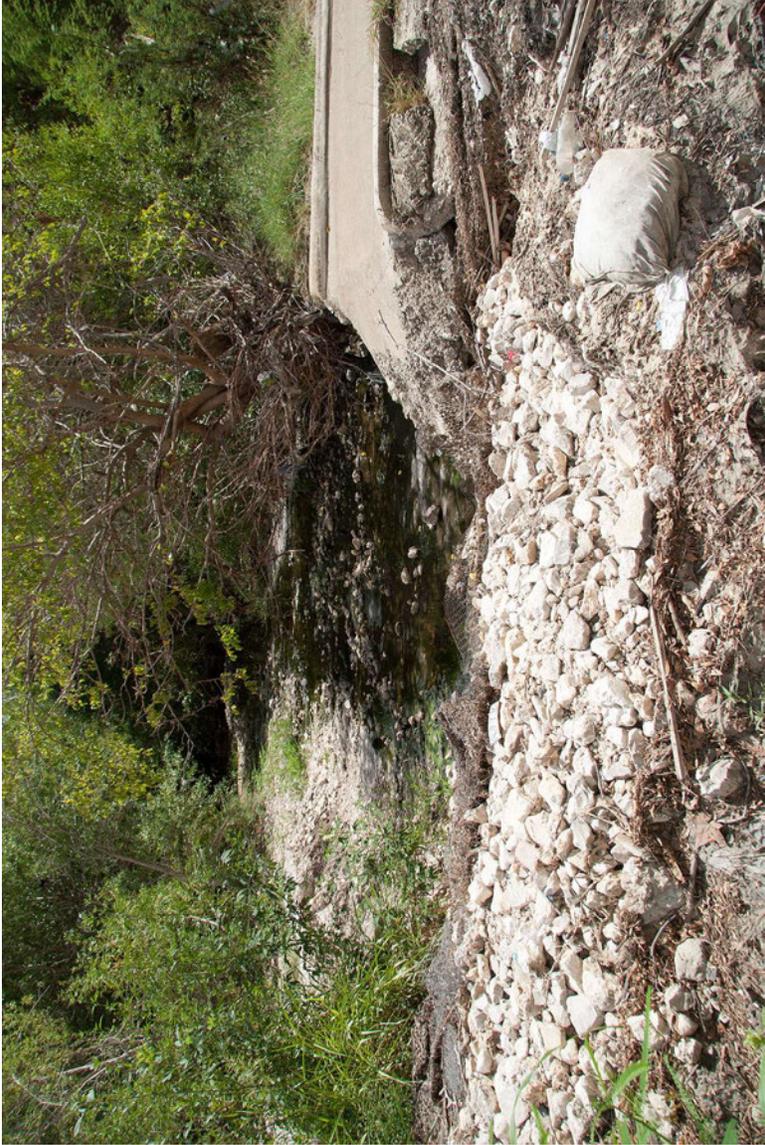
















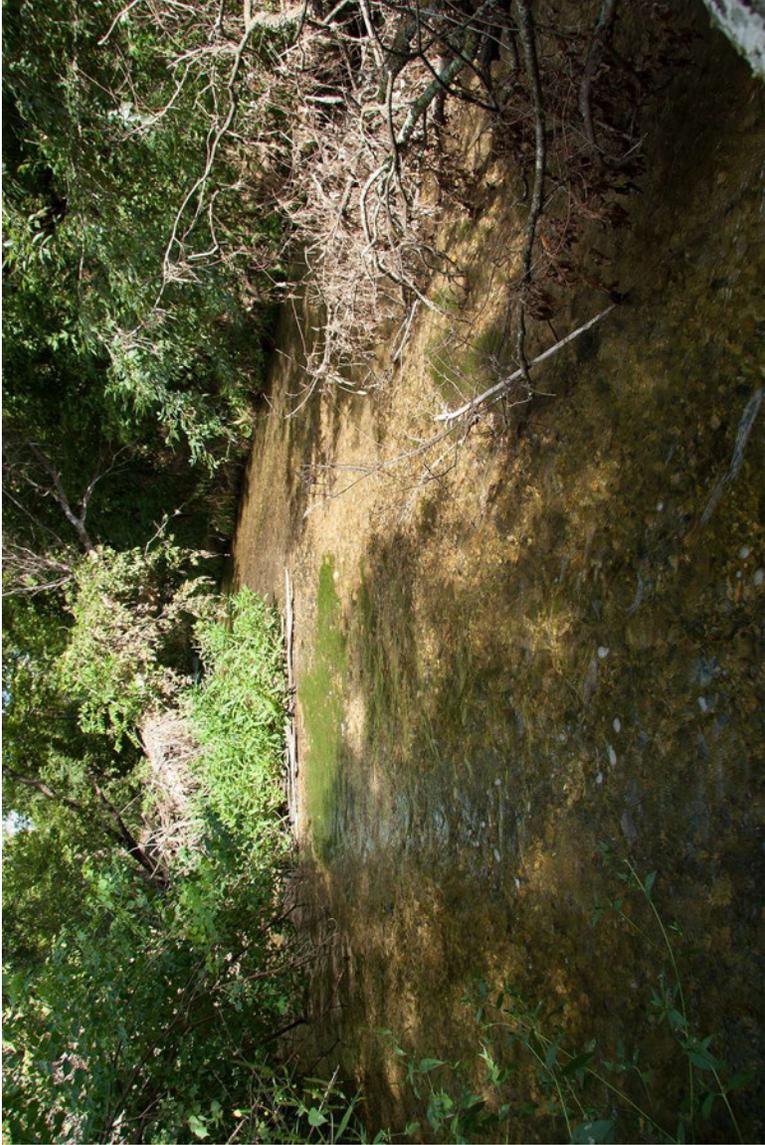














Attachment 5: TPDES Permits Excerpts



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. Box 13087
Austin, Texas 78711-3087

TPDES PERMIT NO. WQ0010137033
[For TCEQ office use only -
EPA I.D. No. TX0077801]

This is a renewal that replaces TPDES Permit
No. WQ0010137033 issued August 18, 2006.

PERMIT TO DISCHARGE WASTES
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

San Antonio Water System

whose mailing address is

3495 Valley Road
San Antonio, Texas 78221

is authorized to treat and discharge wastes from the Dos Rios Water Recycling Center Wastewater Treatment Facility,
SIC Code 4952

located on Valley Road near the confluence of the San Antonio and Medina Rivers, approximately one mile west of
Interstate Highway 37 and 2.25 miles east of Farm-to-Market Road 1937 in Bexar County, Texas

from Outfall 001 to the Medina River Below Medina Diversion Lake in Segment No. 1903 of the San Antonio River
Basin; from Outfall 002 through approximately 15 miles of pipeline to the Upper San Antonio River in Segment No.
1911 of the San Antonio River Basin at a point approximately 600 feet northwest of the intersection of Tuleta Street and
Broadway; from Outfall 003 through approximately 14 miles of pipeline to the Upper San Antonio River in Segment
No. 1911 of the San Antonio River Basin at a point approximately 500 feet northwest of the intersection of Isleta Street
and East Josephine Street; from Outfall 004 through approximately 20 miles of pipeline to Salado Creek in Segment
No. 1910 of the San Antonio River Basin at a point approximately 100 feet south of the intersection of Salado Creek
and Rittiman Road; from Outfall 005 through a pipeline to the Upper San Antonio River in Segment No. 1911 of the
San Antonio River Basin at a point approximately 800 feet southeast of the intersection of South Alamo Street and East
Market Street and from Outfall 006 to the Upper San Antonio River in Segment No. 1911 of the San Antonio River
Basin

only according with effluent limitations, monitoring requirements and other conditions set forth in this permit, as well
as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other
orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public
property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not
limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit
authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the
responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, March 1, 2015.

ISSUED DATE: **SEP 21 2010**


For the Commission.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 125* million gallons per day (MGD); nor shall the average discharge during any two-hour period (2-hour peak) exceed 173,611 gallons per minute (gpm).

Effluent Characteristic	Discharge Limitations				Minimum Self-Monitoring Requirements	
	Daily Avg mg/l(lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Daily Max.	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Measurement Frequency	Sample Type
Carbonaceous Biochemical Oxygen Demand (5-day)	5 (5,213)	10	20	30	Continuous	Totalizing Meter
Total Suspended Solids	12 (12,510)	20	40	60	One/day	Composite
Ammonia Nitrogen	2 (2,085)	4	7	15	One/day	Composite
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	394	N/A	Five/week	Grab

* See Other Requirements No. 7 on Page 26

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and shall monitor chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per day by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final effluent parshall flume.
6. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored once per day by grab sample.
7. The annual average flow and maximum 2-hour peak flow shall be reported monthly

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 002

1. During the period beginning upon the date of issuance and lasting through the date of expiration the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 10.0* million gallons per day (MGD).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Minimum Self-Monitoring Requirements</u>	
	Daily Avg. mg/l(lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Daily Max. Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (834)	15	25	35	One/day	Composite
Total Suspended Solids	15 (1,251)	25	40	60	One/day	Composite
Ammonia Nitrogen	2 (167)	5	7	15	One/day	Composite
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	394	N/A	Three/week	Grab

* See Other Requirements No. 7 on Page 26

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and shall monitor chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per day by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Flow shall be measured at the recycled water outfall. The composite sample for CBOD₅, TSS and NH₃-N shall be taken after dechlorination for Outfall 001. The grab sample for *E. coli* shall be taken after dechlorination for Outfall 001. The grab sample for DO, chlorine residual and pH samples shall be taken at the end of pipe.
6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per day by grab sample.
7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 003

1. During the period beginning upon the date of issuance and lasting through the date of expiration the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 10.0* million gallons per day (MGD).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Minimum Self-Monitoring Requirements</u>	
	Daily Avg mg/l(lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Daily Max. Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (834)	15	25	35	One/day	Composite
Total Suspended Solids	15 (1,251)	25	40	60	One/day	Composite
Ammonia Nitrogen	2 (167)	5	7	15	One/day	Composite
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	394	N/A	Three/week	Grab

* See Other Requirements No. 7 on Page 26

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and shall monitor chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per day by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Flow shall be measured at the recycled water outfall. The composite sample for CBOD₅, TSS and NH₃-N shall be taken after dechlorination for Outfall 001. The grab sample for *E. coli* shall be taken after dechlorination for Outfall 001. The grab sample for DO, chlorine residual and pH samples shall be taken at the end of pipe.
6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per day by grab sample.
7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 004

1. During the period beginning upon the date of issuance and lasting through the date of expiration the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 3.0* million gallons per day (MGD).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Minimum Self-Monitoring Requirements</u>	
	Daily Avg mg/l(lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Daily Max. Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (250)	15	25	35	One/day	Composite
Total Suspended Solids	15 (375)	25	40	60	One/day	Composite
Ammonia Nitrogen	2 (50)	5	7	15	One/day	Composite
<i>E. coli</i> , CFU-or MPN/100 ml	126	N/A	394	N/A	One/week	Grab

* See Other Requirements No. 7 on Page 26

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and shall monitor chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per day by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Flow shall be measured at the recycled water outfall. The composite sample for CBOD₅, TSS and NH₃-N shall be taken after dechlorination for Outfall 001. The grab sample for *E. coli* shall be taken after dechlorination for Outfall 001. The grab sample for DO, chlorine residual and pH samples shall be taken at the end of pipe.
6. The effluent shall contain a minimum dissolved oxygen of 5.0 mg/l and shall be monitored once per day by grab sample.
7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 005

1. During the period beginning upon the date of issuance and lasting through the date of expiration the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 2.6* million gallons per day (MGD).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Minimum Self-Monitoring Requirements</u>	
	Daily Avg mg/l(lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Daily Max. Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (217)	15	25	35	One/day	Composite
Total Suspended Solids	15 (325)	25	40	60	One/day	Composite
Ammonia Nitrogen	2 (43)	5	7	15	One/day	Composite
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	394	N/A	One/week	Grab

* See Other Requirements No. 7 on Page 26

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and shall monitor chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per day by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Flow shall be measured at the recycled water outfall. The composite sample for CBOD₅, TSS and NH₃-N shall be taken after dechlorination for Outfall 001. The grab sample for *E. coli* shall be taken after dechlorination for Outfall 001. The grab sample for DO, chlorine residual and pH samples shall be taken at the end of pipe.
6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per day by grab sample.
7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 006

1. During the period beginning upon the date of issuance and lasting through the date of expiration the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 46.0* million gallons per day (MGD).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Minimum Self-Monitoring Requirements</u>	
	Daily Avg mg/l(lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Daily Max. Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (3,836)	15	25	35	One/day	Composite
Total Suspended Solids	15 (5,755)	25	40	60	One/day	Composite
Ammonia Nitrogen	2 (767)	5	7	15	One/day	Composite
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	394	N/A	Five/week	Grab

* See Other Requirements No. 7 on Page 26

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and shall monitor chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per day by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Flow shall be measured at the recycled water outfall. The composite sample for CBOD₅, TSS and NH₃-N shall be taken after dechlorination for Outfall 001. The grab sample for *E. coli* shall be taken after dechlorination for Outfall 001. The grab sample for DO, chlorine residual and pH samples shall be taken at the end of pipe.
6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per day by grab sample.
7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.



TPDES PERMIT NO. WQ0010137003
[For TCEQ office use only -
EPA I.D. No. TX0052639]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. Box 13087
Austin, Texas 78711-3087

This is a renewal that replaces TPDES Permit
No. WQ0010137003 issued August 10, 2006.

PERMIT TO DISCHARGE WASTES
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

San Antonio Water System

whose mailing address is

3495 Valley Road
San Antonio, Texas 78221

is authorized to treat and discharge wastes from the Leon Creek Water Recycling Center Wastewater Treatment Facility,
SIC Code 4952

located approximately one mile west of the intersection of Mauermann Road and Pleasanton Road in Bexar County,
Texas 78221

from Outfall 001 to Comanche Creek; thence to Lower Leon Creek in Segment No. 1906 of the San Antonio River
Basin and

from Outfall 002 via pipeline to Mitchell Lake; thence to Cottonmouth Creek; thence to the Medina River Below
Medina Diversion Lake in Segment No. 1903 of the San Antonio River Basin

only according with effluent limitations, monitoring requirements and other conditions set forth in this permit, as well
as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other
orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public
property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not
limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit
authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the
responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, March 1, 2015.

