

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 19-2130

OWNER: Bexar-Medina-Atascosa Counties
Water Control and Improvement
District No. One
P. O. Box 180
Natalia, TX 78059

COUNTIES: Bexar, Medina & Atascosa

PRIORITY DATE: November 16, 1910

WATERCOURSE: Medina River

BASIN: San Antonio River

WHEREAS, by final decree of the 224th District Court of Bexar County, Texas, in Cause No. 78-CI-16903, In Re: The Adjudication of Water Rights in the Medina River of the San Antonio Basin (Exceptions of Edward Walsh, Harry Walsh, Frank Walsh, Bessie Walsh, Anita Walsh and Mary Walsh), dated November 12, 1980, a right was recognized under Certified Filing 18 authorizing Bexar-Medina-Atascosa Counties Water Improvement District No. One to appropriate waters of the State of Texas as set forth below;

WHEREAS, the Bexar-Medina-Atascosa Counties Water Improvement District No. One Board of Directors by resolution adopted on October 1, 1979 and becoming effective on November 1, 1979, recorded in Vol. 291, Pages 366-367 of the Deed Records of Medina County, Texas, voted unanimously to convert the water district operation from Article III, Section 52 of the Texas Constitution and Chapter 55 of the Texas Water Code to Article XVI, Section 59 of the Texas Constitution and Chapter 51 of the Texas Water Code broadening the powers of the water district and renaming it the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. One;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the San Antonio River Basin is issued to Bexar-Medina-Atascosa Counties Water Control and Improvement District No. One, subject to the following terms and conditions:

1. IMPOUNDMENT

A. Owner is authorized to maintain an existing dam and reservoir on Medina River, known as Medina Lake, and impound therein not to exceed 237,874 acre-feet of water. Point on the dam at the center of the stream is N 69°E, 3700 feet from the southwest corner of the G. Casius Survey 113, Abstract 1257, Medina County, Texas.

B. Owner is also authorized to maintain an existing dam and reservoir on the Medina River, known as Diversion Lake, and impound therein not to exceed 4500 acre-feet of water. Point on the dam at the center of the stream is N 88°W, 2120 feet from the southeast corner of the G. C. & S. F. R. R. Company Survey 67, Abstract 1285, Medina County, Texas.

2. USE

A. Owner is authorized to divert and use not to exceed 66,000 acre-feet of water per annum from said authorized reservoirs on the Medina River by allowing water to flow from Medina Lake into Diversion Lake and thence into a man-made canal for the irrigation of a maximum of 33,000 acres of land within the boundaries of the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. One.

B. Owner is also authorized to divert and use not to exceed 750 acre-feet of water per annum from said authorized reservoirs on the Medina River by allowing water to flow from Medina Lake into Diversion Lake and thence into a man-made canal for purposes of domestic and livestock use by the inhabitants of Bexar-Medina-Atascosa Counties Water Control and Improvement District No. One.

3. DIVERSION

A. Location:

At a point on the west bank of the Medina River which is N 88°W, 2120 feet from the southeast corner of the G. C. & S. F. R. R. Company Survey 67, Abstract 1285, Medina County, Texas.

B. Maximum Rate: 450 cfs (202,500 gpm).

4. PRIORITY

The time priority of owner's right is November 16, 1910.

5. SPECIAL CONDITIONS

A. The authorized irrigated area under this certificate shall be coterminous with the boundaries of the Bexar-Medina-Atascosa Counties Water Control and Improvement District No. One. The owner shall notify the Department of all changes in the boundaries of said District.

B. Owner shall maintain suitable outlets in the aforesaid dams authorized herein to allow the free passage of water that owner is not entitled to divert or impound.

The locations of pertinent features related to this certificate are shown on Pages 7, 8 and 9 of the Medina River Watershed Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Department of Water Resources and the office of the County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions provided for in the final decree of the 224th District Court of Bexar County, Texas, in Cause No. 78-CI-16903, In Re: The Adjudication of Water Rights in the Medina River of the San Antonio Basin (Exceptions of Edward Walsh, Harry Walsh, Frank Walsh, Bessie Walsh, Anita Walsh and Mary Walsh), dated November 12, 1980, and supersedes all rights of the owner asserted in that cause.

