

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TCEQ WATER RIGHTS PERMITTING APPLICATION

ADMINISTRATIVE INFORMATION CHECKLIST

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

APPLICANT(S): Lower Colorado River Authority

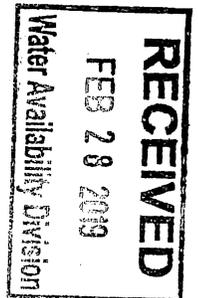
Indicate whether the following items are included in your application by writing either Y (for yes) or N (for no) next to each item (all items are not required for every application).

Y/N

Y/N

- Administrative Information Report
- Additional Co-Applicant Information
- Additional Co-Applicant Signature Pages
- Written Evidence of Signature Authority
- Technical Information Report
- USGS Map (or equivalent)
- Map Showing Project Details
- Original Photographs
- Water Availability Analysis
- Worksheet 1.0
- Recorded Deeds for Irrigated Land
- Consent For Irrigation Land
- Worksheet 1.1
- Addendum to Worksheet 1.1
- Worksheet 1.2
- Addendum to Worksheet 1.2
- Worksheet 2.0
- Additional W.S 2.0 for Each Reservoir
- Dam Safety Documents
- Notice(s) to Governing Bodies
- Recorded Deeds for Inundated Land
- Consent For Inundation Land

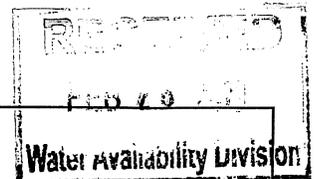
- Worksheet 3.0
- Additional W.S 3.0 for each Point
- Recorded Deeds for Diversion Points
- Consent For Diversion Access
- Worksheet 4.0
- TPDES Permit(s)
- WWTP Discharge Data
- 24-hour Pump Test
- Groundwater Well Permit
- Signed Water Supply Contract
- Worksheet 4.1
- Worksheet 5.0
- Addendum to Worksheet 5.0
- Worksheet 6.0
- Water Conservation Plan(s)
- Drought Contingency Plan(s)
- Documentation of Adoption
- Worksheet 7.0
- Accounting Plan
- Worksheet 8.0
- Fees



For Commission Use Only:

Proposed/Current Water Right Number: _____

Basin: _____ Watermaster area Y/N: _____



ADMINISTRATIVE INFORMATION REPORT

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

***** Applicants are strongly encouraged to schedule a pre-application meeting with TCEQ Staff to discuss Applicant's needs prior to submitting an application. Call the Water Rights Permitting Team to schedule a meeting at (512) 239-4691.**

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

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

New Appropriation of State Water

Amendment to a Water Right *

Bed and Banks

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

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

See Summary of Request.

2. APPLICANT INFORMATION (Instructions, Page. 6)

a. Applicant

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

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

Lower Colorado River Authority

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

If the applicant is currently a customer with the TCEQ, what is the Customer Number (CN)?

You may search for your CN on the TCEQ website at

<http://www15.tceq.texas.gov/crpub/index.cfm?fuseaction=cust.CustSearch>

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

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

First/Last Name: **Phil Wilson**

Title: **General Manager**

Have you provided written evidence meeting the signatory requirements in 30 TAC § 295.14, as an attachment to this application? **Yes**

What is the applicant's mailing address as recognized by the US Postal Service (USPS)? You may verify the address on the USPS website at

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

Name: **Lower Colorado River Authority**

Mailing Address: **PO Box 220**

City: **Austin**

State: **TX**

ZIP Code: **78767-0220**

Indicate an X next to the type of Applicant:

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

For Corporations or Limited Partnerships, provide:

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

SUMMARY OF REQUEST

LCRA'S APPLICATION TO AMEND ITS WATER MANAGEMENT PLAN;
PERMIT NO. 5838,
CERTIFICATE OF ADJUDICATION NO. 14- 5478, AS AMENDED
AND
CERTIFICATE OF ADJUDICATION NO. 14- 5482, AS AMENDED

BACKGROUND

This application seeks to amend LCRA's Water Management Plan (WMP), which is LCRA's reservoir operations plan for lakes Buchanan and Travis. The WMP is mandated by the 1988 Final Judgment and Decree ("1988 Adjudication Order") that adjudicated the Highland Lakes water rights and provides the framework by which LCRA implements the requirements of the 1988 Adjudication Order. The WMP sets forth the procedures by which LCRA makes water available from these lakes to help meet various water needs throughout LCRA's water service area. The WMP also sets forth criteria for declaring a Drought Worse than the Drought of Record (DWDR) and includes a calculation of the Combined Firm Yield of Lakes Buchanan and Travis.