ISSUED DATE: **SEP 15 2010**


For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - OUTFALL 001

1. During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 46.0* million gallons per day (MGD); nor shall the average discharge during any two-hour period (2-hour peak) exceed 63,889* gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Minimum Self-Monitoring Requirements</u>	
	Daily Avg mg/l(lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Daily Max.	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Measurement Frequency	Sample Type
Carbonaceous Biochemical Oxygen Demand (5-day)	7 (2,686)*	11	17	25	Continuous	Totalizing Meter
Total Suspended Solids	15 (5,755)*	25	40	60	One/day	Composite
Ammonia Nitrogen	2 (767)*	4	7	15	One/day	Composite
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	394	N/A	Five/week	Grab

* The combined flow from Outfall 001 and Outfall 002 shall not exceed an annual average flow of 46 MGD and a 2-hour peak flow of 63,889 gpm. Pounds per day loading shall also be the combined total of both Outfalls.

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and shall monitor chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per day by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 5.0 mg/l and shall be monitored once per day by grab sample.
7. The annual average flow and maximum 2-hour peak flow shall be reported monthly



TPDES PERMIT NO. WQ0010137040
For TCEQ office use only - EPA I.D. No.
TX0055689

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. Box 13087
Austin, Texas 78711-3087

This is a renewal that replaces TPDES
Permit No. WQ0010137040 issued
November 7, 2006.

PERMIT TO DISCHARGE WASTES
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

San Antonio Water System

whose mailing address is

3495 Valley Road
San Antonio, Texas 78221

is authorized to treat and discharge wastes from the Medio Creek Water Recycling Center, SIC Code 4952

located approximately 1,300 feet north of the point where U.S. Highway 90 crosses Medio Creek and approximately 1.25 miles west of Interstate Highway 410 in Bexar County, Texas 78245

to the unclassified portion of Medio Creek; thence to an unclassified lake; thence to Medio Creek in Segment No. 1912 of the San Antonio River Basin

only according with effluent limitations, monitoring requirements and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, March 1, 2015.

ISSUED DATE: **SEP 15 2010**

For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

The annual average flow of effluent shall not exceed 16 MGD; nor shall the average discharge during any two-hour period (2-hour peak) exceed 27,778 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Minimum Self-Monitoring Requirements</u>	
	Daily Avg mg/l(lbs/day)	7-day Avg mg/l	Daily Max mg/l	Single Grab mg/l	Report Daily Avg. & Daily Max. Measurement Frequency	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	7 (934)	10	20	30	One/day	Composite
Total Suspended Solids	15 (2,002)	20	30	40	One/day	Composite
Ammonia Nitrogen	2 (267)	4	7	15	One/day	Composite
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	394	N/A	Daily	Grab

2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per day by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored once per day by grab sample.
7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
P.O. Box 13087
Austin, Texas 78711-3087

TPDES PERMIT NO. WQ0010137008
For TCEQ office use only - EPA I.D. No.
TX0052647

This is a renewal that replaces TPDES
Permit No. WQ0010137008 issued August
18, 2006.

PERMIT TO DISCHARGE WASTES
under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

San Antonio Water System

whose mailing address is

3495 Valley Road
San Antonio, Texas 78221

is authorized to treat and discharge wastes from the Salado Creek Water Recycling Center, SIC Code 4952

located approximately 1.5 miles south of the intersection of Southton Road and Blue Wing Road in Bexar County, Texas 78221

to the Upper San Antonio River in Segment No. 1911 of the San Antonio River Basin

only according with effluent limitations, monitoring requirements and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, March 1, 2015.

ISSUED DATE: **SEP 23 2010**

For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon the date of issuance and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:
 The annual average flow of effluent shall not exceed 46.0 million gallons per day (MGD); nor shall the average discharge during any two-hour period (2-hour peak) exceed 63,889 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>			<u>Single Grab</u> mg/l	<u>Minimum Self-Monitoring Requirements</u> Report Daily Avg. & Daily Max.	
	<u>Daily Avg</u> mg/l(lbs/day)	<u>7-day Avg</u> mg/l	<u>Daily Max</u> mg/l		<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow, MGD*	Report	N/A	Report	N/A	Continuous	Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)*	10 (3,836)	15	25	35	One/day	Composite
Total Suspended Solids*	15 (5,755)	25	40	60	One/day	Composite
Ammonia Nitrogen*	2 (767)	5	7	15	One/day	Composite
<i>E. coli</i> , CFU or MPN/100 ml*	126	N/A	394	N/A	Five/week	Grab

* See Other Requirement No. 8 on Page 24.

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored daily by grab sample. The permittee shall dechlorinate the chlorinated effluent to less than 0.1 mg/l chlorine residual and shall monitor chlorine residual daily by grab sample after the dechlorination process. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per day by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per day by grab sample.
7. The annual average flow and maximum 2-hour peak flow shall be reported monthly.

Attachment 6: Summary of SAWS Groundwater Well



PI2-20120076133-8

April 25, 2012

EDWARDS AQUIFER
AUTHORITY

SCANNED

Mr. Patrick Shriver
San Antonio Water System
2800 U.S. Hwy 281 North
San Antonio, TX 78212

Re: Permittee Name: San Antonio Water System
Permit No.: P100-594 (BE00269)
DERIVED FROM ORIGINAL INITIAL REGULAR PERMIT NO.: BE00269

Re: Application to Amend

Dear Mr. Shriver:

The purpose of this letter is to inform you that your application to amend the points of withdrawal associated with the above-referenced Edwards Aquifer groundwater withdrawal permit has been approved. Enclosed, please find the original approved list of points of withdrawal (Exhibit A – *Withdrawal Points; Metering; Maximum Withdrawal Rate for San Antonio Water System Municipal Regular Permits associated with the Certificate of Convenience and Necessity #10640*) to be recorded as a result of this amendment. Also enclosed for your reference and review is a guideline document summarizing the Authority's rules as they pertain to groundwater withdrawal permits.

The Authority considers all applications to amend effective only after the General Manager or the Board of Directors takes final action. The Authority is approving this amendment only and is not approving any other transaction. Please be advised that groundwater withdrawals authorized by this amendment are subject to the Edwards Aquifer Authority Act and the EDWARDS AQUIFER AUTHORITY RULES. Please note that pursuant to Authority rules, the owner of a well shall install and operate a meter to measure the flow rate and cumulative amount of groundwater withdrawn from the well. All permit holders are also responsible for complying with Authority reporting requirements.

Please also note that if you anticipate any other changes in ownership, purpose of use, point(s) of withdrawal or place of use for this groundwater withdrawal permit, you must notify the Authority and file a new application. If you have any questions concerning these documents or any other permit related matters, please contact Naomi Esquivel, Permit Coordinator, at (210) 222-2204 or (800) 292-1047.

Sincerely,


Karl J. Dreher
General Manager

Book 12 Page 918 8pgs

KJD:NCE/ys

Enclosure

Exhibit A - Withdrawal Rates; Metering; Maximum Withdrawal Rate for San Antonio Water System
Municipal Regular permits associated with the Certificate of Convenience and Necessity #10640

EAA Well No.	Location	Measuring Method	Withdrawal Rate
W100-485 (BE00239-003)	29-23.00-12.87 / 98-35.00-15.70	Meter	800 gpm
W100-486 (BE00239-004)	29-23.00-28.79 / 98-34.00-5.86	Meter	694 gpm
W100-491 (BE00239-001)	29-22.00-54.00 / 98-33.00-22.00	Meter	2200 gpm
W100-526 (BE00269-001)	29-26.00-19.86 / 98-33.00-55.88	Meter	5000 gpm
W100-527 (BE00269-002)	29-26.00-19.87 / 98-33.00-52.44	Meter	7708 gpm
W100-528 (BE00269-003)	29-26.00-20.18 / 98-33.00-49.45	Meter	7708 gpm
W100-529 (BE00269-004)	29-26.00-21.28 / 98-33.00-54.01	Meter	9028 gpm
W100-530 (BE00269-005)	29-28.00-45.04 / 98-42.00-41.08	Meter	8264 gpm
W100-531 (BE00269-006)	29-28.00-43.64 / 98-42.00-46.49	Meter	8264 gpm
W100-532 (BE00269-007)	29-28.00-51.64 / 98-42.00-39.56	Meter	0 gpm
W100-533 (BE00269-008)	29-28.00-53.69 / 98-42.00-44.84	Meter	8264 gpm
W100-534 (BE00269-009)	29-28.00-55.19 / 98-42.00-50.18	Meter	8264 gpm
W100-536 (BE00269-011)	29-25.00-57.00 / 98-26.00-6.00	Meter	0 gpm
W100-537 (BE00269-012)	29-25.00-57.19 / 98-26.00-13.64	Meter	9375 gpm
W100-538 (BE00269-013)	29-25.00-57.10 / 98-26.00-17.53	Meter	9236 gpm
W100-539 (BE00269-014)	29-25.00-58.58 / 98-26.00-27.99	Meter	8958 gpm
W100-544 (BE00269-019)	29-30.00-15.42 / 98-32.00-22.13	Meter	4444 gpm
W100-545 (BE00269-020)	29-29.00-50.97 / 98-29.00-15.55	Meter	9722 gpm
W100-546 (BE00269-021)	29-29.00-50.00 / 98-29.00-12.00	Meter	9722 gpm
W100-547 (BE00269-022)	29-29.00-45.67 / 98-29.00-15.88	Meter	9722 gpm
W100-549 (BE00269-024)	29-29.00-44.15 / 98-29.00-22.92	Meter	9722 gpm
W100-550 (BE00269-025)	29-29.00-54.34 / 98-29.00-18.31	Meter	10139 gpm
W100-552 (BE00269-027)	29-26.00-51.47 / 98-28.00-32.95	Meter	2778 gpm

Exhibit A - Withdrawal Limits; Metering; Maximum Withdrawal Rate for San Antonio Water System
Municipal Regular permits associated with the Certificate of Convenience and Necessity #10640

EAA Well No.	Location	Measuring Method	Withdrawal Rate
W100-553 (BE00269-028)	29-26.00-50.74 / 98-28.00-35.40	Meter	2778 gpm
W100-557 (BE00269-032)	29-30.00-2.62 / 98-34.00-46.68	Meter	2778 gpm
W100-558 (BE00269-033)	29-22.00-6.25 / 98-36.00-13.74	Meter	0 gpm
W100-559 (BE00269-034)	29-22.00-6.93 / 98-36.00-13.62	Meter	1250 gpm
W100-564 (BE00269-039)	29-23.00-11.93 / 98-38.00-54.18	Meter	3403 gpm
W100-565 (BE00269-040)	29-20.00-53.63 / 98-36.00-56.93	Meter	3194 gpm
W100-566 (BE00269-041)	29-20.00-52.39 / 98-36.00-56.93	Meter	3472 gpm
W100-569 (BE00269-044)	29-28.00-44.78 / 98-32.00-43.96	Meter	2986 gpm
W100-570 (BE00269-045)	29-31.00-23.23 / 98-29.00-2.77	Meter	9236 gpm
W100-571 (BE00269-046)	29-31.00-20.30 / 98-28.00-58.93	Meter	9236 gpm
W100-572 (BE00269-047)	29-31.00-20.36 / 98-29.00-1.38	Meter	7639 gpm
W100-573 (BE00269-048)	29-31.00-23.14 / 98-28.00-57.11	Meter	9236 gpm
W100-574 (BE00269-049)	29-24.00-56.82 / 98-38.00-18.36	Meter	8472 gpm
W100-575 (BE00269-050)	29-24.00-56.78 / 98-38.00-14.90	Meter	8472 gpm
W100-576 (BE00269-051)	29-24.00-59.72 / 98-38.00-14.92	Meter	8472 gpm
W100-577 (BE00269-052)	29-25.00-21.32 / 98-29.00-16.53	Meter	0 gpm
W100-579 (BE00269-054)	29-25.00-20.87 / 98-29.00-16.33	Meter	0 gpm
W100-580 (BE00269-055)	29-25.00-19.81 / 98-29.00-17.60	Meter	0 gpm
W100-581 (BE00269-056)	29-25.00-21.68 / 98-29.00-21.62	Meter	9,300 gpm
W100-582 (BE00269-057)	29-25.00-22.41 / 98-29.00-21.29	Meter	10,600 gpm
W100-584 (BE00269-059)	29-23.00-24.57 / 98-29.00-49.52	Meter	0 gpm
W100-585 (BE00269-060)	29-23.00-25.53 / 98-29.00-49.93	Meter	0 gpm
W100-586 (BE00269-061)	29-23.00-26.42 / 98-29.00-48.36	Meter	5903 gpm

Exhibit A - Withdrawal Points; Metering; Maximum Withdrawal Rate for San Antonio Water System
Municipal Regular permits associated with the Certificate of Convenience and Necessity #10640

EAA Well No.	Location	Measuring Method	Withdrawal Rate
W100-587 (BE00269-062)	29-23.00-25.70 / 98-29.00-47.19	Meter	8194 gpm
W100-588 (BE00269-063)	29-23.00-28.12 / 98-29.00-47.34	Meter	8472 gpm
W100-589 (BE00269-064)	29-23.00-27.67 / 98-29.00-43.34	Meter	0 gpm
W100-590 (BE00269-065)	29-23.00-28.80 / 98-29.00-42.98	Meter	0 gpm
W100-591 (BE00269-066)	29-33.00-52.91 / 98-22.00-59.82	Meter	6944 gpm
W100-592 (BE00269-067)	29-33.00-59.63 / 98-23.00-9.33	Meter	7500 gpm
W100-593 (BE00269-068)	29-33.00-57.42 / 98-23.00-9.63	Meter	7500 gpm
W100-594 (BE00269-069)	29-33.00-58.56 / 98-23.00-7.38	Meter	7500 gpm
W100-595 (BE00269-070)	29-33.00-52.58 / 98-23.00-6.93	Meter	12431 gpm
W100-596 (BE00269-071)	29-33.00-50.46 / 98-23.00-4.40	Meter	12431 gpm
W100-597 (BE00269-072)	29-30.00-48.83 / 98-26.00-51.42	Meter	3472 gpm
W100-598 (BE00269-073)	29-27.00-44.59 / 98-38.00-24.77	Meter	3056 gpm
W100-599 (BE00269-074)	29-32.00-5.67 / 98-30.00-3.18	Meter	2778 gpm
W100-600 (BE00269-075)	29-31.00-49.77 / 98-22.00-45.29	Meter	9722 gpm
W100-601 (BE00269-076)	29-31.00-51.28 / 98-22.00-42.40	Meter	9722 gpm
W100-602 (BE00269-077)	29-31.00-45.27 / 98-22.00-42.34	Meter	9722 gpm
W100-605 (BE00269-036)	29-29.00-44.38 / 98-26.00-53.23	Meter	4792 gpm
W100-606 (BE00269-081)	29-26.00-43.27 / 98-24.00-19.36	Meter	3472 gpm
W100-607 (BE00269-082)	29-26.00-42.14 / 98-24.00-21.11	Meter	3819 gpm
W100-609 (BE00269-084)	29-28.00-20.96 / 98-32.00-53.43	Meter	3194 gpm
W100-610 (BE00269-085)	29-28.00-14.92 / 98-33.00-38.71	Meter	3542 gpm
W100-611 (BE00269-086)	29-31.00-7.28 / 98-34.00-6.94	Meter	3472 gpm
W100-612 (BE00269-106)	29-31.00-7.37 / 98-34.00-4.97	Meter	3472 gpm