This certificate of adjudication is issued subject to senior and superior water rights in the San Antonio River Basin.

This certificate of adjudication is issued subject to the Rules of the Texas Department of Water Resources and its continuing right of supervision of State water resources consistent with the public policy of the State as set forth in the Texas Water Code.

TEXAS WATER COMMISSION


Felix McDonald, Chairman

DATE ISSUED:

AUG 28 1981

ATTEST:


Mary Ann Hefner, Chief Clerk

CERTIFICATE NO. 19-2130A

Page 1 of 2

from the 66,000 acre-feet of water authorized for irrigation purposes. In lieu of the authorization to use 66,000 acre-feet for irrigation purposes, permittee is authorized to use not to exceed 65,830 acre-feet of water per annum for irrigation purposes and 170 acre-feet of water per annum for municipal purposes within the boundaries of the district.

2. PRIORITY

The time priority of this amendment is November 16, 1910.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 19-2130, except as herein amended.

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

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

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

This amendment is issued subject to the Rules of the Texas Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

/s/ Lee B. M. Biggart

Lee B. M. Biggart, Chairman

/s/ John D. Stover

John D. Stover, Commissioner

Date Issued:

June 18, 1982

(SEAL)

Attest:

/s/ Mary Ann Hefner

Mary Ann Hefner, Chief Clerk

RECEIVED

AUG 06 1982

CR/TDWR

61437

7-15-82

19-2130A

TEXAS WATER COMMISSION



THE STATE OF TEXAS
COUNTY OF TRAVIS

do hereby certify that this is a true and
correct copy of a Texas Water Commission
document, the original of which is filed in
the permanent records of the Commission.
Given under my hand and seal of office
on SEP 23 1988

Karen A. Phillips

Karen A. Phillips, Chief Clerk
Texas Water Commission

IN THE MATTER OF
BEXAR-MEDINA-ATASCOSA
COUNTIES WCID NO. 1
AND PRODEK, INC.
CERTIFICATE OF ADJUDICATION NO. 19-2130A

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§
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§
§
§

BEFORE THE

TEXAS WATER COMMISSION

19-2130B

On the 13th day of September 1988, the Texas Water Commission considered the Executive Director's Motion to Correct Certificate of Adjudication No. 19-2130A. Having heard the evidence, the Commission hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Bexar-Medina-Atascosa Counties WCID No. 1 and Prodek, Inc. hold Certificate of Adjudication No. 19-2130A.
2. On May 10, 1988, the Texas Water Commission approved an amendment to Certificate of Adjudication No. 19-2130A authorizing the diversion and use of up to 66,000 acre-feet of water annually through six turbines to generate hydroelectric power.
3. Certain provisions of the amendment describe the Certificate of Adjudication as "CERTIFICATE 19-2130A."
4. Certificate of Adjudication No. 19-2130A was previously amended in 1982.
5. The Certificate of Adjudication should be described as "CERTIFICATE 19-2130B."

CONCLUSIONS OF LAW

1. 31 Texas Administrative Code ("TAC") §297.62 empowers the Texas Water Commission to make corrections to Certificate of Adjudications, inter alia, without observing formal amendment procedures, to state more accurately any provision in the water right but without changing the substance of any provision.

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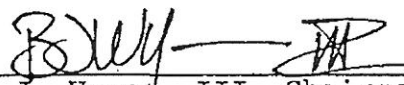
Vol. 1 Pg. 63

TEXAS WATER COMMISSION
AUSTIN TEXAS

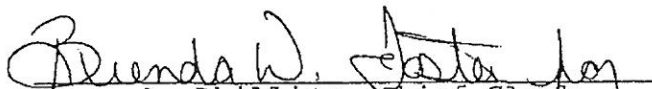
2. Amending Certificate of Adjudication No. 19-2130A to Certificate of Adjudication No. 19-2130B does not change the substance of any provision in the water right.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS WATER COMMISSION THAT Certificate of Adjudication No. 19-2130A issued on May 10, 1988 be amended to Certificate of Adjudication No. 19-2130B.