The WMP is subject to review and approval of the TCEQ. LCRA's first WMP was developed by LCRA, approved by its Board of Directors, and approved by the Texas Water Commission, predecessor to the TCEQ, in 1989. The WMP is revised periodically to address changing conditions, such as increased demands from firm customers, updated science related to environmental flows, and additional hydrology. Revisions to the WMP have been approved by the TCEQ (or its predecessors) in 1991, 1992, 1999, 2010, and 2015.

The order approving the 2015 WMP required that LCRA initiate a revision process no later than Jan. 1, 2018, and requires that the revision include updated naturalized streamflows through 2016. As in previous WMP revisions, LCRA sought and obtained input from interested participants representing the diverse interests that depend on lakes Buchanan and Travis. Participants represented communities and industries and other firm water customers, interruptible agricultural customers, lake area interests, recreational interests, and environmental interests.

Throughout 2018, LCRA held six meetings with interested participants. At the meetings, LCRA presented information relevant to the WMP revision. LCRA also solicited comments and subsequently provided written responses. LCRA staff briefed the LCRA Board on the revision process at several meetings throughout 2018 and presented the proposed revisions to the LCRA Board for approval at its December 2018 meeting. Appendix F provides a summary of the public input process and includes the meeting presentations, draft technical papers, participant comments, LCRA's responses to comments, model input files and model outputs that were maintained on a public webpage during the process.

The proposed revised WMP is attached hereto as **Exhibit A**. Copies of LCRA's water rights for lakes Buchanan and Travis are attached as **Exhibit B**.

SUMMARY OF CHANGES FROM THE 2015 WATER MANAGEMENT PLAN

The 2015 WMP introduced a number of significant policy changes such as: separate determination of availability of Interruptible Stored Water for the Gulf Coast, Lakeside, and Pierce Ranch agricultural operations for the first and second agricultural seasons, with strict limits on the supply available for diversion to those operations; consideration of water supply conditions and a look-ahead test when determining the availability of Interruptible Stored Water; and the inclusion of more recent and best-available scientific studies as the basis for the environmental flow criteria. This proposed WMP revision builds on those changes and incorporates additional hydrology and updated demands that are factored into the determination of water availability. The following is a list of some of the key changes for this proposed WMP revision:

Interruptible Stored Water for the Gulf Coast, Lakeside, and Pierce Ranch Operations:

- Updated volumetric limits on the amounts of Interruptible Stored Water available for diversion at the Gulf Coast, Lakeside, and Pierce Ranch operations;
- Updated Combined Storage volume for the cutoff of Interruptible Stored Water during the middle of the First or Second Agricultural Season;
- Additional criteria for entering Extraordinary Drought based on severe drought conditions similar to 2011 conditions; and,
- New maximum limits for each Agricultural Season on releases of Interruptible Stored Water from lakes Buchanan and Travis as measured at Mansfield Dam.

Environmental Flows:

- Additional Nov. 1 Evaluation Date used for determining the environmental criteria in place during the period from November through February;
- Modified Combined Storage level for instream flow conditions switching between Base-Dry and Subsistence from 1.9 to 1.8 million acre-feet;
- Modified obligation related to the supply of water to help meet environmental flow needs at Wharton when Combined Storage is below 900,000 acre-feet;
- New provisions to allow water stored in Arbuckle Reservoir to be used to help meet LCRA's obligation for bay inflows; and,
- Updated limits on releases of water to help meet environmental flow needs.

Other Key Changes:

- Updated calculation of the Combined Firm Yield of Lakes Buchanan and Travis with a reduction from 434,154 acre-feet per year to 418,848 acre-feet per year; and
- Updated test for declaration and cancellation of a Drought Worse than Drought of Record is included.

LOCATION AND DESCRIPTION OF LCRA WATER SERVICE AREA

LCRA is a conservation and reclamation district created by special act of the Texas Legislature under Section 59, Article XVI, of the Texas Constitution. Pursuant to its enabling act, LCRA has the authority to control, store, and preserve, within the boundaries of the authority, the waters of the Colorado River and its tributaries and the lands of the authority for any useful purpose and may use, distribute, and sell those waters, within the boundaries of the authority or within the boundaries of the watershed that contributes inflow to the Colorado River below the intersection of Coleman, Brown, and McCulloch counties, for any such purpose. TEX. SPECIAL DISTRICT LOCAL LAWS CODE § 8503.004(b). LCRA's Service Area is depicted in **Exhibit E**.