Exhibit A - Withdrawal Points; Metering; Maximum Withdrawal Rate for San Antonio Water System
Municipal Regular permits associated with the Certificate of Convenience and Necessity #10640

EAA Well No.	Location	Measuring Method	Withdrawal Rate
W100-614 (BE00269-089)	29-30.00-26.81 / 98-24.00-13.67	Meter	1806 gpm
W100-619 (BE00269-094)	29-29.00-22.30 / 98-36.00-0.91	Meter	8750 gpm
W100-620 (BE00269-095)	29-29.00-18.75 / 98-36.00-3.79	Meter	8750 gpm
W100-621 (BE00269-096)	29-29.00-25.42 / 98-36.00-1.15	Meter	7778 gpm
W100-622 (BE00269-097)	29-29.00-15.92 / 98-36.00-6.13	Meter	7778 gpm
W100-623 (BE00269-098)	29-29.00-20.00 / 98-36.00-6.39	Meter	13958 gpm
W100-624 (BE00269-099)	29-29.00-23.15 / 98-36.00-3.29	Meter	14375 gpm
W100-626 (BE00269-101)	29-31.00-22.67 / 98-28.00-58.76	Meter	9236 gpm
W100-627 (BE00269-102)	29-29.00-46.60 / 98-29.00-12.90	Meter	9722 gpm
W100-629 (BE00269-104)	29-26.00-43.09 / 98-24.00-20.96	Meter	4861 gpm
W100-630 (BE00269-105)	29-31.00-20.25 / 98-28.00-57.57	Meter	6944 gpm
W100-631 (BE00269-087)	29-31.00-16.20 / 98-33.00-40.77	Meter	3750 gpm
W100-632 (BE00269-107)	29-29.00-31.23 / 98-20.00-52.44	Meter	1667 gpm
W100-633 (BE00269-108)	29-33.00-54.31 / 98-23.00-8.90	Meter	7500 gpm
W100-636 (BE00239-006)	29-22.00-23.34 / 98-35.00-39.90	Meter	2222 gpm
W103-689	29-27.00-15.50 / 98-38.00-33.70	Meter	6944 gpm
W104-906	29-31.00-28.04 / 98-47.00-31.40	Meter	150 gpm
W104-907	29-31.00-27.00 / 98-47.00-31.50	Meter	7,000 gpm
W104-908	29-27.00-16.52 / 98-38.00-29.10	Meter	7,500 gpm
W104-909	29-27.00-14.82 / 98-38.00-28.20	Meter	7,500 gpm
W106-172	29-31.00-24.80 / 98-47.00-33.90	Meter	2,100 gpm
W100-277 (BE00149-001)	29-34.00-0.60 / 98-29.00-2.47	Meter	3000 gpm
W100-278 (BE00149-002)	29-33.00-58.50 / 98-29.00-2.10	Meter	4500 gpm

Exhibit A - Withdrawal Points; Metering; Maximum Withdrawal Rate for San Antonio Water System
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EAA Well No.	Location	Measuring Method	Withdrawal Rate
W100-388 (BE00205-001)	29-27.00-24.40 / 98-45.00-48.90	Meter	200 gpm
W100-389 (BE00205-002)	29-27.00-56.30 / 98-45.00-55.40	Meter	180 gpm
W100-423 (BE00227-001)	29-22.00-50.30 / 98-31.00-20.00	Meter	1360 gpm
W100-424 (BE00227-002)	29-22.00-50.20 / 98-31.00-18.60	Meter	1760 gpm
W100-425 (BE00227-003)	29-23.00-48.70 / 98-32.00-31.90	Meter	410 gpm
W100-426 (BE00227-004)	29-23.00-48.20 / 98-32.00-32.00	Meter	1750 gpm
W100-427 (BE00227-005)	29-21.00-45.80 / 98-32.00-45.20	Meter	1510 gpm
W100-428 (BE00227-006)	29-21.00-46.70 / 98-32.00-46.40	Meter	2000 gpm
W100-429 (BE00227-007)	29-21.00-46.60 / 98-32.00-47.20	Meter	3600 gpm
W100-430 (BE00227-008)	29-23.00-19.70 / 98-32.00-59.70	Meter	1450 gpm
W100-431 (BE00227-009)	29-22.00-4.40 / 98-32.00-3.70	Meter	1180 gpm
W100-432 (BE00227-010)	29-22.00-4.20 / 98-32.00-5.00	Meter	2230 gpm
W100-433 (BE00227-011)	29-22.00-4.20 / 98-32.00-6.10	Meter	5230 gpm
W100-434 (BE00227-012)	29-22.00-1.00 / 98-32.00-8.00	Meter	7380 gpm
W100-435 (BE00227-013)	29-21.00-10.20 / 98-33.00-25.10	Meter	1561 gpm
W100-436 (BE00227-014)	29-21.00-8.90 / 98-33.00-24.40	Meter	1456 gpm
W100-439 (BE00227-017)	29-31.00-19.10 / 98-31.00-9.40	Meter	2100 gpm
W100-440 (BE00227-018)	29-30.00-42.20 / 98-30.00-52.70	Meter	1520 gpm
W100-441 (BE00227-019)	29-31.00-55.50 / 98-31.00-22.00	Meter	1450 gpm
W100-442 (BE00227-020)	29-24.00-22.80 / 98-42.00-13.10	Meter	1590 gpm
W100-443 (BE00227-021)	29-24.00-21.70 / 98-42.00-12.00	Meter	270 gpm
W100-444 (BE00227-022)	29-24.00-30.90 / 98-40.00-41.40	Meter	2750 gpm
W100-445 (BE00227-023)	29-25.00-43.20 / 98-40.00-33.00	Meter	1350 gpm

Exhibit A - Withdrawal Limits; Metering; Maximum Withdrawal Rate for San Antonio Water System
Municipal Regular permits associated with the Certificate of Convenience and Necessity #10640

EAA Well No.	Location	Measuring Method	Withdrawal Rate
W100-446 (BE00227-024)	29-25.00-54.60 / 98-41.00-21.00	Meter	1640 gpm
W100-447 (BE00227-025)	29-30.00-35.90 / 98-21.00-20.90	Meter	1375 gpm
W100-448 (BE00227-026)	29-29.00-26.00 / 98-22.00-25.90	Meter	1065 gpm
W100-449 (BE00227-027)	29-31.00-48.60 / 98-21.00-14.20	Meter	3100 gpm
W100-450 (BE00227-028)	29-31.00-48.20 / 98-21.00-13.60	Meter	0 gpm
W100-451 (BE00227-029)	29-24.00-46.30 / 98-47.00-59.20	Meter	2100 gpm
W100-452 (BE00227-030)	29-24.00-45.30 / 98-47.00-59.70	Meter	2425 gpm
W100-453 (BE00227-031)	29-29.00-57.70 / 98-47.00-36.60	Meter	300 gpm
W100-454 (BE00227-032)	29-22.00-23.20 / 98-42.00-24.60	Meter	2760 gpm
W100-455 (BE00227-033)	29-22.00-23.40 / 98-42.00-23.60	Meter	2785 gpm
W100-456 (BE00227-034)	29-34.00-32.40 / 98-29.00-23.20	Meter	700 gpm
W100-457 (BE00227-035)	29-34.00-32.90 / 98-29.00-23.30	Meter	1050 gpm
W100-458 (BE00227-036)	29-35.00-12.80 / 98-29.00-17.80	Meter	300 gpm
W100-459 (BE00227-037)	29-34.00-1.17 / 98-29.00-4.79	Meter	1500 gpm
W100-460 (BE00227-038)	29-28.00-54.60 / 98-47.00-49.30	Meter	1880 gpm
W100-461 (BE00227-039)	29-32.00-23.40 / 98-45.00-52.80	Meter	1,800 gpm
W100-463 (BE00227-041)	29-27.00-22.00 / 98-49.00-38.00	Meter	1,465 gpm
W100-464 (BE00227-042)	29-31.00-42.30 / 98-47.00-59.70	Meter	200 gpm
W100-465 (BE00227-043)	29-22.00-59.30 / 98-32.00-55.50	Meter	1100 gpm
W100-466 (BE00227-044)	29-31.00-23.00 / 98-47.00-55.00	Meter	0 gpm
W100-467 (BE00227-045)	29-30.00-24.00 / 98-46.00-24.20	Meter	100 gpm
W100-468 (BE00227-046)	29-24.00-27.90 / 98-43.00-46.30	Meter	230 gpm
W100-489 (BE00239-007)	29-22.00-59.30 / 98-32.00-55.50	Meter	1300 gpm

Exhibit A - Withdrawal Rates; Metering; Maximum Withdrawal Rate for San Antonio Water System
Municipal Regular permits associated with the Certificate of Convenience and Necessity #10640

EAA Well No.	Location	Measuring Method	Withdrawal Rate
W104-146	29-28.00-39.00 / 98-42.00-53.30	Meter	0 gpm
W104-147	29-29.00-50.20 / 98-21.00-12.40	Meter	0 gpm
W104-148	29-21.00-58.60 / 98-44.00-27.20	Meter	0 gpm
W104-324	29-25.00-30.20 / 98-46.00-37.20	Meter	2700 gpm
W104-957	29-25.00-34.10 / 98-45.00-10.10	Meter	2,500 gpm
W105-717	29-25.00-31.90 / 98-45.00-10.00	Meter	2,500 gpm
W106-136	29-30.00-56.50 / 98-45.00-51.70	Meter	3,500 gpm

Doc# 20120076133 Fees: \$44.00
04/25/2012 2:57PM # Pages 8
Filed & Recorded in the Official
Public Records of BEXAR COUNTY
GERARD C. RICKHOFF COUNTY CLERK

Any provision herein which restricts the sale, rental or, use of the described REAL
PROPERTY because of Color or Race is Invalid and unenforceable under FEDERAL LAW
STATE OF TEXAS
COUNTY OF BEXAR *Water Permit*
I hereby Certify that this Instrument was FILED on the date and at the time stamped
hereon by me and was duly RECORDED in the Volume and Page of the
RECORDS of BEXAR COUNTY, TEXAS as stamped hereon by me



Gerard C. Rickhoff

COUNTY CLERK
BEXAR COUNTY, TEXAS

Aquifer	TCEQ Number	SAWS Number	State Well Number	Latitude	Longitude	Maximum Withdrawal Rate
Trinity	G0150018DZ	Village Green - 134 WP1	AY 68-19-324	29 42 34	98 38 41	N/A
Trinity	G0150018EA	Village Green - 140 WP1	AY 68-19-324	29 42 39	98 38 26	N/A
Trinity	G0150018EB	Woods at Fair Oaks 136 WP 1	AY 68-19-327	29 43 13	98 39 09	N/A
Trinity	G0150018EC	Woods at Fair Oaks 137 WP 1	AY 68-19-326	29 42 58	98 39 38	N/A
Trinity	G0150018FJ	075WP3				N/A
Trinity	G0150018FK	080WP1 / BEST WAY	AY 68-20-604	29 41 42	98 30 16	N/A
Trinity	G0150018FM	081WP1 / BEST WAY	AY 68-20-606	29 41 41	98 30 19	N/A
Trinity	G0150018FN	095WP3/WILD TURKEY 3	AY 68-21-426	29 40 58	98-29-28	N/A
Trinity	G0150018FO	095WP5/WILD TURKEY 5	AY 68-21-427	29 40 59	98 29 25	N/A
Trinity	G0150018FP	095WP1/WILD TURKEY 1	AY 68-21-413	29 41 02	98 29 25	N/A
Trinity	G0150018FQ	095WP2/WILD TURKEY 2	AY 68-21-414	29 40 57	98 29 25	N/A
Trinity	G0150018FI	078WP1				N/A
Trinity	G0150539A	Oliver Ranch 2	AY 68-21-415	29 41 37.118	98 28 48.159	N/A
Trinity	G0150539	Oliver Ranch 4	AY 68-21-416	29 41 25.320	98 27 38.746	N/A
Trinity	G0150539C	Oliver Ranch 5	AY 68-21-417	29 41 25.571	98 28 01.540	N/A
Trinity	G0150539D	Oliver Ranch 6	AY 68-21-418	29 41 25.738	98 28 22.387	N/A
Trinity	G0150539G	Oliver Ranch 7	AY 68-21-419	29 41 40.313	98 28 25.834	N/A
Trinity	G0150539E	Oliver Ranch 9	AY 68-21-419	29 41 17.687	98 28 44.668	N/A
Trinity	G0150539F	Oliver Ranch 10	AY 68-21-420	29 40 57.503	98 28 38.711	N/A
Trinity	G0150541A	BSR 1	AY 68-21-509	29 42 05.268	98 27 18.149	N/A
Trinity	G0150541B	BSR 2	AY 68-21-510	29 42 23.271	98 27 20.215	N/A
Trinity	G0150541C	BSR 3	AY 68-21-422	29 41 45.879	98 27 47.857	N/A
Trinity	G0150541D	BSR 4	AY 68-21-423	29 42 06.056	98 27 48.598	N/A
Trinity	G0150350A	Concept Therapy 1	AY 68-19-513	29 41 03.912	98 40 04.901	N/A
Trinity	G0150350B	Concept Therapy 2	AY 68-19-514	29 41 03.986	98 40 05.807	N/A
Trinity	G0150507A	Hidden Springs WP # 1	AY 68-20-404	29 40 34	98 37 05	N/A
Trinity	G0150507B	Hidden Springs WP # 2	AY 68-20-403	29 40 34	98 37 06	N/A
Trinity	G0150507C	Hidden Springs WP # 3	AY 68-20-405	29 40 35	98 37 04	N/A
Trinity	G0150507D	Hidden Springs WP # 4	AY 68-20-406	29 40 36	98 37 06	N/A
Carrizo	G0150018EP	PO 1 - ASR Site	AY 68-53-915	29 08 41	98 23 40	6400 af/yr
Carrizo	G0150018EQ	PO 2 - ASR Site	AY 68-53-916	29 08 38	98 24 14	
Carrizo	G0150018ER	PO 3 - ASR Site	AY 68-53-917	29 08 44	98 24 36	

