

MEMORANDUM

TO: Board of Directors

FROM: Joe P. Cooper

DATE: March 20, 2013

RE: Lower Colorado River Authority Applications for Operating Permits for Wells LCRA SB-1 through LCRA SB-5

*MOTION TABLE
APRIL 10-11
RELO+PASS;*

DESCRIPTION OF APPLICATIONS

The Lower Colorado River Authority ("Applicant") has applied to the Lost Pines Groundwater Conservation District (the "District") for Operating Permits for 5 wells to be located within the LCRA Lake Bastrop Natural Area in Bastrop County, Texas. A map showing the locations of the 5 wells is attached as **Attachment A**. Applicant proposes to complete the wells in the Simsboro Aquifer and to withdraw an aggregate of 10,000 acre-feet of water per year from the five (5) wells to be used for industrial purposes in the LCRA Lake Bastrop Natural Area. Each well will be designed to pump at an instantaneous rate of 2,500 gallons per minute.

SUMMARY OF RECOMMENDATION

I recommend that the Board grant the applications under the terms and conditions set out in the draft permit attached as **Attachment B**. Under the draft permit, Applicant would be authorized to withdraw and aggregate of 10,000 acre-feet per year from the Simsboro Aquifer from the 10 wells for industrial use within the LCRA Lake Bastrop Natural Area. A special condition requires LCRA to maintain the system that allows it to pump water from the Colorado River to Lake Bastrop.

RELEVANT CONSIDERATIONS UNDER DISTRICT RULES

District Rule 5.2.C provides ten criteria for evaluating Operating Permit applications.

(1) Conformance with Texas Water Code Chapter 36 and District Rules.The application conforms to Water Code requirements and is Administratively Complete under the District Rules.

(2) Unreasonable effect on existing groundwater and surface water resources or existing permit holders.The District's hydrologists have advised that Applicant's proposed withdrawal of 10,000 acre-feet per year will have an impact on the water levels in the Simsboro Aquifer across the District. Drawdowns estimated with the Central Queen City-Sparta Groundwater Availability Model (GAM), assuming production of the full permitted amount in each year, are summarized in Table 1. As indicated in this table, the drawdown estimated to occur due to the permit applications is approximately 24 feet across the entire District. A map of drawdowns estimated by the GAM is attached as **Attachment C**.As indicated in Attachment C, most of the drawdown is near Lake Bastrop where the proposed LCRA wells are located.

Table 1. Projected drawdowns (in feet) in 2060 from pumpage included in the LCRA applications

	Bastrop County	Lee County	Lost Pines District Total
LCRA Project Pumpage Only	34	13	24
LCRA Pumpage + Existing LPGCD Pumpage	113	269	186

The GAM is not a good tool to effectively evaluate impacts to surface water within the District based on this application. However, because the majority of the flow in the Colorado River is controlled by the release of water from the Highland Lakes, and because of the great distance from this project to the Colorado River, the applications will likely have little impact on flow in the Colorado River. There is no evidence that the applications will impact smaller streams and rivers.

(3) Dedicated to a beneficial use.Section 36.113(d) of the Texas Water Code provides that, in considering whether to grant or deny an application, a groundwater conservation district "shall" consider whether "the proposed use of water is dedicated to any beneficial use."

Applicant has submitted evidence of Lost Pine Power Park's water use from 2002 through 2011. In 2008, Applicant used between 8,000 and 9,000 acre-feet of water for industrial purposes.

(4) Consistent with the District Management Plan.The proposed use is not inconsistent with the District Management Plan.

(5) Agreement to avoid waste and achieve water conservation.Applicant has submitted a water conservation plan and a drought contingency plan.

(6) Reasonable diligence will be used to protect groundwater quality. Applicant has agreed to use reasonable diligence to protect water quality.

(7) Well plugging guidelines. Applicant has agreed to follow well plugging guidelines at the time of well closure.

(8) Management of total groundwater production on a long-term basis to achieve Desired Future Condition. See discussion in (2). The draft permit contains special conditions that: (1) provides notice that the permit is granted subject to any future production limits adopted by the District under its rules; and (2) require Applicant to maintain facilities to divert water from the Colorado River into Lake Bastrop.