Signed this the 23rd day of September, 1988.


B. J. Wynne, III, Chairman
Texas Water Commission

ATTEST:


Karen A. Phillips, Chief Clerk

FILED IN MY OFFICE
ANNA VAN DE WALLE

'88SEP 29

PM -120

COUNTY CLERK, MEDINA CO.

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. THE STATE OF TEXAS
COUNTY OF MEDINA

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 Texas Water Records of Medina County, Texas on

SEP 29 1988

Rights Commission




COUNTY CLERK
MEDINA COUNTY, TEXAS

AMENDMENT TO
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 19-2130A *B*

TYPE: AMENDMENT

Name: Bexar-Medina-Atascosa
Counties Water Control
& Improvement District
No. 1

Address: P.O. Box 180
Natalia, Texas

and

Prodek, Inc.

2431 E. 61st, Suite 318
Tulsa, Oklahoma 74136

Filed: November 19, 1987

Granted: May 10, 1988

Purpose: Hydropower

County: Medina

Watercourse: Medina River,
tributary of
San Antonio River

Watershed: San Antonio River Basin

WHEREAS, Certificate of Adjudication No. 19-2130 was issued to Bexar-Medina-Atascosa Counties Water Control & Improvement District No. One on August 28, 1981 and authorized the certificate owner, in part, to maintain a dam and reservoir (Medina Lake) impounding therein 237,875 acre-feet of water in Medina County on the Medina River; and to divert therefrom not to exceed 66,000 acre-feet of water per annum to irrigate a maximum of 33,000 acres of land and to divert not to exceed 750 acre-feet of water per annum for domestic and livestock purposes, all within the service area of the certificate owner. The name of the certificate owner was subsequently changed on Texas Water Commission records to Bexar-Medina-Atascosa Counties Water Control & Improvement District No. 1; and

WHEREAS, Bexar-Medina-Atascosa Counties Water Control & Improvement District No. 1 entered into an agreement with Prodek, Inc. relating to the construction and operation of hydroelectric facilities and generation of electric power at the dam;

WHEREAS, Bexar-Medina-Atascosa Counties Water Control & Improvement District No. 1 and Prodek, Inc. have requested an amendment to Certificate No. 19-2130 to add nonconsumptive hydroelectric power generation authorization utilizing the existing 66,000 acre-feet per annum diversion authorization; and

WHEREAS, the Texas Water Commission finds that jurisdiction over the application is established; and

WHEREAS, no person protested the granting of this application; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Water Commission in issuing this amendment.

NOW, THEREFORE, this amendment to Certificate No. 19-2130 is issued to Bexar-Medina-Atascosa Counties Water Control & Improvement District No. 1 and Prodek, Inc., subject to the following provisions:

1. USE

Certificate owners are authorized to generate hydroelectric power by making nonconsumptive use of not to exceed 66,000 acre-feet per annum of water that is otherwise authorized to be released from storage in the existing Medina Lake on the Medina River, approximately 18 miles northeast of Hondo, Medina County, Texas.

2. DIVERSION

(a) Point of Diversion: Through existing 60" diameter service outlets at a point on the left, or east end of Medina Lake Dam, S 83°33' E, 3568 feet from the northwest corner of the Wm. McMasters Survey No. 106, Abstract No. 1036, Medina County, Texas. The water will power six turbines to be installed in the proposed power plant.

(b) Maximum Combined Diversion Rate: 156 cfs (70,000 gpm).