Carrizo	G0150018ES	PO 4	AY 68-53-8**	29 08 26	98 25 01	N/A
Carrizo	G0150018ET	PO 5	AY 68-53-8**	29 08 41	98 25 34	N/A
Carrizo	G0150018EU	PO 6	AY 68-53-8**	29 08 27	98 26 08	N/A
Carrizo	G0150018EV	PO 7	AY 68-53-8**	29 07 47	98 26 02	N/A
Carrizo		WG-2	AY 67-35-9**	29 22 34	97 38 08	11,688 af/yr
Carrizo		WG-5	AY 67-35-9**	29 23 19	97 39 10	
Carrizo		WG-6	AY 67-35-9**	29 23 34	97 37 49	
Carrizo		WG-7	AY 67-36-7**	29 22 50	97 36 37	
Carrizo		WG-8	AY 67-44-1**	29 21 49	97 36 25	
Carrizo		WG-9	AY 67-43-3**	29 20 46	97 38 24	
Carrizo		WG-10	AY 67-43-3**	29 21 02	97 39 40	
Carrizo		WG-14	AY 67-43-3**	29 21 46	97 38 55	
Carrizo		WG-15	AY 67-44-1**	29 20 59	97 37 15	

Attachment 7: Water recycling center discharges by Outfall
2008-2012

Month/Year	Dos Rios Outfall 001 (af)	Dos Rios Outfall 002 (af)	Dos Rios Outfall 003 (af)	Dos Rios Outfall 004 (af)	Dos Rios Outfall 005 (af)	Dos Rios Outfall 006 (af)	Salado Creek Outfall 001 (af)	Leon Creek Outfall 001 (af)	Medio Creek Outfall 001 (af)
Jan-08	7,434.99	5.29	0.00	51.11	38.70	0.00	0.00	3,004.10	530.47
Feb-08	6,870.93	0.00	0.00	34.78	36.51	9.71	0.00	2,763.04	484.53
Mar-08	7,335.87	0.00	0.00	52.55	39.36	0.00	0.00	3,049.98	554.01
Apr-08	6,886.28	0.00	0.00	51.02	35.36	0.00	0.00	2,906.33	542.15
May-08	6,624.50	96.35	0.00	56.40	59.50	0.00	0.00	2,998.03	579.63
Jun-08	5,586.60	398.62	0.00	68.66	77.28	0.00	0.00	2,301.02	546.28
Jul-08	6,298.89	388.92	0.00	48.95	114.56	0.00	0.00	3,083.50	566.94
Aug-08	6,868.48	356.63	0.00	39.54	95.75	0.00	0.00	3,383.26	624.62
Sep-08	6,168.46	299.72	0.00	56.69	65.65	0.00	0.00	2,984.22	559.70
Oct-08	5,871.40	379.78	0.00	59.44	72.04	0.00	0.00	2,488.96	545.45
Nov-08	5,518.78	372.18	0.00	55.39	54.33	0.00	0.00	2,584.62	524.31
Dec-08	5,875.38	306.47	0.00	41.76	19.13	0.00	0.00	2,889.27	521.21
Jan-09	5,641.84	368.61	0.00	60.48	45.51	20.90	0.00	2,861.28	546.70
Feb-09	5,208.52	348.90	0.00	53.81	35.90	0.00	0.00	2,213.59	500.15
Mar-09	5,840.71	382.78	0.00	58.32	43.39	0.00	0.00	2,901.63	557.25
Apr-09	5,628.95	361.32	0.00	54.48	50.55	0.00	0.00	2,532.11	530.24
May-09	5,849.30	431.90	0.00	62.89	67.79	0.00	0.00	2,804.01	587.60
Jun-09	5,505.89	359.10	0.00	54.66	78.70	0.00	0.00	2,191.31	566.98
Jul-09	5,655.04	378.34	0.00	56.46	110.15	0.00	0.00	2,433.41	585.89
Aug-09	5,819.53	391.12	0.00	81.83	106.26	0.00	0.00	2,391.31	605.04
Sep-09	6,431.47	286.16	0.00	76.66	68.21	0.00	0.00	3,057.26	588.76
Oct-09	7,908.83	283.72	0.00	6.06	69.61	0.00	0.00	3,660.88	708.63
Nov-09	6,590.13	412.90	0.00	0.00	74.25	0.00	0.00	3,193.18	631.75
Dec-09	6,779.17	350.24	0.00	20.39	74.94	0.00	0.00	3,181.64	671.54
Jan-10	8,083.76	168.02	0.00	34.58	42.56	0.00	0.00	3,640.53	750.97
Feb-10	8,748.48	0.00	0.00	4.17	62.09	0.00	0.00	3,664.87	748.16
Mar-10	8,258.99	2.97	0.00	1.53	93.04	0.00	0.00	3,533.85	711.21
Apr-10	8,104.32	0.00	0.00	9.68	80.98	0.00	0.00	3,592.78	763.94
May-10	8,346.76	6.48	0.00	38.06	78.98	0.00	0.00	3,575.99	766.87
Jun-10	7,310.70	76.40	0.00	20.38	76.57	0.00	0.00	3,197.87	673.46
Jul-10	7,183.34	362.95	0.00	72.64	112.97	0.00	0.00	3,196.74	699.09
Aug-10	6,466.45	305.57	0.00	45.00	88.29	0.00	0.00	2,770.25	673.54

Sep-10	8,499.90	39.86	0.00	11.38	66.78	0.00	0.00	3,381.61	739.43
Oct-10	6,703.06	241.26	0.00	16.95	91.39	0.00	0.00	3,006.62	647.82
Nov-10	6,485.48	157.17	0.00	45.32	48.50	0.00	0.00	2,867.84	616.84
Dec-10	6,247.64	299.33	0.00	58.75	24.84	0.00	0.00	2,967.25	639.35
Jan-11	6,713.16	300.32	0.00	59.03	29.20	0.00	0.00	3,177.77	663.43
Feb-11	6,064.43	295.56	0.00	42.73	29.05	0.00	0.00	2,848.82	599.12
Mar-11	6,191.14	399.16	0.00	57.80	36.42	0.00	0.00	2,971.30	625.61
Apr-11	5,949.96	377.18	0.00	52.82	42.29	0.00	0.00	2,653.08	612.91
May-11	6,182.89	368.86	0.00	43.74	55.10	0.00	0.00	2,281.90	657.49
Jun-11	6,037.73	423.06	0.00	51.99	77.90	0.00	0.00	2,003.98	635.37
Jul-11	6,206.21	403.56	0.00	57.54	121.11	0.00	0.00	2,382.16	648.25
Aug-11	6,046.63	475.17	0.00	55.92	89.55	0.00	0.00	2,009.57	648.94
Sep-11	6,000.29	395.78	0.00	51.21	84.15	0.00	0.00	2,027.77	615.43
Oct-11	6,507.91	269.70	0.00	40.92	60.32	0.00	0.00	2,627.31	649.24
Nov-11	6,136.85	332.08	0.00	49.58	45.88	0.00	0.00	2,776.08	634.37
Dec-11	6,493.77	359.34	0.00	52.78	31.28	0.00	0.00	3,274.01	656.54
Jan-12	6,481.00	381.88	0.00	45.41	26.05	0.00	0.00	3,105.99	634.60
Feb-12	7,378.28	329.28	0.00	43.39	33.64	0.00	0.00	3,218.62	657.90
Mar-12	7,222.10	386.19	0.00	50.42	0.00	0.00	0.00	3,488.25	718.30
Apr-12	6,317.00	375.36	0.00	54.67	0.00	0.00	0.00	2,964.06	643.74
May-12	7,370.85	376.17	0.00	45.36	0.00	0.00	0.00	3,502.80	749.24
Jun-12	6,072.71	368.64	0.00	53.98	0.00	0.00	0.00	2,669.29	605.75
Jul-12	6,795.77	380.47	0.00	46.92	47.73	0.00	0.00	2,927.47	645.76
Aug-12	6,680.81	489.75	0.00	57.27	93.24	0.00	0.00	2,591.52	690.08
Sep-12	7,110.61	407.03	0.00	23.14	58.74	0.00	0.00	3,303.26	749.34
Oct-12	7,056.08	390.73	0.00	0.00	70.03	0.00	0.00	3,501.60	729.91
Nov-12	6,206.00	372.11	0.00	0.00	57.45	0.00	0.00	3,145.33	669.93
Dec-12	6,421.98	295.27	0.00	0.00	56.26	0.00	0.00	3,183.11	697.08

ANNUAL TOTALS:

2008	77,340.56	2,603.95	0.00	616.29	708.18	9.71	0.00	34,436.32	6,579.30
2009	72,859.37	4,355.08	0.00	586.05	825.26	20.90	0.00	33,421.59	7,080.52
2010	90,438.88	1,660.00	0.00	358.44	866.98	0.00	0.00	39,396.20	8,430.67
2011	74,530.97	4,399.76	0.00	616.05	702.25	0.00	0.00	31,033.75	7,646.69
2012	81,113.21	4,552.90	0.00	420.55	443.14	0.00	0.00	37,601.30	8,191.61

FIVE YEAR AVERAGES: 79,256.60 3,514.34 0.00 519.48 709.16 6.12 0.00 35,177.83 7,585.76

Attachment 8: Discharges by plant 1950-2012

MO/YR	RILLING ROAD TREATMENT PLANT AVERAGE DISCHARGE MGD	LEON CREEK WRC AVERAGE DISCHARGE MGD	SALADO CREEK WRC AVERAGE DISCHARGE MGD	DOS RIOS WRC AVERAGE DISCHARGE MGD	MEDIO CREEK WRC AVERAGE DISCHARGE* MGD
Jan-50	7.70	0.00	0.00	0.00	0.00
Feb-50	12.30	0.00	0.00	0.00	0.00
Mar-50	8.40	0.00	0.00	0.00	0.00
Apr-50	1.90	0.00	0.00	0.00	0.00
May-50	1.70	0.00	0.00	0.00	0.00
Jun-50	7.80	0.00	0.00	0.00	0.00
Jul-50	3.10	0.00	0.00	0.00	0.00
Aug-50	0.00	0.00	0.00	0.00	0.00
Sep-50	0.00	0.00	0.00	0.00	0.00
Oct-50	0.00	0.00	0.00	0.00	0.00
Nov-50	0.00	0.00	0.00	0.00	0.00
Dec-50	0.00	0.00	0.00	0.00	0.00
Jan-51	16.20	0.00	0.00	0.00	0.00
Feb-51	15.00	0.00	0.00	0.00	0.00
Mar-51	17.90	0.00	0.00	0.00	0.00
Apr-51	17.70	0.00	0.00	0.00	0.00
May-51	0.00	0.00	0.00	0.00	0.00
Jun-51	25.00	0.00	0.00	0.00	0.00
Jul-51	25.50	0.00	0.00	0.00	0.00
Aug-51	21.40	0.00	0.00	0.00	0.00
Sep-51	30.10	0.00	0.00	0.00	0.00
Oct-51	30.40	0.00	0.00	0.00	0.00
Nov-51	30.40	0.00	0.00	0.00	0.00
Dec-51	31.80	0.00	0.00	0.00	0.00
Jan-52	28.40	0.00	0.00	0.00	0.00
Feb-52	29.50	0.00	0.00	0.00	0.00
Mar-52	24.20	0.00	0.00	0.00	0.00
Apr-52	29.50	0.00	0.00	0.00	0.00
May-52	18.70	0.00	0.00	0.00	0.00
Jun-52	15.40	0.00	0.00	0.00	0.00
Jul-52	21.20	0.00	0.00	0.00	0.00
Aug-52	10.60	0.00	0.00	0.00	0.00
Sep-52	29.80	0.00	0.00	0.00	0.00
Oct-52	10.90	0.00	0.00	0.00	0.00
Nov-52	19.20	0.00	0.00	0.00	0.00
Dec-52	28.20	0.00	0.00	0.00	0.00
Jan-53	24.80	0.00	0.00	0.00	0.00
Feb-53	21.90	0.00	0.00	0.00	0.00
Mar-53	16.50	0.00	0.00	0.00	0.00
Apr-53	14.70	0.00	0.00	0.00	0.00
May-53	12.00	0.00	0.00	0.00	0.00
Jun-53	6.70	0.00	0.00	0.00	0.00
Jul-53	12.20	0.00	0.00	0.00	0.00
Aug-53	20.90	0.00	0.00	0.00	0.00
Sep-53	24.50	0.00	0.00	0.00	0.00
Oct-53	23.40	0.00	0.00	0.00	0.00
Nov-53	24.20	0.00	0.00	0.00	0.00
Dec-53	31.70	0.00	0.00	0.00	0.00
Jan-54	30.70	0.00	0.00	0.00	0.00
Feb-54	21.90	0.00	0.00	0.00	0.00
Mar-54	26.30	0.00	0.00	0.00	0.00
Apr-54	27.90	0.00	0.00	0.00	0.00
May-54	28.40	0.00	0.00	0.00	0.00
Jun-54	13.50	0.00	0.00	0.00	0.00
Jul-54	19.30	0.00	0.00	0.00	0.00
Aug-54	17.30	0.00	0.00	0.00	0.00
Sep-54	32.10	0.00	0.00	0.00	0.00
Oct-54	36.90	0.00	0.00	0.00	0.00
Nov-54	32.90	0.00	0.00	0.00	0.00