INFORMATION RELATED TO MARSHALL FACTORS (See *City of Marshall v. City of Uncertain*, 206 S.W.3d 97, 107-08 (Tex. 2006))

a. Administrative Requirements

LCRA believes that this application meets all administrative requirements. This application is signed and notarized, and authorization to file this application is documented in **Exhibits C and D**. LCRA expects that TCEQ will require full basin notice of this application as it has in the past and, as such, has included the appropriate fees for such notice. LCRA asks to be advised if additional fees are required.

b. Beneficial Use

LCRA supplies water under Certificates of Adjudication 14-5478 and 14-5482 for multiple purposes of use including municipal, industrial, recreational, agricultural, instream flows and bay and estuary uses. These uses include the drinking water supply for over a million people in central Texas and the agricultural use on tens of thousands of acres, among others. Under the proposed WMP revision, LCRA would continue to supply water for these uses, and would do so in a manner that protects LCRA's firm water demands through a repeat of the Drought of Record.

c. Public Welfare

The requested amendment to the WMP will help LCRA better meet the expected increase in municipal, industrial, and other firm water needs of LCRA customers, protect firm supply through a repeat of the Drought of Record, and continue to provide a significant amount of interruptible water for irrigated agriculture in the lower basin and to help meet environmental flows needs when water supplies are more plentiful. Therefore, the proposed revised WMP protects and benefits the public welfare.

d. Groundwater Effects

The proposed amendment is not anticipated to have any adverse impact on spring flow, groundwater availability, or groundwater quality. The lower reaches of the Colorado River are considered a gaining stream due to groundwater contribution from the Gulf Coast Aquifer. The diversion points authorized by Certificates of Adjudication Nos. 14-5478 and 14-5482, as

amended, are located in a segment of the Colorado River that is known to get stream contributions of upward seepage from the bounding aquifer. See, e.g. Texas Water Development Board, Report 365, Aquifers of the Gulf Coast of Texas, Chapter 18 entitled “Assessment of Shallow Recharge and Groundwater-Surface Water Interactions for the LSWP Study Region, Central Texas Coast”, by Deeds, Kelly, Young and Saunders. This proposed WMP revision relies on updated information that reflects LCRA’s development and use of groundwater conjunctively with surface water for power generation purposes at its Lost Pines Power Park in Bastrop County.

e. Consistency with State and Regional Water Plans

This amendment application is consistent with the 2016 approved Region K plan and 2017 State Water Plan. The Region K plan and State Water Plan identify LCRA as the water supplier for water users across the basin. The proposed WMP revision reflects the projected demands expected to be met by LCRA that have been developed in advance of the 2021 Region K plan and 2022 State Water Plan.

f. Waste Avoidance

LCRA’s Water Conservation Plan has been previously provided to TCEQ and is available on LCRA’s website (www.lcra.org). LCRA has separate drought contingency plans (DCPs) for its firm customers and for its interruptible agricultural customers. The LCRA Firm Water DCP is currently included as Appendix F to the 2015 WMP. The LCRA Board adopted an update to the Firm Water DCP in February 2019 that includes no significant changes. LCRA has included the updated Firm Water DCP as Appendix F to proposed revised WMP. LCRA’s DCP for Interruptible Agricultural Customers will be updated to conform to this proposed revised WMP upon approval by TCEQ. Consistent with TCEQ rules, including the public notice requirements, LCRA will update, as appropriate, those portions of its DCPs that do not change the triggers, amount of curtailment of interruptible stored water supply, or the triggers or criteria related to bay and estuary inflows or instream flows.

g. Impacts of Requested Amendment on Other Water Rights and the Environment

LCRA is not seeking any increase or change in the overall amount authorized for appropriation, increase in authorized diversion rates, or new diversion points. LCRA seeks some modifications to the WMP in the manner in which it will address environmental flow needs, while continuing to rely on the best-available science. The total amount of dedicated water that LCRA will provide under the proposed revised WMP to help meet instream flows and freshwater inflow needs represents an increase as compared to that contained in the 2015 WMP and retains a commitment of firm water supply to help meet environmental flow needs. Furthermore, although this application to amend the WMP does not reflect an increase in the appropriation of water and thus does not trigger the application of the TCEQ’s environmental flow standards for the lower Colorado River basin, the proposed WMP revision is consistent with those standards. The requested amendment will not cause adverse impacts on the environment or stream of greater magnitude than under circumstances in which the authorization sought to be amended was fully exercised. The requested amendment will not cause adverse impacts on other water right holders.