3. POINTS OF RETURN

Water diverted shall continue to be returned to the Medina River as in the past at the following six points located as measured from the aforesaid survey corner:

Point No. 1: S 82°57' E, 3360 feet;
Point No. 2: S 83°01' E, 3350 feet;
Point No. 3: S 83°05' E, 3341 feet;
Point No. 4: S 83°05' E, 3332 feet;
Point No. 5: S 83°12' E, 3322 feet; and
Point No. 6: S 83°16' E, 3313 feet.

4. TIME LIMITATIONS

(a) Construction of the hydroelectric facilities herein authorized shall be commenced within two years and completed within three years from date of issuance of this amendment.

(b) Failure to commence and/or complete construction of the hydroelectric facilities within the period stated above shall cause this amendment to expire and become null and void, unless certificate owners apply for an extension of time to commence and/or complete construction prior to the respective deadlines for commencement and completion, and the application is subsequently granted.

5. SPECIAL CONDITIONS

(a) This amendment and all authority granted hereunder are specifically subordinated, as to priority, to all present and future rights to use the waters of the Medina River for domestic, municipal, livestock, industrial, irrigation and/or mining purposes.

(b) This amendment authorizes the certificate owners to generate hydroelectric power with water which is being released from storage in Medina Lake for other authorized purposes. This amendment does not authorize any increase or decrease in the amount of water authorized for storage in Medina Lake, nor does it authorize any increase or decrease in the rate at which water is released or diverted pursuant to Certificate No. 19-2130. This amendment does not authorize certificate owners to operate hydroelectric facilities as a peaking power plant by concentrating releases during peak electrical demand times, and certificate owners are specifically prohibited from doing so.

(c) All water rights conferred on Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 under Certificate of Adjudication No. 19-2130 prior to this amendment, for irrigation or other purposes, remain solely in the name of said District and are not transferred in whole or in part to Prodek, Inc., by virtue of this amendment.

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

Certificate owners agree to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

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

This amendment is issued subject to the Rules of the Texas Water Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS WATER COMMISSION

Paul Hopkins

Paul Hopkins, Chairman

DATE ISSUED: May 18, 1988

ATTEST:

Karen A. Phillips
Karen A. Phillips, Chief Clerk

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



AMENDMENT TO
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 19-2130c

TYPE: AMENDMENT

Name:	Bexar-Medina-Atascosa Counties Water Control & Improvement District No. 1	Address:	P.O. Box 170 Natalia, Texas 78059
Filed:	September 3, 1993	Granted:	APR 02 1997
Purpose:	Irrigation, Municipal, Industrial	County:	Bexar, Medina, Atascosa, and Bandera Counties
Watercourse:	Medina River, tributary San Antonio River	Watershed:	San Antonio River Basin

WHEREAS, Certificate of Adjudication No. 19-2130 was issued to Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 (BMA WCID) on August 28, 1981 authorizing the owner to maintain an existing dam on the Medina River impounding 237,874 acre-feet of water known as Medina Lake and to maintain a dam on the Medina River impounding 4500 acre-feet of water known as Diversion Lake, approximately 18.5 miles northeast of Hondo, Texas; and

WHEREAS, Owner is authorized to divert and use not to exceed 66,000 acre-feet of water per annum from the reservoirs on the Medina River by allowing water to flow from Medina Lake into Diversion Lake and thence into a man-made canal at a maximum diversion rate of 450 cfs (202,300 gpm) for the irrigation of a maximum of 33,000 acres of land within the District's boundaries. Owner is also authorized to use not to exceed 750 acre-feet of water per annum from the reservoirs for domestic and livestock purposes; and

WHEREAS, the time priority of the Owner's right is November 16, 1910; and

WHEREAS, on June 18, 1982, Certificate No. 19-2130A was issued wherein BMA WCID changed the use of 170 acre-feet of water (out of the 66,000 acre-feet portion) from irrigation to municipal use within District boundaries; and

WHEREAS, that portion of Certificate No. 19-2130, as amended, in Certificate No. 19-2130B authorizing hydroelectric power generation was canceled; and