(9) Conditions to prevent waste, achieve water conservation, minimize drawdown or reduction of artesian pressure, or lessen well interference. See attached draft permits.

(10) History of non-compliance. The applicant does not have a history of non-compliance with the District Rules or Texas Water Code Chapter 36.

**LOST PINES GROUNDWATER CONSERVATION DISTRICT
OPERATING PERMIT**

District Well Number: 5854918

Permit Approved: _____

Permittee:

Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767-0220

Location of Well: approximately 4 miles northeast of the City of Bastrop in Bastrop County (W097°16'13" N30°8'39.6"), Well LCRA SB-1

Permittee is authorized to operate Well No. 5854918 within the Lost Pines Groundwater Conservation District under the following conditions:

Authorized annual withdrawal: See Special Condition (1)

Maximum rate of withdrawal: 2500 gal/min

Aquifer unit: Simsboro

Type of water use: Industrial

Place of water use: Lake Bastrop Natural Resource Area, Bastrop County

Standard Permit provisions:

This Operating Permit is granted subject to the District Rules, the orders of the Board, the District Management Plan, and Chapter 36 of the Texas Water Code. In addition to any well-specific permit provisions and special conditions included in this Operating Permit, this Operating Permit includes the following provisions:

- (1) This permit is granted in accordance with District Rules, and acceptance of this permit constitutes an acknowledgement and agreement that Permittee will comply with the terms, conditions, and limitations set forth in this permit, the District rules, the orders of the Board, and the District Management Plan.
- (2) Water withdrawn under the permit must be put to beneficial use at all times, and operation of the permitted well in a wasteful manner is prohibited.

GENERAL MANAGER'S DRAFT OPERATING PERMIT

- (3) Water produced from the well must be measured using a water measuring device or method approved by the District that is within plus or minus 10% of accuracy.
- (4) The well site must be accessible to District representatives for inspection, and Permittee agrees to cooperate fully in any reasonable inspection of the well and well site by District representatives.
- (5) The application pursuant to which this permit has been issued is incorporated in this permit by reference, and this permit is granted on the basis of and contingent upon the accuracy of the information provided in that application. A finding that false or inaccurate information has been provided is grounds for revocation of the permit.
- (6) Violation of the permit's terms, conditions, requirements, or special provisions, including pumping amounts in excess of authorized withdrawals, may subject the permittee to enforcement action under District Rules.
- (7) Whenever the special conditions in the permit are inconsistent with other provisions of the permit or the District Rules, the special condition will prevail.

Special conditions:

This Operating Permit is granted subject to the following special conditions:

- (1) The authorized annual withdrawal amount under this permit is hereby aggregated with the authorized annual withdrawal amount for the following designated wells: Well No. 5854912 (Well LCRA SB-2), Well No. 5854920 (Well LCRA SB-3), Well No. 5854921 (Well LCRA SB-4), and Well No. 5854922 (Well LCRA SB-5). Subject to the terms of this permit, Permittee may withdraw an aggregated annual withdrawal amount of not more than 10,000 acre-feet per year from Well No. 5854918 and the designated wells.
- (2) Permittee shall maintain facilities to divert water from the Colorado River into Lake Bastrop.
- (3) This permit is issued subject to any future production limits adopted by the District under the District Rules.

Term:

- (1) This Operating Permit shall automatically terminate if, within 180 days of the date of issuance of the permit, (1) the permitted well has not been completed or (2) the well log required by Texas Occupations Code Section 1901.251 has not been filed with the District, unless the Permittee files a request for an extension of time to drill the well as provided in the District Rules.

GENERAL MANAGER'S DRAFT OPERATING PERMIT

(2) This Operating Permit shall automatically terminate if, within 24 months of the date that the permitted well is completed, the permittee has not used water from the permitted well for a purpose authorized in the Operating Permit, unless the Permittee requests an extension of time to operate the well as provided in the District Rules.

(3) This Operating Permit shall be effective for a period of five years from the date the permit is approved, unless terminated, amended or revoked as provided in the District Rules.

Acceptance of this permit by the Permittee constitutes acknowledgment and agreement to comply with all of the terms, provisions, conditions, and restrictions stated in the permit and the rules of the Lost Pines Groundwater Conservation District.

ISSUED:

President, Lost Pines Groundwater
Conservation District Board of Directors

Date: _____