MO/YR	RILLING ROAD TREATMENT PLANT AVERAGE DISCHARGE MGD	LEON CREEK WRC AVERAGE DISCHARGE MGD	SALADO CREEK WRC AVERAGE DISCHARGE MGD	DOS RIOS WRC AVERAGE DISCHARGE MGD	MEDIO CREEK WRC AVERAGE DISCHARGE* MGD
Dec-54	28.70	0.00	0.00	0.00	0.00
Jan-55	31.60	0.00	0.00	0.00	0.00
Feb-55	33.20	0.00	0.00	0.00	0.00
Mar-55	29.20	0.00	0.00	0.00	0.00
Apr-55	21.40	0.00	0.00	0.00	0.00
May-55	30.50	0.00	0.00	0.00	0.00
Jun-55	23.30	0.00	0.00	0.00	0.00
Jul-55	26.10	0.00	0.00	0.00	0.00
Aug-55	29.10	0.00	0.00	0.00	0.00
Sep-55	36.50	0.00	0.00	0.00	0.00
Oct-55	28.10	0.00	0.00	0.00	0.00
Nov-55	30.00	0.00	0.00	0.00	0.00
Dec-55	34.20	0.00	0.00	0.00	0.00
Jan-56	38.20	0.00	0.00	0.00	0.00
Feb-56	40.20	0.00	0.00	0.00	0.00
Mar-56	32.30	0.00	0.00	0.00	0.00
Apr-56	28.16	0.00	0.00	0.00	0.00
May-56	27.20	0.00	0.00	0.00	0.00
Jun-56	24.40	0.00	0.00	0.00	0.00
Jul-56	25.30	0.00	0.00	0.00	0.00
Aug-56	28.00	0.00	0.00	0.00	0.00
Sep-56	40.90	0.00	0.00	0.00	0.00
Oct-56	30.90	0.00	0.00	0.00	0.00
Nov-56	33.40	0.00	0.00	0.00	0.00
Dec-56	31.10	0.00	0.00	0.00	0.00
Jan-57	43.00	0.00	0.00	0.00	0.00
Feb-57	45.10	0.00	0.00	0.00	0.00
Mar-57	44.00	0.00	0.00	0.00	0.00
Apr-57	48.10	0.00	0.00	0.00	0.00
May-57	49.50	0.00	0.00	0.00	0.00
Jun-57	38.50	0.00	0.00	0.00	0.00
Jul-57	34.50	0.00	0.00	0.00	0.00
Aug-57	22.20	0.00	0.00	0.00	0.00
Sep-57	47.50	0.00	0.00	0.00	0.00
Oct-57	51.00	0.00	0.00	0.00	0.00
Nov-57	52.20	0.00	0.00	0.00	0.00
Dec-57	47.20	0.00	0.00	0.00	0.00
Jan-58	52.20	0.00	0.00	0.00	0.00
Feb-58	52.00	0.00	0.00	0.00	0.00
Mar-58	47.20	0.00	0.00	0.00	0.00
Apr-58	48.60	0.00	0.00	0.00	0.00
May-58	48.60	0.00	0.00	0.00	0.00
Jun-58	47.00	0.00	0.00	0.00	0.00
Jul-58	52.50	0.00	0.00	0.00	0.00
Aug-58	45.50	0.00	0.00	0.00	0.00
Sep-58	52.00	0.00	0.00	0.00	0.00
Oct-58	55.50	0.00	0.00	0.00	0.00
Nov-58	54.10	0.00	0.00	0.00	0.00
Dec-58	55.90	0.00	0.00	0.00	0.00
Jan-59	58.50	0.00	0.00	0.00	0.00
Feb-59	59.90	0.00	0.00	0.00	0.00
Mar-59	46.40	0.00	0.00	0.00	0.00
Apr-59	60.70	0.00	0.00	0.00	0.00
May-59	61.70	0.00	0.00	0.00	0.00
Jun-59	50.50	0.00	0.00	0.00	0.00
Jul-59	38.70	0.00	0.00	0.00	0.00
Aug-59	46.75	0.00	0.00	0.00	0.00
Sep-59	51.20	0.00	0.00	0.00	0.00
Oct-59	57.10	0.00	0.00	0.00	0.00

MO/YR	RILLING ROAD TREATMENT PLANT AVERAGE DISCHARGE MGD	LEON CREEK WRC AVERAGE DISCHARGE MGD	SALADO CREEK WRC AVERAGE DISCHARGE MGD	DOS RIOS WRC AVERAGE DISCHARGE MGD	MEDIO CREEK WRC AVERAGE DISCHARGE* MGD
Nov-59	58.70	0.00	0.00	0.00	0.00
Dec-59	57.30	0.00	0.00	0.00	0.00
Jan-60	61.70	0.00	0.00	0.00	0.00
Feb-60	60.60	0.00	0.00	0.00	0.00
Mar-60	62.00	0.00	0.00	0.00	0.00
Apr-60	55.50	0.00	0.00	0.00	0.00
May-60	51.30	0.00	0.00	0.00	0.00
Jun-60	33.60	0.00	0.00	0.00	0.00
Jul-60	52.20	0.00	0.00	0.00	0.00
Aug-60	58.30	0.00	0.00	0.00	0.00
Sep-60	52.90	0.00	0.00	0.00	0.00
Oct-60	60.70	0.00	0.00	0.00	0.00
Nov-60	61.00	0.00	0.00	0.00	0.00
Dec-60	65.20	0.00	0.00	0.00	0.00
Jan-61	64.00	0.00	0.00	0.00	0.00
Feb-61	63.00	0.00	0.00	0.00	0.00
Mar-61	49.40	0.00	0.00	0.00	0.00
Apr-61	42.00	0.00	0.00	0.00	0.00
May-61	45.00	0.00	0.00	0.00	0.00
Jun-61	52.30	0.00	0.00	0.00	0.00
Jul-61	56.00	0.00	0.00	0.00	0.00
Aug-61	52.70	0.00	0.00	0.00	0.00
Sep-61	39.90	0.00	0.00	0.00	0.00
Oct-61	49.50	0.00	0.00	0.00	0.00
Nov-61	47.80	0.00	0.00	0.00	0.00
Dec-61	50.00	0.00	0.00	0.00	0.00
Jan-62	53.10	0.00	0.00	0.00	0.00
Feb-62	55.00	0.00	0.00	0.00	0.00
Mar-62	50.60	0.00	0.00	0.00	0.00
Apr-62	49.60	0.00	0.00	0.00	0.00
May-62	52.50	0.00	0.00	0.00	0.00
Jun-62	59.00	0.00	0.00	0.00	0.00
Jul-62	33.40	0.00	0.00	0.00	0.00
Aug-62	44.40	0.00	0.00	0.00	0.00
Sep-62	73.00	0.00	0.00	0.00	0.00
Oct-62	60.60	0.00	0.00	0.00	0.00
Nov-62	64.80	0.00	0.00	0.00	0.00
Dec-62	72.00	0.00	0.00	0.00	0.00
Jan-63	68.90	0.00	0.00	0.00	0.00
Feb-63	58.54	0.00	0.00	0.00	0.00
Mar-63	46.99	0.00	0.00	0.00	0.00
Apr-63	45.07	0.00	0.00	0.00	0.00
May-63	41.88	0.00	0.00	0.00	0.00
Jun-63	46.40	0.00	0.00	0.00	0.00
Jul-63	33.46	0.00	0.00	0.00	0.00
Aug-63	24.76	0.00	0.00	0.00	0.00
Sep-63	41.74	0.00	0.00	0.00	0.00
Oct-63	44.84	0.00	0.00	0.00	0.00
Nov-63	61.40	0.00	0.00	0.00	0.00
Dec-63	50.73	0.00	0.00	0.00	0.00
Jan-64	59.03	0.00	0.00	0.00	0.00
Feb-64	62.61	0.00	0.00	0.00	0.00
Mar-64	57.08	0.00	0.00	0.00	0.00
Apr-64	49.30	0.00	0.00	0.00	0.00
May-64	42.83	0.00	0.00	0.00	0.00
Jun-64	46.35	0.00	0.00	0.00	0.00
Jul-64	32.43	0.00	0.00	0.00	0.00
Aug-64	41.77	0.00	0.00	0.00	0.00
Sep-64	48.04	0.00	0.00	0.00	0.00

MO/YR	RILLING ROAD TREATMENT PLANT AVERAGE DISCHARGE MGD	LEON CREEK WRC AVERAGE DISCHARGE MGD	SALADO CREEK WRC AVERAGE DISCHARGE MGD	DOS RIOS WRC AVERAGE DISCHARGE MGD	MEDIO CREEK WRC AVERAGE DISCHARGE* MGD
Oct-64	48.09	0.00	0.00	0.00	0.00
Nov-64	75.12	0.00	0.00	0.00	0.00
Dec-64	62.67	0.00	0.00	0.00	0.00
Jan-65	53.26	0.00	0.00	0.00	0.00
Feb-65	81.80	0.00	0.00	0.00	0.00
Mar-65	75.41	0.00	0.00	0.00	0.00
Apr-65	80.69	0.00	0.00	0.00	0.00
May-65	86.08	0.00	0.00	0.00	0.00
Jun-65	84.10	2.86	0.00	0.00	0.00
Jul-65	78.70	6.39	0.00	0.00	0.00
Aug-65	78.10	6.36	0.00	0.00	0.00
Sep-65	79.40	6.31	0.00	0.00	0.00
Oct-65	76.90	6.31	0.00	0.00	0.00
Nov-65	74.80	5.71	0.00	0.00	0.00
Dec-65	74.70	5.97	0.00	0.00	0.00
Jan-66	74.80	5.24	0.00	0.00	0.00
Feb-66	75.40	5.54	0.00	0.00	0.00
Mar-66	80.10	5.29	0.00	0.00	0.00
Apr-66	81.80	5.67	0.00	0.00	0.00
May-66	80.10	6.86	0.00	0.00	0.00
Jun-66	75.60	6.32	0.00	0.00	0.00
Jul-66	74.00	6.26	0.00	0.00	0.00
Aug-66	77.90	6.60	0.00	0.00	0.00
Sep-66	76.00	6.50	0.00	0.00	0.00
Oct-66	74.00	5.71	0.00	0.00	0.00
Nov-66	67.80	5.30	0.00	0.00	0.00
Dec-66	69.40	5.27	0.00	0.00	0.00
Jan-67	68.00	5.27	0.00	0.00	0.00
Feb-67	67.30	5.32	0.00	0.00	0.00
Mar-67	68.70	5.43	0.00	0.00	0.00
Apr-67	76.10	5.60	0.00	0.00	0.00
May-67	74.30	5.58	0.00	0.00	0.00
Jun-67	72.10	6.05	0.00	0.00	0.00
Jul-67	73.00	6.23	0.00	0.00	0.00
Aug-67	72.80	6.35	0.00	0.00	0.00
Sep-67	81.40	7.76	0.00	0.00	0.00
Oct-67	76.30	6.78	0.00	0.00	0.00
Nov-67	82.80	6.80	0.00	0.00	0.00
Dec-67	74.50	6.39	0.00	0.00	0.00
Jan-68	90.02	7.56	0.00	0.00	0.00
Feb-68	77.52	7.72	0.00	0.00	0.00
Mar-68	78.53	7.41	0.00	0.00	0.00
Apr-68	77.28	6.61	0.00	0.00	0.00
May-68	76.57	7.16	0.00	0.00	0.00
Jun-68	68.74	6.82	0.00	0.00	0.00
Jul-68	67.79	6.80	0.00	0.00	0.00
Aug-68	57.85	6.66	0.00	0.00	0.00
Sep-68	78.90	6.88	0.00	0.00	0.00
Oct-68	55.80	6.49	0.00	0.00	0.00
Nov-68	67.84	6.68	0.00	0.00	0.00
Dec-68	74.60	6.71	0.00	0.00	0.00
Jan-69	70.68	7.15	0.00	0.00	0.00
Feb-69	74.85	7.15	0.00	0.00	0.00
Mar-69	81.27	8.62	0.00	0.00	0.00
Apr-69	70.97	7.65	0.00	0.00	0.00
May-69	90.58	8.64	0.00	0.00	0.00
Jun-69	64.01	8.46	0.00	0.00	0.00
Jul-69	55.93	7.60	0.00	0.00	0.00
Aug-69	63.90	7.69	0.00	0.00	0.00

MO/YR	RILLING ROAD TREATMENT PLANT AVERAGE DISCHARGE MGD	LEON CREEK WRC AVERAGE DISCHARGE MGD	SALADO CREEK WRC AVERAGE DISCHARGE MGD	DOS RIOS WRC AVERAGE DISCHARGE MGD	MEDIO CREEK WRC AVERAGE DISCHARGE* MGD
Sep-69	66.51	7.36	0.00	0.00	0.00
Oct-69	83.79	7.48	0.00	0.00	0.00
Nov-69	75.29	6.65	0.00	0.00	0.00
Dec-69	79.57	6.62	0.00	0.00	0.00
Jan-70	82.05	7.14	0.00	0.00	0.00
Feb-70	80.46	7.15	0.00	0.00	0.00
Mar-70	90.25	8.62	0.00	0.00	0.00
Apr-70	66.94	7.65	0.00	0.00	0.00
May-70	77.10	8.64	0.00	0.00	0.00
Jun-70	74.26	8.46	0.00	0.00	0.00
Jul-70	65.07	7.60	0.00	0.00	0.00
Aug-70	63.06	7.69	0.00	0.00	0.00
Sep-70	61.89	7.36	0.00	0.00	0.00
Oct-70	82.19	7.48	0.00	0.00	0.00
Nov-70	73.69	6.65	0.00	0.00	0.00
Dec-70	68.30	6.62	0.00	0.00	0.00
Jan-71	64.86	6.64	2.33	0.00	0.00
Feb-71	50.89	6.18	6.75	0.00	0.00
Mar-71	63.91	6.91	7.96	0.00	0.00
Apr-71	53.53	7.23	7.81	0.00	0.00
May-71	59.37	7.80	8.54	0.00	0.00
Jun-71	56.70	7.82	8.13	0.00	0.00
Jul-71	65.98	7.95	8.63	0.00	0.00
Aug-71	83.16	8.84	10.03	0.00	0.00
Sep-71	77.45	8.22	7.79	0.00	0.00
Oct-71	78.63	10.58	8.35	0.00	0.00
Nov-71	74.86	8.27	7.55	0.00	0.00
Dec-71	81.38	8.99	9.05	0.00	0.00
Jan-72	77.69	8.74	7.71	0.00	no data
Feb-72	75.10	8.15	6.95	0.00	no data
Mar-72	70.85	8.44	7.25	0.00	no data
Apr-72	58.78	8.02	7.03	0.00	no data
May-72	81.35	10.63	9.14	0.00	no data
Jun-72	75.87	9.31	7.45	0.00	no data
Jul-72	74.82	9.66	7.55	0.00	no data
Aug-72	83.56	10.41	8.01	0.00	no data
Sep-72	76.38	9.69	7.61	0.00	no data
Oct-72	81.76	10.12	9.85	0.00	no data
Nov-72	75.58	9.65	9.58	0.00	no data
Dec-72	73.16	8.72	9.29	0.00	no data
Jan-73	78.99	9.80	9.49	0.00	no data
Feb-73	75.58	9.02	9.05	0.00	no data
Mar-73	79.69	11.96	9.76	0.00	no data
Apr-73	79.05	11.76	10.28	0.00	no data
May-73	78.75	12.26	9.76	0.00	no data
Jun-73	80.76	11.76	10.44	0.00	no data
Jul-73	92.31	12.90	12.60	0.00	no data
Aug-73	83.53	12.28	10.92	0.00	no data
Sep-73	86.07	12.27	13.55	0.00	no data
Oct-73	97.03	13.80	16.29	0.00	no data
Nov-73	83.84	12.68	12.05	0.00	no data
Dec-73	83.25	11.62	11.07	0.00	no data
Jan-74	74.87	11.61	11.12	0.00	no data
Feb-74	68.92	10.03	9.55	0.00	no data
Mar-74	72.96	11.47	10.78	0.00	no data
Apr-74	70.85	11.23	10.52	0.00	no data
May-74	83.00	12.94	12.56	0.00	no data
Jun-74	72.09	11.96	11.02	0.00	no data
Jul-74	66.84	12.00	11.23	0.00	no data