EXHIBITS

- Exhibit A – Proposed Revised Water Management Plan, with Appendices
- Exhibit B – Certificates of Adjudication Nos. 14-5478 and 14-5482, as amended
- Exhibit C – LCRA Board Agenda Item Approving the Proposed Water Management Plan (2018)
- Exhibit D – LCRA Board Policy 102-Authority and Responsibilities
- Exhibit E – Map of LCRA Service Area
- Exhibit F – 2018 Public Input Process
- Exhibit G – Water Management Plan Model Runs

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

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

First and Last Name: David Wheelock

Title: Director, Water Supply Planning

Organization Name: Lower Colorado River Authority

Mailing Address: PO Box 220, R316

City: Austin

State: TX

ZIP Code: 78767-0220

Phone No.: 512-730-6822

Extension:

Fax No.: 512-473-3551

E-mail Address:

First and Last Name: Greg Graml

Title: Associate General Counsel, Legal Services

Organization Name: Lower Colorado River Authority

Mailing Address: PO Box 220, S520

City: Austin

State: TX

Phone No.: 512-730-6849

Extension:

Fax No.: 512-473-4010

E-mail Address:

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

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

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

First and Last Name:

Title:

Organization Name:

Mailing Address:

City:

State:

ZIP Code:

Phone No.:

Extension:

Fax No.:

E-mail Address:

5. MISCELLANEOUS INFORMATION (Instructions, Page. 9)

a. The application will not be processed unless all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol by all applicants/co-applicants. If you need assistance determining whether you owe delinquent penalties or fees, please call the Water Rights Permitting Team at (512) 239-4691, prior to submitting your application.

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

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

Account number:

Amount past due:

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

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

Enforcement order number:

Amount past due:

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

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

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

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

6. SIGNATURE PAGE (Instructions, Page. 11)

Applicant:

I, Phil Wilson

General Manager

(Typed or printed name)

(Title)

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

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

Signature: Phil Wilson Date: 2-26-19
(Use blue ink)

Subscribed and Sworn to before me by the said

on this 26th day of February, 20 19.

My commission expires on the 11th day of January, 20 22.

Tabetha Jaske

Notary Public

Travis
County, Texas



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

WORKSHEET 8.0 CALCULATION OF FEES

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

I. NEW APPROPRIATION

	Description	Amount (\$)
Filing Fee	Circle fee correlating to the total amount of water* requested for any new appropriation and/or impoundment. Amount should match total on Worksheet 1, Section 1. Enter corresponding fee under Amount (\$) . <u>In Acre-Feet</u> a. Less than 100 \$100.00 b. 100 - 5,000 \$250.00 c. 5,001 - 10,000 \$500.00 d. 10,001 - 250,000 \$1,000.00 e. More than 250,000 \$2,000.00	
Recording Fee		\$25.00
Agriculture Use Fee	<i>Only for those with an Irrigation Use.</i> Multiply 50¢ x _____ Number of acres that will be irrigated with State Water. **	
Use Fee	<i>Required for all Use Types, excluding Irrigation Use.</i> Multiply \$1.00 x _____ Maximum annual diversion of State Water in acre-feet. **	
Recreational Storage Fee	<i>Only for those with Recreational Storage.</i> Multiply \$1.00 x _____ acre-feet of in-place Recreational Use State Water to be stored at normal max operating level.	
Storage Fee	<i>Only for those with Storage, excluding Recreational Storage.</i> Multiply 50¢ x _____ acre-feet of State Water to be stored at normal max operating level.	
Mailed Notice	Cost of mailed notice to all water rights in the basin. Contact Staff to determine the amount (512) 239-4691.	
TOTAL		\$

2. AMENDMENT OR SEVER AND COMBINE

	Description	Amount (\$)
Filing Fee	Amendment: \$100	\$100.00
	OR Sever and Combine: \$100 x ___of water rights to combine	
Recording Fee		\$12.50
Mailed Notice	Additional notice fee to be determined once application is submitted.	\$1,128.94
TOTAL INCLUDED		\$ 1,241.44

3. BED AND BANKS

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