WHEREAS, current authorizations under the Certificate are 65,830 acre-feet of water for irrigation use, 170 acre-feet of water for municipal uses and 750 acre-feet of water for domestic and livestock purposes; and

WHEREAS, BMA WCID recognizes that water resources controlled by the district in Lake Medina and Diversion Lake are a component of the limited water resources in the region defined as Bexar, Atascosa, Medina, and Bandera Counties. The district recognizes a trend toward increased urbanization and reduced agricultural activity for this region and that a portion of this water could be beneficially used to supplement limited municipal and industrial groundwater supplies in the region; and

WHEREAS, an application was submitted by BMA WCID seeking to amend Certificate No. 19-2130, as amended, to change the authorized use of 65,830 acre-feet of water from irrigation to multiple alternative uses of either irrigation, municipal or industrial uses; and

WHEREAS, BMA WCID seeks to retain the original time priority for the multiple uses; and

WHEREAS, applicant originally proposed to add five additional diversion points with no increase in the existing diversion rate (450 cfs) in combination with any other points. However, the application was amended by letter dated August 29, 1994 deleting the request for any additional diversion points; and

WHEREAS, water sold by the district for purposes other than irrigation is to be excess or surplus water that may be available from the reservoir above and beyond the amount required to fulfill the district's contractual obligations to its irrigators. This determination of "excess or surplus" water will be made by the district; and

WHEREAS, the Texas Natural Resource Conservation Commission adopted an Order on February 21, 1995, amending the District's Certificate of Adjudication to authorize the multiple use of 65,830 acre-feet of water for municipal, industrial and irrigation purposes pursuant to the terms and conditions set forth in said amendment; and

WHEREAS, the Order was appealed to the Travis County District Court by the County of Bandera and the Lake Medina Conservation Society, Inc. ("LAMCOS"); and

WHEREAS, by Final Judgment dated August 27, 1996, the Court reversed the Commission's Order based upon "Point of Error No. 1" raised by Bandera County and LAMCOS which challenged the Commission's Order authorizing the District's multiple use of 65,830 acre-feet of water for municipal, industrial and irrigation purposes; and

WHEREAS, the Texas Natural Resource Conservation Commission finds that a portion of the 65,830 acre-feet of water adjudicated to the District can be beneficially used for municipal use within the boundaries of the District and those portions of the District and those portions of Bexar, Medina, Atascosa and Bandera Counties within the San Antonio River Basin; and

WHEREAS, the District is willing to have a portion of the 65,830 acre-feet of water authorized for irrigation use to be converted to municipal use; and

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

WHEREAS, a public hearing has been held and Bexar-Medina-Atascosa Counties Water Control & Improvement District No. 1; Canyon Regional Water Authority; Thelma Area Neighborhood Corp.; Southside Alliance; Thelka Neighborhood Association; Bandera County; City of Bandera; Lake Medina Conservation Society; Thousand Trails, Inc.; San Antonio Water System; San Antonio River Authority; Edwards Underground Water District; Bandera County Freshwater Supply District No. 1; Bexar Metropolitan Water District; Faron Bazzerea; Chris Heyen; and statutorily the Texas Parks and Wildlife Department were designated as parties; and

WHEREAS, negotiations between Texas Parks and Wildlife Department and BMA WCID during the hearing resulted in the development of a special condition to be included in the permit; and

WHEREAS, by law the Executive Director and the Public Interest Counsel of the Texas Natural Resource Conservation Commission are parties; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Natural Resource Conservation Commission in issuing this amendment.

NOW, THEREFORE, this amendment to Certificate No. 19-2130, as amended, (which restates for purposes of clarity all use authorizations under the certificate) is issued to Bexar-Medina-Atascosa Counties Water Control & Improvement District No. 1, subject to the following provisions:

1. USE

In lieu of the previous USE authorizations under Certificate No. 19-2130, as amended, certificate owner is authorized:

- a. To divert and use not to exceed 19,974 acre-feet of water per annum from Lake Medina on the Medina River for municipal purposes. Water is authorized to be flowed into Diversion Lake and thence into the canal system. Relating to municipal use, water may be used within the

boundaries of the District and within those portions of Bexar, Medina, Atascosa, and Bandera Counties within the San Antonio River Basin.