MO/YR	RILLING ROAD TREATMENT PLANT AVERAGE DISCHARGE MGD	LEON CREEK WRC AVERAGE DISCHARGE MGD	SALADO CREEK WRC AVERAGE DISCHARGE MGD	DOS RIOS WRC AVERAGE DISCHARGE MGD	MEDIO CREEK WRC AVERAGE DISCHARGE* MGD
Aug-74	78.72	12.30	14.25	0.00	no data
Sep-74	80.39	13.23	13.21	0.00	no data
Oct-74	80.67	12.74	12.13	0.00	no data
Nov-74	81.75	13.04	13.46	0.00	no data
Dec-74	80.70	13.17	13.19	0.00	no data
Jan-75	73.89	13.40	19.65	0.00	no data
Feb-75	65.45	13.72	22.74	0.00	no data
Mar-75	70.46	13.08	16.57	0.00	no data
Apr-75	76.98	11.24	13.40	0.00	no data
May-75	86.69	13.47	16.99	0.00	no data
Jun-75	82.82	13.25	16.51	0.00	no data
Jul-75	76.67	8.03	14.01	0.00	no data
Aug-75	76.35	11.11	14.38	0.00	no data
Sep-75	75.11	11.75	13.31	0.00	no data
Oct-75	74.00	10.36	14.64	0.00	no data
Nov-75	69.16	8.24	13.86	0.00	no data
Dec-75	68.90	10.07	14.58	0.00	no data
Jan-76	67.63	12.55	11.72	0.00	no data
Feb-76	65.29	9.38	10.33	0.00	no data
Mar-76	69.61	11.02	11.63	0.00	no data
Apr-76	74.95	7.19	15.58	0.00	no data
May-76	84.47	10.35	19.58	0.00	no data
Jun-76	75.75	11.06	15.26	0.00	no data
Jul-76	80.41	15.00	18.89	0.00	no data
Aug-76	71.81	13.44	16.39	0.00	no data
Sep-76	77.00	15.10	16.15	0.00	no data
Oct-76	91.08	18.37	20.45	0.00	no data
Nov-76	86.57	19.08	19.75	0.00	no data
Dec-76	94.40	19.40	20.22	0.00	no data
Jan-77	100.94	20.55	20.45	0.00	no data
Feb-77	91.11	18.14	19.05	0.00	no data
Mar-77	88.06	17.20	17.49	0.00	no data
Apr-77	89.14	18.02	20.84	0.00	no data
May-77	96.12	19.21	18.49	0.00	no data
Jun-77	83.72	16.69	16.12	0.00	no data
Jul-77	78.13	15.80	17.02	0.00	no data
Aug-77	76.73	11.84	16.44	0.00	no data
Sep-77	74.93	13.33	17.33	0.00	no data
Oct-77	76.11	8.66	17.83	0.00	no data
Nov-77	79.33	16.28	21.61	0.00	no data
Dec-77	72.72	13.37	21.54	0.00	no data
Jan-78	73.69	14.90	17.98	0.00	no data
Feb-78	70.89	14.06	16.98	0.00	no data
Mar-78	77.59	11.09	18.88	0.00	no data
Apr-78	75.99	12.31	18.99	0.00	no data
May-78	76.53	10.09	19.69	0.00	no data
Jun-78	64.19	12.95	22.71	0.00	no data
Jul-78	72.66	5.77	19.82	0.00	no data
Aug-78	74.97	15.38	22.33	0.00	no data
Sep-78	79.38	19.16	23.76	0.00	no data
Oct-78	76.54	12.80	21.85	0.00	no data
Nov-78	74.10	12.90	22.01	0.00	no data
Dec-78	72.24	16.74	21.87	0.00	no data
Jan-79	82.07	18.90	24.40	0.00	no data
Feb-79	78.08	17.46	19.15	0.00	no data
Mar-79	85.15	21.61	21.48	0.00	no data
Apr-79	89.45	22.96	21.89	0.00	no data
May-79	89.19	20.98	19.85	0.00	no data
Jun-79	90.28	25.77	22.63	0.00	no data

MO/YR	RILLING ROAD TREATMENT PLANT AVERAGE DISCHARGE MGD	LEON CREEK WRC AVERAGE DISCHARGE MGD	SALADO CREEK WRC AVERAGE DISCHARGE MGD	DOS RIOS WRC AVERAGE DISCHARGE MGD	MEDIO CREEK WRC AVERAGE DISCHARGE* MGD
Jul-79	89.41	20.01	21.32	0.00	no data
Aug-79	87.98	16.63	21.20	0.00	no data
Sep-79	77.00	15.18	18.89	0.00	no data
Oct-79	80.07	7.15	20.87	0.00	no data
Nov-79	79.27	18.16	18.61	0.00	no data
Dec-79	83.94	18.91	18.81	0.00	no data
Jan-80	83.84	18.88	19.20	0.00	no data
Feb-80	73.58	16.10	17.39	0.00	no data
Mar-80	79.15	13.75	18.36	0.00	no data
Apr-80	76.87	7.38	18.19	0.00	no data
May-80	84.52	22.86	22.35	0.00	no data
Jun-80	78.75	8.91	18.90	0.00	no data
Jul-80	82.17	2.51	19.96	0.00	no data
Aug-80	88.16	19.85	19.67	0.00	no data
Sep-80	86.15	18.16	20.72	0.00	no data
Oct-80	82.36	12.80	19.55	0.00	no data
Nov-80	79.97	17.80	19.73	0.00	no data
Dec-80	79.61	21.11	19.57	0.00	no data
Jan-81	77.78	21.20	19.98	0.00	no data
Feb-81	70.48	19.46	18.23	0.00	no data
Mar-81	79.06	21.84	20.83	0.00	no data
Apr-81	78.90	15.28	20.24	0.00	no data
May-81	81.60	23.36	21.84	0.00	no data
Jun-81	88.46	17.99	25.79	0.00	no data
Jul-81	86.19	18.70	22.13	0.00	no data
Aug-81	85.82	14.82	22.11	0.00	no data
Sep-81	87.24	22.31	20.46	0.00	no data
Oct-81	93.12	22.57	21.88	0.00	no data
Nov-81	85.50	22.89	19.97	0.00	no data
Dec-81	82.43	23.01	19.57	0.00	no data
Jan-82	81.25	23.25	20.16	0.00	no data
Feb-82	78.62	20.57	18.27	0.00	no data
Mar-82	80.05	22.17	20.22	0.00	no data
Apr-82	75.65	20.98	19.93	0.00	no data
May-82	88.01	25.19	22.96	0.00	no data
Jun-82	79.43	22.68	20.80	0.00	no data
Jul-82	79.89	22.56	20.90	0.00	no data
Aug-82	80.76	23.55	21.15	0.00	no data
Sep-82	82.26	22.64	20.01	0.00	no data
Oct-82	78.85	24.35	20.36	0.00	no data
Nov-82	75.66	23.65	19.85	0.00	no data
Dec-82	76.20	23.95	20.33	0.00	no data
Jan-83	75.90	23.89	19.54	0.00	no data
Feb-83	68.13	21.53	17.33	0.00	no data
Mar-83	80.09	24.37	21.94	0.00	no data
Apr-83	71.07	22.10	20.23	0.00	no data
May-83	76.57	24.25	22.92	0.00	no data
Jun-83	74.01	23.05	21.93	0.00	no data
Jul-83	78.55	24.38	23.32	0.00	no data
Aug-83	81.00	25.07	23.45	0.00	no data
Sep-83	76.20	24.00	22.56	0.00	no data
Oct-83	76.73	23.81	21.94	0.00	no data
Nov-83	76.44	22.39	17.89	0.00	no data
Dec-83	83.39	21.78	18.84	0.00	no data
Jan-84	87.20	23.14	18.90	0.00	no data
Feb-84	71.85	19.27	17.40	0.00	no data
Mar-84	76.20	21.70	19.50	0.00	no data
Apr-84	72.00	20.03	18.97	0.00	no data
May-84	79.20	22.40	21.60	0.00	no data

MO/YR	RILLING ROAD TREATMENT PLANT AVERAGE DISCHARGE MGD	LEON CREEK WRC AVERAGE DISCHARGE MGD	SALADO CREEK WRC AVERAGE DISCHARGE MGD	DOS RIOS WRC AVERAGE DISCHARGE MGD	MEDIO CREEK WRC AVERAGE DISCHARGE* MGD
Jun-84	74.81	21.00	20.42	0.00	no data
Jul-84	75.10	22.40	20.80	0.00	no data
Aug-84	77.30	22.60	21.60	0.00	no data
Sep-84	72.48	21.87	20.71	0.00	no data
Oct-84	79.90	25.50	23.00	0.00	no data
Nov-84	71.61	22.45	21.68	0.00	no data
Dec-84	73.00	24.10	22.60	0.00	no data
Jan-85	84.46	26.39	22.45	0.00	no data
Feb-85	88.30	27.06	23.47	0.00	no data
Mar-85	81.42	25.42	21.64	0.00	no data
Apr-85	79.24	25.25	21.06	0.00	no data
May-85	78.18	24.44	20.78	0.00	no data
Jun-85	85.12	27.27	22.63	0.00	no data
Jul-85	86.16	26.39	22.90	0.00	no data
Aug-85	78.70	24.44	20.92	0.00	no data
Sep-85	82.44	27.27	21.91	0.00	no data
Oct-85	79.31	28.35	21.08	0.00	no data
Nov-85	82.22	28.28	21.86	0.00	no data
Dec-85	72.90	26.30	22.00	0.00	no data
Jan-86	71.80	21.60	22.30	0.00	no data
Feb-86	71.60	26.00	26.40	0.00	no data
Mar-86	66.20	24.90	25.30	0.00	no data
Apr-86	66.60	16.50	25.20	0.00	no data
May-86	76.45	25.42	20.32	0.00	no data
Jun-86	99.80	34.34	26.53	0.00	no data
Jul-86	77.43	26.39	20.58	0.00	no data
Aug-86	76.35	26.39	20.30	0.00	no data
Sep-86	82.33	28.28	21.89	0.00	no data
Oct-86	82.22	30.30	21.86	0.00	no data
Nov-86	77.22	29.29	20.53	0.00	no data
Dec-86	80.86	29.43	21.49	0.00	no data
Jan-87	79.09	32.79	29.46	0.00	no data
Feb-87	92.81	34.92	31.61	0.00	no data
Mar-87	84.77	29.15	31.56	0.00	no data
Apr-87	82.40	27.18	28.72	0.00	no data
May-87	89.89	32.16	31.28	0.00	no data
Jun-87	109.12	46.28	42.55	0.00	no data
Jul-87	89.52	28.65	28.77	0.00	no data
Aug-87	82.79	26.53	26.42	0.00	no data
Sep-87	62.88	27.11	28.30	11.06	no data
Oct-87	0.00	24.69	24.50	72.68	no data
Nov-87	0.00	24.96	24.62	74.92	no data
Dec-87	0.00	25.27	24.02	75.10	no data
Jan-88	0.00	24.62	22.32	72.36	no data
Feb-88	0.00	23.55	25.04	71.47	no data
Mar-88	0.00	23.78	27.27	70.98	no data
Apr-88	0.00	23.81	27.04	69.72	no data
May-88	0.00	22.36	27.10	68.02	no data
Jun-88	0.00	23.74	31.05	69.32	no data
Jul-88	0.00	24.49	32.11	67.64	no data
Aug-88	0.00	18.46	30.94	70.78	no data
Sep-88	0.00	19.14	29.19	69.37	no data
Oct-88	0.00	23.95	28.39	69.90	no data
Nov-88	0.00	24.66	28.05	75.08	no data
Dec-88	0.00	23.43	27.97	72.02	no data
Jan-89	0.00	22.65	28.26	73.61	no data
Feb-89	0.00	21.58	28.38	74.55	no data
Mar-89	0.00	22.38	28.29	74.35	no data
Apr-89	0.00	23.70	29.28	75.91	no data

