

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



THE STATE OF TEXAS
COUNTY OF TRAVIS
I hereby certify that this is a true and correct copy of a Texas Natural
Resource Conservation Commission document, which is filed in the
permanent records of the Commission.
Given under my hand and the seal of office on

Ladonna Castañeda
Ladonna Castañeda, Chief Clerk
Texas Natural Resource
Conservation Commission

SEP 25 2001

PERMIT TO USE STATE WATER

APPLICATION NO. 5730	PERMIT NO. 5730	TYPE: §11.085
Permittee: Brazos River Authority	Address: P. O. Box 7555 Waco, Texas 76714	
Filed: February 12, 2001	Granted: AUG 22 2001	
Purpose: Municipal, Industrial, and Irrigation	County: Williamson	
Watercourse: Colorado River	Basin: Colorado River Basin and Brazos River Basin	

WHEREAS, pursuant to S.B. 1879, Acts 1997, Texas Legislature, Regular Session Chapter 154, the enabling statute of the Lower Colorado River Authority (LCRA) was amended to allow LCRA to provide water service in Williamson County within the service area of the BRA (Brazos River Authority) in the Brazos River Basin; and

WHEREAS, on January 26, 1998, the Board of Directors of the BRA adopted a resolution consenting to LCRA providing water service in Williamson County within the service area of the BRA in the Brazos River Basin; and

WHEREAS, pursuant to H. B. 1437, Acts 1999, Texas Legislature, Regular Session, Chapter 214, the enabling statute of the LCRA was amended to allow the LCRA to provide water service to additional areas in Williamson County; and

WHEREAS, on October 9, 2000, LCRA and BRA entered into a Water Sale Contract wherein LCRA, pursuant to its Certificate of Adjudication Nos. 14-5478, as amended, and 14-5482, as amended, will provide water service in the amount of 25,000 acre-feet of water per annum for municipal, industrial, and irrigation use by the BRA within its Williamson County service area; and

WHEREAS, the water may be diverted from the perimeter of Lake Travis as authorized in its Certificate of Adjudication No. 14-5482, as amended, and from the Colorado River at three diversion points located downstream of Lake Travis; and

WHEREAS, the BRA seeks authorization to allow use of the aforesaid 25,000 acre-feet of water per annum for municipal, industrial, and irrigation purposes within its service area in Williamson County; and

WHEREAS, the BRA also seeks authorization to reuse all of the wastewater effluent and return water created per annum by the use of the aforesaid 25,000 acre-feet for municipal, industrial, and irrigation purposes within the areas of use authorized for the initial uses, and as may be authorized by future amendments of the permit, in Williamson County; and

WHEREAS, the requested reuse authorization can be granted at this time, but additional future authorization must be obtained pursuant to Texas Water Code § 11.042 in order to use the bed and banks of state watercourses to deliver water for reuse, and this authorization cannot be obtained until discharge and diversion points have been identified by applicant and all statutory requirements satisfied; and

WHEREAS, the Commission will use the new Brazos River Basin Water Availability Model for future permitting, and water rights permitting recommendations from the Commission are based on a determination of available unappropriated waters and do not include wastewater effluent in the determination of available water; and

WHEREAS, pursuant to S.B. 1, Acts 1997, Texas Legislature, Regular Session, Chapter 1010, and Section §11.085(v)(4), of the Texas Water Code, the Commission is authorized to grant an interbasin transfer permit if the proposed transfer is from a basin to a county that is partially within the basin for use in that part of the county not within the basin; and

WHEREAS, pursuant to S.B. 1, Acts 1997, Texas Legislature, Regular Session, Chapter 1010, and Texas Natural Resource Conservation Commission Rules 30 TAC §295.155 (d), the requested authorization is an exempt interbasin transfer included under §11.085 (v) not requiring notice; and

WHEREAS, the Texas Natural Resource Conservation Commission finds that jurisdiction over the application is established;

NOW THEREFORE, this permit is issued to the Brazos River Authority subject to the following terms and conditions:

1. USE

- A. Pursuant to a October 9, 2000 Water Sale Contract between LCRA and BRA and LCRA's Certificate of Adjudication Nos. 14-5478, as amended, and 14-5482, as amended, permittee is authorized to use water provided from storage from Lake Buchanan, Colorado River Basin, Llano and Burnet Counties and/or from Lake Travis, Colorado River Basin, Travis County, in an amount not to exceed 25,000 acre-feet of water for municipal, industrial, and irrigation use within the service area of the BRA in Williamson County within the Brazos River Basin.
- B. Permittee is authorized to reuse water authorized by this permit subject to obtaining future authorizations, after identifying specific points of discharge and diversion and satisfying the requirements of Texas Water Code § 11.042, for use of bed and banks for delivery.

2. DIVERSION POINTS

- A. From a point on the perimeter of Lake Travis
- B. From three points on the Colorado River located downstream of Lake Travis being as follows:
 - 1. Latitude 30.2964° N, Longitude 97.7878° W
 - 2. Latitude 30.2647° N, Longitude 97.7525° W
 - 3. Latitude 30.2307° N, Longitude 97.5203° W

3. WATER CONSERVATION

Water authorized for use under this permit shall be in accordance with the Water Conservation Plans and Drought Contingency Plans filed by the LCRA and BRA and approved by the Texas Natural Resource Conservation Commission.

4. TIME PRIORITY

The time priority for the impoundment of water in Lake Buchanan and Lake Travis is March, 29, 1926. The time priority for the diversion and use of water for all other purposes authorized herein is March 7, 1938.

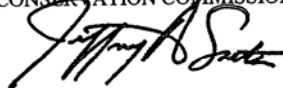
Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

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

This permit is issued subject to all superior and senior water rights in the Colorado River Basin.

This permit is issued subject to the Rules of the Texas Natural Resource Conservation Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION



For the Commission

DATE ISSUED: **AUG 22 2001**