- b. To divert and use not to exceed 45,856 acre-feet of water per annum from Lake Medina on the Medina River for irrigation purposes. Water is authorized to be flowed into Diversion Lake and thence into the canal system. Relating to irrigation use, water may be used to irrigate 33,000 acres of land within the boundaries of the District.
- c. To divert and use not to exceed 750 acre-feet of water per annum from Lake Medina on the Medina River for domestic and livestock purposes within the boundaries of the district. Water is authorized to be flowed into Diversion Lake and thence into the canal system.
- d. To divert and use not to exceed 170 acre-feet of water per annum from Lake Medina on the Medina River for municipal purposes within the boundaries of the district. Water is authorized to be flowed into Diversion Lake and thence into the canal system.

2. SPECIAL CONDITIONS

- a. In addition to any other requirement imposed by existing law, in the event that BMA WCID seeks a structural change in Diversion Dam or a change in the manner by which the water impounded in Diversion Reservoir is lifted to allow diversion by gravity flow as described herein, BMA WCID shall request an amendment for either such change and send a copy of the requested amendment to the Executive Director of the Texas Parks and Wildlife Department in order for that agency to evaluate the effect of the requested change on historically occurring flows downstream of Diversion Dam or affecting other fish and wildlife habitats.
- b. On or before January 31 or each year, BMA WCID shall provide to the Executive Director as report setting forth BMA WCID's best estimate of projected water demand for each of the uses authorized under this amendment during the ensuing calendar year. In the event BMA WCID's water-use demands change significantly during the course of that calendar year, BMA WCID shall promptly notify the Executive Director of such circumstances and provide a revised estimate of demand for each of the authorized uses under this amendment for the remainder of the calendar year.
- c. Certificate owner shall provide and maintain an all-weather means of access to the shore of Medina Lake, from the elevation of the dam spillway -- i.e.,

1072 feet above mean sea level (msl) -- to at least 1025 msl, in order to give emergency fire fighting vehicles access to impounded water; such access point shall be located at a reasonably central point in or adjacent to Lakehills, Bandera County, Texas, and shall be maintained with a vertical grade of no more than 4 percent.

- d. Water used for municipal purposes pursuant to this amendment is subject to Commission rules and regulations for public water systems, including provisions in those rules requiring notification to the Commission about water supply changes and any provisions requiring determinations of whether water diverted pursuant to this amendment for municipal use in public water systems is in compliance with safe yield provisions of such rules.

3. CONSERVATION

- a. Certificate owner shall implement a water conservation plan that provides for the utilization of those practices, techniques and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses.
- b. Certificate owner shall submit to the Commission an annual water conservation progress report until such time as the conservation goal of conserving 10,000 acre-feet of water through conservation measures has been reached.

4. PRIORITY

The time priority of this amendment is November 16, 1910.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate No. 19-2130, as amended, except as specifically amended herein.

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

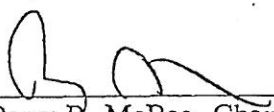
Certificate owner agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

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

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

Issue date: **JUN 05 1997**

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION



Barry R. McBee, Chairman

ATTEST:



Eugenia K. Brumm, Chief Clerk

JAN 27 2000

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



AMENDMENT TO
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 19-2130D

TYPE: AMENDMENT

Name: Bexar-Medina-Atascosa
Counties Water Control
and Improvement District
No. 1