MO/YR	RILLING ROAD TREATMENT PLANT AVERAGE DISCHARGE MGD	LEON CREEK WRC AVERAGE DISCHARGE MGD	SALADO CREEK WRC AVERAGE DISCHARGE MGD	DOS RIOS WRC AVERAGE DISCHARGE MGD	MEDIO CREEK WRC AVERAGE DISCHARGE* MGD
May-89	0.00	20.87	29.03	74.65	no data
Jun-89	0.00	21.31	29.78	76.65	no data
Jul-89	0.00	19.99	28.94	75.21	no data
Aug-89	0.00	20.85	29.25	76.19	no data
Sep-89	0.00	20.23	29.20	74.69	no data
Oct-89	0.00	24.05	29.57	74.77	no data
Nov-89	0.00	23.60	29.03	73.75	no data
Dec-89	0.00	24.36	30.33	76.12	no data
Jan-90	0.00	23.87	28.75	66.51	no data
Feb-90	0.00	23.45	29.42	64.97	no data
Mar-90	0.00	28.61	31.01	62.66	no data
Apr-90	0.00	28.05	30.80	62.68	no data
May-90	0.00	25.97	31.42	63.78	no data
Jun-90	0.00	16.85	29.25	61.33	no data
Jul-90	0.00	25.40	33.20	71.37	no data
Aug-90	0.00	25.61	29.07	60.18	no data
Sep-90	0.00	25.41	29.29	61.05	no data
Oct-90	0.00	23.70	29.14	57.84	no data
Nov-90	0.00	24.08	28.93	57.11	no data
Dec-90	0.00	20.53	28.62	55.17	no data
Jan-91	0.00	22.55	31.05	58.23	3.33
Feb-91	0.00	23.84	31.07	61.35	3.34
Mar-91	0.00	26.22	29.77	57.97	3.18
Apr-91	0.00	30.13	33.55	67.77	3.39
May-91	0.00	29.38	31.96	66.62	3.75
Jun-91	0.00	27.40	28.90	63.77	3.49
Jul-91	0.00	31.03	29.82	64.23	3.54
Aug-91	0.00	24.89	28.90	62.14	3.33
Sep-91	0.00	30.86	28.00	62.06	3.26
Oct-91	0.00	29.26	27.06	60.23	3.10
Nov-91	0.00	28.75	27.10	56.73	3.15
Dec-91	0.00	38.71	36.29	77.41	4.43
Jan-92	0.00	42.41	37.51	77.67	4.62
Feb-92	0.00	49.70	42.68	97.86	5.33
Mar-92	0.00	41.57	38.18	87.94	4.48
Apr-92	0.00	37.12	35.68	82.84	4.09
May-92	0.00	45.88	38.61	96.21	4.65
Jun-92	0.00	45.27	40.72	99.31	5.11
Jul-92	0.00	34.65	31.58	72.57	3.66
Aug-92	0.00	34.20	30.81	70.39	3.54
Sep-92	0.00	29.30	30.38	67.96	3.44
Oct-92	0.00	31.12	29.48	63.38	3.24
Nov-92	0.00	31.10	31.32	67.41	3.51
Dec-92	0.00	32.20	32.42	67.44	3.49
Jan-93	0.00	32.26	31.73	65.76	3.46
Feb-93	0.00	33.53	31.54	69.93	3.69
Mar-93	0.00	32.87	32.28	70.44	3.69
Apr-93	0.00	32.89	31.53	69.82	3.56
May-93	0.00	36.45	37.08	83.89	4.01
Jun-93	0.00	38.32	37.70	83.56	4.21
Jul-93	0.00	33.37	33.20	67.01	3.82
Aug-93	0.00	31.46	31.71	60.87	3.64
Sep-93	0.00	30.56	30.72	57.94	3.55
Oct-93	0.00	30.11	30.90	60.13	3.45
Nov-93	0.00	29.36	29.51	62.35	3.55
Dec-93	0.00	27.25	29.47	59.23	3.47
Jan-94	0.00	28.67	30.54	59.35	3.52
Feb-94	0.00	28.74	30.14	59.19	3.47
Mar-94	0.00	30.69	32.96	64.13	3.59

MO/YR	RILLING ROAD TREATMENT PLANT AVERAGE DISCHARGE MGD	LEON CREEK WRC AVERAGE DISCHARGE MGD	SALADO CREEK WRC AVERAGE DISCHARGE MGD	DOS RIOS WRC AVERAGE DISCHARGE MGD	MEDIO CREEK WRC AVERAGE DISCHARGE* MGD
Apr-94	0.00	30.63	31.93	53.36	3.69
May-94	0.00	34.98	38.40	62.76	4.34
Jun-94	0.00	30.14	33.28	60.50	4.12
Jul-94	0.00	28.50	31.26	50.03	3.93
Aug-94	0.00	26.46	31.44	51.78	3.90
Sep-94	0.00	26.22	33.05	54.30	3.94
Oct-94	0.00	29.51	34.52	62.86	4.12
Nov-94	0.00	29.75	30.94	53.26	3.98
Dec-94	0.00	27.55	31.52	54.28	4.14
Jan-95	0.00	29.38	32.34	57.85	4.02
Feb-95	0.00	27.49	34.76	58.18	3.96
Mar-95	0.00	31.04	35.46	59.07	4.07
Apr-95	0.00	31.01	31.26	56.58	3.98
May-95	0.00	27.42	30.92	58.32	4.18
Jun-95	0.00	33.72	31.72	61.90	4.41
Jul-95	0.00	32.71	30.03	60.81	4.35
Aug-95	0.00	30.45	29.49	60.49	4.31
Sep-95	0.00	33.54	29.87	54.12	4.32
Oct-95	0.00	24.45	28.81	55.21	4.17
Nov-95	0.00	20.17	27.91	54.93	4.21
Dec-95	0.00	30.99	27.45	53.76	4.17
Jan-96	0.00	30.07	27.33	53.18	4.11
Feb-96	0.00	29.20	27.69	54.68	4.13
Mar-96	0.00	30.75	27.28	54.45	4.10
Apr-96	0.00	28.05	27.78	54.37	4.22
May-96	0.00	22.89	27.93	54.83	4.29
Jun-96	0.00	26.11	28.06	55.47	4.29
Jul-96	0.00	27.41	27.96	56.02	4.28
Aug-96	0.00	28.90	28.74	54.95	4.26
Sep-96	0.00	29.51	28.43	56.21	4.38
Oct-96	0.00	31.24	26.87	54.05	4.20
Nov-96	0.00	30.15	28.19	52.83	4.25
Dec-96	0.00	31.05	28.92	53.08	4.31
Jan-97	0.00	30.01	28.62	52.44	4.31
Feb-97	0.00	31.56	29.60	53.63	4.29
Mar-97	0.00	34.18	30.15	55.19	4.50
Apr-97	0.00	35.27	33.07	60.06	4.81
May-97	0.00	35.24	33.60	58.75	4.63
Jun-97	0.00	39.71	36.06	66.65	5.46
Jul-97	0.00	35.40	30.98	57.91	4.74
Aug-97	0.00	29.30	29.86	56.24	4.65
Sep-97	0.00	26.49	29.71	54.60	4.49
Oct-97	0.00	33.32	32.16	55.22	4.65
Nov-97	0.00	30.84	32.63	53.18	4.46
Dec-97	0.00	32.05	30.68	53.38	4.48
Jan-98	0.00	32.31	29.66	55.28	4.55
Feb-98	0.00	34.44	31.71	59.27	4.75
Mar-98	0.00	35.65	32.41	60.99	4.98
Apr-98	0.00	31.56	29.28	55.30	4.54
May-98	0.00	28.89	28.17	52.56	4.52
Jun-98	0.00	25.26	28.91	53.36	4.66
Jul-98	0.00	25.59	28.35	53.18	4.62
Aug-98	0.00	32.37	32.25	59.80	4.99
Sep-98	0.00	34.40	30.16	55.56	4.70
Oct-98	0.00	40.22	38.04	66.85	5.84
Nov-98	0.00	41.52	34.83	64.06	5.67
Dec-98	0.00	33.81	31.41	58.55	4.83
Jan-99	0.00	32.60	30.46	56.39	4.78
Feb-99	0.00	31.83	29.13	53.75	4.78

MO/YR	RILLING ROAD TREATMENT PLANT AVERAGE DISCHARGE MGD	LEON CREEK WRC AVERAGE DISCHARGE MGD	SALADO CREEK WRC AVERAGE DISCHARGE MGD	DOS RIOS WRC AVERAGE DISCHARGE MGD	MEDIO CREEK WRC AVERAGE DISCHARGE* MGD
Mar-99	0.00	34.13	30.59	54.94	5.04
Apr-99	0.00	34.13	30.33	55.49	5.17
May-99	0.00	34.69	33.47	55.26	5.10
Jun-99	0.00	34.56	32.92	57.13	5.67
Jul-99	0.00	28.48	32.02	55.22	5.40
Aug-99	0.00	33.46	31.02	52.56	5.28
Sep-99	0.00	31.39	29.35	50.61	5.31
Oct-99	0.00	32.03	28.32	48.62	4.86
Nov-99	0.00	29.38	27.77	46.54	4.98
Dec-99	0.00	30.14	28.26	46.30	5.02
Jan-00	0.00	32.20	29.17	46.87	5.01
Feb-00	0.00	33.84	26.83	48.55	5.42
Mar-00	0.00	28.11	26.72	48.85	5.41
Apr-00	0.00	29.88	29.70	49.95	5.69
May-00	0.00	34.76	31.37	52.52	5.65
Jun-00	0.00	36.19	34.08	58.26	5.92
Jul-00	0.00	30.37	27.84	50.92	5.64
Aug-00	0.00	28.09	27.53	51.34	5.67
Sep-00	0.00	30.63	29.49	48.04	5.75
Oct-00	0.00	37.06	31.40	54.75	6.34
Nov-00	0.00	41.35	36.41	64.98	7.66
Dec-00	0.00	34.73	32.31	51.97	5.92
Jan-01	0.00	38.14	34.32	57.55	6.80
Feb-01	0.00	36.35	31.80	54.90	6.09
Mar-01	0.00	36.94	33.38	56.12	6.40
Apr-01	0.00	38.67	32.00	57.04	6.59
May-01	0.00	40.16	31.15	54.97	6.50
Jun-01	0.00	35.15	30.84	48.64	5.44
Jul-01	0.00	22.64	27.98	49.02	5.20
Aug-01	0.00	34.72	29.32	54.37	5.51
Sep-01	0.00	39.63	34.55	56.92	5.88
Oct-01	0.00	34.03	29.81	50.92	5.52
Nov-01	0.00	33.55	32.36	54.02	5.84
Dec-01	0.00	33.87	34.77	57.92	5.86
Jan-02	0.00	30.81	30.76	52.92	5.32
Feb-02	0.00	29.70	29.69	50.74	5.03
Mar-02	0.00	28.57	29.62	50.68	5.38
Apr-02	0.00	36.17	30.55	55.23	5.96
May-02	0.00	32.09	28.21	49.43	5.71
Jun-02	0.00	29.01	27.00	48.18	5.52
Jul-02	0.00	49.05	39.50	82.52	8.33
Aug-02	0.00	35.22	29.62	57.21	6.23
Sep-02	0.00	39.85	34.20	68.05	7.22
Oct-02	0.00	42.39	35.05	73.01	8.21
Nov-02	0.00	41.18	36.25	67.43	7.52
Dec-02	0.00	37.66	36.20	65.50	6.85
Jan-03	0.00	35.63	33.41	60.20	7.09
Feb-03	0.00	35.25	34.80	61.06	6.95
Mar-03	0.00	35.06	34.41	62.65	6.07
Apr-03	0.00	31.92	30.48	57.45	5.58
May-03	0.00	31.08	28.65	51.64	5.58
Jun-03	0.00	34.29	31.45	53.89	5.23
Jul-03	0.00	34.98	33.76	59.31	5.26
Aug-03	0.00	30.70	29.67	53.44	4.84
Sep-03	0.00	35.36	35.26	61.12	5.44
Oct-03	0.00	32.50	32.11	56.61	4.96
Nov-03	0.00	30.29	30.60	52.00	4.78
Dec-03	0.00	27.71	29.43	48.97	4.56
Jan-04	0.00	29.37	31.05	50.32	4.70

MO/YR	RILLING ROAD TREATMENT PLANT AVERAGE DISCHARGE MGD	LEON CREEK WRC AVERAGE DISCHARGE MGD	SALADO CREEK WRC AVERAGE DISCHARGE MGD	DOS RIOS WRC AVERAGE DISCHARGE MGD	MEDIO CREEK WRC AVERAGE DISCHARGE* MGD
Feb-04	0.00	30.53	32.44	51.60	4.84
Mar-04	0.00	32.83	33.20	55.96	5.33
Apr-04	0.00	37.34	36.04	64.51	6.57
May-04	0.00	35.19	33.38	61.82	6.12
Jun-04	0.00	36.70	36.83	68.76	6.63
Jul-04	0.00	36.25	33.90	65.51	5.99
Aug-04	0.00	31.82	31.97	55.97	5.46
Sep-04	0.00	31.05	31.49	56.43	5.01
Oct-04	0.00	34.03	34.93	61.36	4.76
Nov-04	0.00	41.97	43.00	78.74	6.44
Dec-04	0.00	33.93	34.75	62.91	5.35
Jan-05	0.00	33.12	33.90	62.76	5.38
Feb-05	0.00	37.22	37.58	68.71	6.26
Mar-05	0.00	38.31	37.77	71.29	6.30
Apr-05	0.00	31.79	31.43	62.63	5.29
May-05	0.00	32.11	31.52	61.11	5.17
Jun-05	0.00	31.34	30.39	59.21	4.82
Jul-05	0.00	29.51	29.60	53.44	4.99
Aug-05	0.00	31.35	29.78	52.23	4.86
Sep-05	0.00	27.74	29.83	52.03	4.78
Oct-05	0.00	28.58	29.14	49.07	4.60
Nov-05	0.00	26.60	21.23	53.03	4.58
Dec-05	0.00	27.94	16.77	56.25	4.60
Jan-06	0.00	25.54	16.21	55.67	4.81
Feb-06	0.00	26.16	15.75	56.11	4.99
Mar-06	0.00	28.04	14.42	56.11	5.01
Apr-06	0.00	27.17	15.56	55.97	5.03
May-06	0.00	29.16	16.93	58.02	5.11
Jun-06	0.00	27.52	15.39	55.79	4.97
Jul-06	0.00	25.61	8.09	63.60	5.12
Aug-06	0.00	27.09	0.00	68.02	5.16
Sep-06	0.00	29.34	0.00	71.80	5.18
Oct-06	0.00	30.15	0.00	71.94	5.63
Nov-06	0.00	28.58	0.00	68.92	5.25
Dec-06	0.00	27.34	0.00	69.94	5.29
Jan-07	0.00	35.00	0.00	79.85	5.55
Feb-07	0.00	30.74	0.00	71.04	5.57
Mar-07	0.00	36.59	0.00	87.05	6.52
Apr-07	0.00	37.17	0.00	87.52	6.63
May-07	0.00	37.46	0.00	88.51	6.91
Jun-07	0.00	37.35	0.00	91.13	7.61
Jul-07	0.00	54.11	0.00	131.07	10.51
Aug-07	0.00	47.11	0.00	112.85	8.63
Sep-07	0.00	42.79	0.00	99.47	7.80
Oct-07	0.00	32.78	0.00	86.62	6.32
Nov-07	0.00	31.55	0.00	82.43	5.77
Dec-07	0.00	31.03	0.00	81.74	5.51
Jan-08	0.00	31.58	0.00	79.15	5.58
Feb-08	0.00	31.05	0.00	78.11	5.44
Mar-08	0.00	32.06	0.00	78.08	5.82
Apr-08	0.00	31.57	0.00	75.73	5.89
May-08	0.00	31.51	0.00	71.86	6.09
Jun-08	0.00	24.99	0.00	66.59	5.93
Jul-08	0.00	32.41	0.00	72.02	5.96
Aug-08	0.00	35.56	0.00	77.37	6.57
Sep-08	0.00	32.41	0.00	71.58	6.08
Oct-08	0.00	26.16	0.00	67.09	5.73
Nov-08	0.00	28.07	0.00	65.18	5.69
Dec-08	0.00	30.37	0.00	65.62	5.48