Address: P.O. Box 170
Natalia, TX 78059

Granted: DEC 08 1999

Filed: December 1, 1999

Counties: Bexar, Medina, Atascosa and Bandera

Purposes: Municipal and Irrigation

Watershed: San Antonio River Basin

Watercourse: Medina River, tributary of
the San Antonio River

WHEREAS, Certificate of Adjudication No. 19-2130, as amended three times, is owned by Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1 (the District) and includes authorization, with a time priority of November 16, 1910, for use of not to exceed 19,974 acre-feet of water per annum released from Lake Medina into Diversion Lake for subsequent diversion for municipal use; and

WHEREAS, the amended certificate also includes authorization, with a time priority of November 16, 1910; for the District to use not to exceed 45,856 acre-feet of water per annum released from Lake Medina into Diversion Lake for subsequent diversion for irrigation use; and

WHEREAS, the District has indicated that through the end of the 1999 calendar year they will need more water released from Lake Medina into Diversion Lake for irrigation use and less for municipal use; and

WHEREAS, pursuant to Texas Water Code Sections 11.122, the District has requested that through December 31, 1999 the purpose of use of 6000 acre-feet of the aforesaid 19,964 acre-feet of water authorized for municipal use be authorized for irrigation use;

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

WHEREAS, no person protested the granting of this application; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Natural Resource Conservation Commission in issuing this amendment.

NOW, THEREFORE, this amendment to Certificate No. 19-2130, as amended, is issued to the Bexar-Medina-Atascosa Counties Water Improvement District No. One subject to the following provisions:

1. PURPOSE OF USE

In lieu of the current authorization included in Certificate No. 19-2130, as amended, to use not to exceed 19,974 acre-feet of water per annum released from Lake Medina into Diversion Lake for subsequent diversion for municipal use and not to exceed 45,856 acre-feet of water per annum released from Lake Medina into Diversion Lake for subsequent diversion for irrigation use, owner is authorized to use not to exceed 13,974 acre-feet of water per annum released from Lake Medina into Diversion Lake for subsequent diversion for municipal use and to exceed 51,856 acre-feet of water per annum released from Lake Medina into Diversion Lake for subsequent diversion for irrigation use.

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2. TIME PRIORITY

The time priority for this amendment is November 16, 1910.

3. SPECIAL CONDITION

This amendment shall expire and become null and void on January 1, 2000 without further Commission consideration.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate No. 19-2130, as amended, except as specifically amended herein.

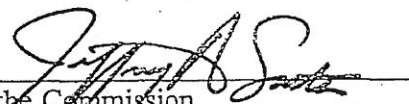
This amendment is issued subject to all superior and senior water rights in the San Antonio River Basin.

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

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

This amendment is issued subject to the Rules of the Texas 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: DEC 08 1999

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

APPLICATION NO. 19-2130E

CERTIFICATE NO. 19-2130E

TYPE: 11.122

Owner: Bexar-Medina-Atascosa Counties
Water Control and Improvement
District

Address: P.O. 170
Natalia, Texas 78059

Filed: March 29, 2002

Granted: **APR 22 2003**

Purpose: Municipal & Agriculture (Irrigation)

Counties: Bexar, Medina, Atascosa

Watercourse: Medina River, Tributary
of the San Antonio River

Watershed: San Antonio River Basin

WHEREAS, Certificate of Adjudication No. 19-2130, as amended, authorizes the Bexar-Medina-Atascosa Counties Water Control and Improvement District (BMA), Applicant, with a time priority of November 16, 1910, to maintain two (2) dams and reservoirs, known as Lake Medina and Diversion Lake, on the Medina River, tributary of the San Antonio River, San Antonio River Basin; and

WHEREAS, Lake Medina is located at N 69° E, 3,700 feet from southwest corner of the E.G. Casius Survey 113, Abstract No. 1257 in Medina County and impounds not to exceed 237,874 acre-feet of water; and

WHEREAS, Diversion Lake is located at N 88° W, 2,120 feet from the southeast corner of the G.C. & S.F. RR Company Survey 67, Abstract No. 2396 in Medina County and impounds not to exceed 4,500 acre-feet of water; and