MO/YR	RILLING ROAD TREATMENT PLANT AVERAGE DISCHARGE MGD	LEON CREEK WRC AVERAGE DISCHARGE MGD	SALADO CREEK WRC AVERAGE DISCHARGE MGD	DOS RIOS WRC AVERAGE DISCHARGE MGD	MEDIO CREEK WRC AVERAGE DISCHARGE* MGD
Jan-09	0.00	30.08	0.00	64.51	5.75
Feb-09	0.00	25.76	0.00	65.72	5.82
Mar-09	0.00	30.50	0.00	66.49	5.86
Apr-09	0.00	27.50	0.00	66.21	5.76
May-09	0.00	29.47	0.00	67.40	6.18
Jun-09	0.00	23.80	0.00	65.15	6.16
Jul-09	0.00	25.58	0.00	65.17	6.16
Aug-09	0.00	25.14	0.00	67.26	6.36
Sep-09	0.00	33.21	0.00	74.54	6.39
Oct-09	0.00	38.48	0.00	86.91	7.45
Nov-09	0.00	34.68	0.00	76.87	6.86
Dec-09	0.00	33.44	0.00	75.94	7.06
Jan-10	0.00	38.27	0.00	87.55	7.89
Feb-10	0.00	42.65	0.00	102.58	8.71
Mar-10	0.00	37.15	0.00	87.84	7.48
Apr-10	0.00	39.02	0.00	89.01	8.30
May-10	0.00	37.59	0.00	89.03	8.06
Jun-10	0.00	34.73	0.00	81.29	7.31
Jul-10	0.00	33.60	0.00	81.27	7.35
Aug-10	0.00	29.12	0.00	72.58	7.08
Sep-10	0.00	36.73	0.00	93.61	8.03
Oct-10	0.00	31.60	0.00	74.13	6.81
Nov-10	0.00	31.15	0.00	73.17	6.70
Dec-10	0.00	31.19	0.00	69.70	6.72
Jan-11	0.00	33.40	0.00	74.65	6.97
Feb-11	0.00	33.15	0.00	74.85	6.97
Mar-11	0.00	31.23	0.00	70.26	6.58
Apr-11	0.00	28.82	0.00	69.76	6.66
May-11	0.00	23.99	0.00	69.91	6.91
Jun-11	0.00	21.77	0.00	71.59	6.90
Jul-11	0.00	25.04	0.00	71.36	6.81
Aug-11	0.00	21.12	0.00	70.08	6.82
Sep-11	0.00	22.03	0.00	70.94	6.68
Oct-11	0.00	27.62	0.00	72.31	6.82
Nov-11	0.00	30.15	0.00	71.30	6.89
Dec-11	0.00	34.41	0.00	72.92	6.90
Jan-12	0.00	32.65	0.00	72.89	6.67
Feb-12	0.00	36.17	0.00	87.47	7.39
Mar-12	0.00	36.67	0.00	80.50	7.55
Apr-12	0.00	32.19	0.00	73.28	6.99
May-12	0.00	36.82	0.00	81.91	7.88
Jun-12	0.00	28.99	0.00	70.55	6.58
Jul-12	0.00	30.77	0.00	76.43	6.79
Aug-12	0.00	27.24	0.00	76.95	7.25
Sep-12	0.00	35.88	0.00	82.54	8.14
Oct-12	0.00	36.81	0.00	79.01	7.67
Nov-12	0.00	34.16	0.00	72.07	7.28
Dec-12	0.00	33.46	0.00	71.20	7.33

* From 1972 to Dec. 1991 the Medio Creek facility was privately owned by Lackland City Water Company, limited discharge data is available from this time period.

Attachment 9: Carriage loss estimate

DISTANCE AND CHANNEL LOSS INFORMATION FOR SAWS BED AND BANK APPLICATION

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
DISCHARGE LOCATION NUMBER	SAWS DICHARGE LOCATION INFORMATION			CHANNEL LOSS AND REACH DISTANCE BASED ON TCEQ WAM RUN3 MODEL				TOTAL DISTANCE AND CUMULATIVE CHANNEL LOSSES FROM OUTFALL LOCATION TO PROPOSED DIVERSION LOCATION	
				REACH 1		REACH 2			
	NAME	AUTHORIZED DISCHARGE (MGD)	WAM CONTROL POINT ID	DIST. (RIVER MILES)	CHAN. LOSS (%)	DIST. (RIVER MILES)	CHAN. LOSS (%)	DISTANCE (RIVER MILES)	CHANNEL LOSS (%)
(1)	Dos Rios 001 (1)	125	215602	8.26	7.75%	206.14	19.48%	214.4	25.72%
(2)	Dos Rios 002	10	570551	30.07	18.97%			236.21	34.75%
(3)	Dos Rios 003	10	215332	28.27	18.97%			234.41	34.75%
(4)	Dos Rios 004	3	DR-004	33.28	11.18%			239.42	28.48%
(5)	Dos Rios 005	2.6	SAATDG	26.74	18.97%			232.88	34.75%
(6)	Dos Rios 006	46	201931	11.78	10.48%			217.92	27.92%
(7)	Salado Creek	46	201931	11.78	10.48%			217.92	27.92%
(8)	Medio Creek 001	16	MED001	40.82	31.68%			246.96	44.99%
(9)	Leon Creek 001	46	215301	16.69	16.65%			222.83	32.89%

REACH 1 FROM SPECIFIC OUTFALL LOCATION TO SAN ANTONIO RIVER NEAR ELMENDORF STREAMFLOW GAGE LOCATION.

REACH 2 FROM SAN ANTONIO NEAR ELMENDORF GAGE LOCATION TO PROPOSED DIVERSION LOCATION BELOW CONFLUENCE OF THE SAN ANTONIO AND GUADALUPE RIVERS AND 2.75 RIVERMILES DOWNSTREAM OF THE SALT WATER BARRIER ON THE GUADALUPE RIVER.

(1) THE AUTHORIZED DISCHARGE FOR DOS RIOS 001 IS INCLUSIVE OF THE AUTHORIZED DISCHARGE OF ALL OTHER DOS RIOS PERMITTED LOCATIONS (DOS RIOS 002, 003, 004, 005, AND 006).

Attachment 10: Water Conservation and drought contingency plan
excerpts

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 4, 2012

Dana Nichols, Manager
San Antonio Water System
P.O. Box 2449
San Antonio, TX 78298-2449

**Re: Administrative Review
San Antonio Water System – 2009 Drought Contingency Plan**

Dear Ms. Nichols,

The Texas Commission on Environmental Quality (TCEQ) has completed its review of the above referenced water conservation and drought contingency plan. The plan, required by TCEQ rules in Title 30 Texas Administrative Code (TAC) Chapter 288, was received on May 4, 2009.

Title 30 TAC Chapter 288.30(5) (A) states:

For retail public water systems providing water service to 3,300 or more connections shall submit a drought contingency plan meeting the requirements of Subchapter B of this chapter to the executive director.

The TCEQ records indicate that San Antonio Water System has 3,300 or more connections.

Title 30 TAC Chapter 288.30(6) states:

Wholesale public water suppliers shall submit a drought contingency plan meeting the requirements of Subchapter B of this Chapter to the executive director.

The TCEQ records indicate that San Antonio Water System is a wholesale public water supplier.

The submitted plan meets the minimum requirements for retail water use as defined in the TCEQ Rules, Title 30 TAC Chapter 288, and the plan is declared administratively complete.

Please be advised that in accordance with Title 30 TAC Chapter 288, the next revision of drought contingency plans shall be updated, adopted, and submitted to TCEQ no later than May 1, 2014. Additionally, any future revised drought contingency plan shall be submitted to TCEQ within 90 days of adoption.

Dana Nichols
Page 2
January 4, 2012

Should you have any questions, I can be reached at (512) 239-0703.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Swanson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Scott Swanson, Water Conservation Specialist
Water Rights Permitting & Availability Section
Water Availability Division

RECEIVED
TCER
WATER SUPPLY DIV.
2009 MAY 4 09 11 11

Water Conservation and Drought Contingency Plan

May 1, 2009

Respectfully submitted to

Texas Commission on Environmental Quality
Resource Protection Team

Submitted by

San Antonio Water System



Texas Commission on Environmental Quality



**UTILITY PROFILE & WATER CONSERVATION PLAN
REQUIREMENTS
FOR MUNICIPAL WATER USE BY PUBLIC WATER
SUPPLIERS**

This form is provided to assist entities in water conservation plan development for municipal water use by a retail public water supplier. Information from this form should be included within a water conservation plan for municipal use. If you need assistance in completing this form or in developing your plan, please contact the conservation staff of the Resource Protection Team in the Water Supply Division at (512) 239-4691.

Name of Entity: San Antonio Water System

Address & Zip: P.O. Box 2449, San Antonio, Texas, 78298-2449

Telephone Number: (210) 233-3656 Fax: (210) 233-5274

Form Completed By: Dana Nichols

Title: Manager - Conservation Department

Signature:  Date: April 30, 2009

Name and Phone Number of Person/Department responsible for implementing a water conservation program: Karen Guz, Director - Conservation Dept. 210-233-33671

UTILITY PROFILE

I. POPULATION AND CUSTOMER DATA

A. Population and Service Area Data

1. Attach a copy of your service-area map and, if applicable, a copy of your Certificate of Convenience and Necessity (CCN).
2. Service area size (square miles): **620**
3. Current population of service area: **1,329,657**
4. Current population served:

Attachment 11: Resolution authorizing filing of bed & banks
application

RESOLUTION NO. 13⁹⁹² 298

OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES AUTHORIZING THE FILING OF AN APPLICATION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A PERMIT TO CONVEY AND REUSE RETURN FLOWS; FURTHER AUTHORIZING THE SYSTEM'S PRESIDENT/CHIEF EXECUTIVE OFFICER AND/OR LEGAL COUNSEL TO TAKE ALL NECESSARY LEGAL ACTION TO FILE THE APPLICATION AND PROTECT THE SYSTEM'S INTERESTS RELATING TO SAID APPLICATION AND ALL RELATED CONTESTED CASE HEARINGS, APPEALS, AND ADMINISTRATIVE AND JUDICIAL PROCEEDINGS; FINDING THE RESOLUTION TO HAVE BEEN CONSIDERED PURSUANT TO THE LAWS GOVERNING OPEN MEETINGS; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the San Antonio Water System (SAWS) is authorized to discharge a total of 260,994 acre-feet per year of treated effluent into various streams that are tributary to the San Antonio River; and

WHEREAS, SAWS currently discharges from its wastewater treatment facilities an average of approximately 80,000 acre feet per year of return flows (the "SAWS Return Flows") into the San Antonio River Basin; and

WHEREAS, approximately 91% of SAWS Return Flows are regarded as "developed" water because they are derived entirely from privately-owned groundwater that would not be in the San Antonio River but for actions taken by SAWS

WHEREAS, prior to discharge into the river, the SAWS Return Flows are a highly valuable asset of SAWS that may become even more valuable in the future; and

WHEREAS, after discharge into the river, the SAWS Return Flows provide an important contribution to the flows of the San Antonio River and other downstream environmental interests during periods of critical drought; and

WHEREAS, State law allows the Texas Commission on Environmental Quality (TCEQ) to issue a "bed and banks" permit for the use of the state's watercourses to transport privately-owned groundwater so that it may be reused downstream; and

WHEREAS, SAWS intends to reuse its return flows for municipal, agricultural, industrial and instream purposes including the preservation of aquatic and wildlife habitat in Bexar, Wilson, Karnes, Goliad, Victoria, Refugio and Calhoun Counties; and

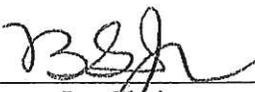
WHEREAS, the System's Board of Trustees has determined that it is in the best interest of the System to obtain a bed and banks permit to convey and reuse the SAWS Return Flows; and

WHEREAS, the System's Board of Trustees desires (i) to authorize the filing of an application to the Texas Commission on Environmental Quality for a permit to convey and reuse SAWS Return Flows, and (ii) to further authorize the System's President/Chief Executive Officer and/or Legal Counsel to take all necessary legal action relating to the application, and any related contested case hearings, appeals, and administrative and judicial proceedings; now therefore:

BE IT RESOLVED BY THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES:

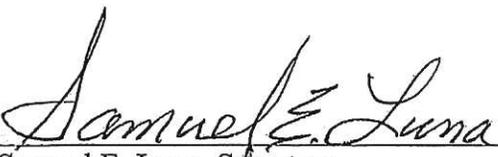
1. That the filing of an application to the Texas Commission on Environmental Quality for a permit to convey and reuse SAWS return flows (the Application) is hereby authorized.
2. That the System's President/Chief Executive Officer and/or Legal Counsel is hereby authorized to take all necessary legal action relating to the Application, and all related contested case hearings, appeals, and administrative and judicial proceedings.
3. It is officially found, determined and declared that the meeting at which this resolution is adopted was open to the public, and that public notice of the time, place and subject matter of the public business to be conducted at such meeting, including this resolution, was given to all as required by the Texas Codes Annotated, as amended, Title 5, Chapter 551, Government Code.
4. If any section, paragraph, sentence, phrase or word of this resolution is for any reason held to be unconstitutional, illegal, inoperative or invalid, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid or ineffective, the remainder of this resolution shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid or ineffective.
5. This resolution becomes effective immediately upon its passage.

PASSED AND APPROVED this 1st day of October, 2013.



Berto Guerra, Jr., Chairman

ATTEST:



Samuel E. Luna, Secretary