WHEREAS, Owner is authorized to divert and use not to exceed 19,974 acre-feet and 170 acre-feet for a total of 20,144 acre-feet of water per annum for municipal purposes, not to exceed 45,856 acre-feet of water per annum for agricultural purposes to irrigate 33,000 acres of land, and not to exceed 750 acre-feet of water per annum for domestic and livestock purposes; and

WHEREAS, the water authorized for use may be released from Lake Medina into Diversion Lake and thence into the BMA's gravity flow irrigation canal system at a maximum combined

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WATER RIGHTS TEAM

diversion rate of 450 cfs (202,400 gpm) for subsequent diversion and use within the boundaries of BMA's District and within those portions of Bexar, Medina, Atascosa, and Bandera Counties within the San Antonio River Basin; and

WHEREAS, pursuant to a water supply contract with Bexar Metropolitan Water District, Applicant seeks to amend Certificate of Adjudication No. 19-2130, as amended, to authorize the use of the bed and banks of a portion of Segment 1903 of the Medina River to convey a maximum of 19,974 acre-feet of contract municipal water per annum from a point where the canal system crosses the Medina River, known as Siphon No. 2, to Bexar Metropolitan Water District's diversion point authorized in Certificate of Adjudication No. 18-4768, as amended, which is approximately 50.3 miles downstream of the proposed release point; and

WHEREAS, the water to be conveyed downstream will be released at Siphon Point No. 2, which is the most downstream point where the BMA gravity flow irrigation canal crosses the Medina River downstream of Diversion Lake, also being Latitude 29.486°N, Longitude 98.908°W; and

WHEREAS, the diversion point downstream will be at Bexar Metropolitan Water District's diversion point authorized by Certificate of Adjudication No. 19-4768, as amended, near Von Ormy, Texas, located at Latitude 29.308°N, Longitude 98.645°W; and

WHEREAS, Applicant indicates that appropriate flow measuring and recording devices will be installed at both the release point and the diversion point; and

WHEREAS, Applicant indicates that the quality of water released from the canal into the Medina River for transport downstream is of the same quality as the water diverted from the Medina River, via Lake Medina and Diversion Lake, into BMA's main canal; and

WHEREAS, Applicant indicates that the gravity flow irrigation canal from Diversion Lake head gates to Siphon Point No. 2 is 10,500 feet in length, the first 3,600 feet of which is concrete lined, the next 2,300 feet of which will be plastic lined after the first freeze of the winter of 2002, and the final 4,600 feet of which is unlined but will be lined in the future; and

WHEREAS, Applicant has calculated that the current carriage loss of conveyed water in the 6,900 foot reach of the unlined gravity flow irrigation canal between the end of the concrete lined portion to Siphon Point No. 2 on the Medina River is 4.75%; and

WHEREAS, Applicant has calculated that after the aforesaid 2,300 feet of the canal is lined with plastic in the winter of 2002, there will be a 3.2% carriage loss of conveyed water in the 4,600 foot reach of the gravity flow irrigation canal between the end of the liner to Siphon Point No. 2 on the Medina River; and

WHEREAS, Applicant calculates that there is approximately a 4.1 percent net carriage loss of conveyed water in the 50.3 mile reach of the Medina River between the release point at Siphon

Point No. 2 and the diversion point near Von Ormy, Texas; and

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

WHEREAS, the Executive Director has determined that this amendment, if granted, will have no significant impact on in-stream uses if specific special conditions are included; and

WHEREAS, the Executive Director finds that water availability analysis results indicate that water released from storage was available to satisfy 100% of the annual demand of 19,974 acre-feet of water per annum in 85.7% of the years and 91.1 % of the months at the proposed downstream diversion point, therefore the requested amount of 19,974 acre-feet of water per annum for municipal use is not firm; and

WHEREAS, the Executive Director recommends a reduced amount of water be authorized until lining of the full length of the gravity flow irrigation canal has been completed; and

WHEREAS, three protests to the application were filed with the TCEQ, but all were withdrawn after successful negotiation between the Protestors and the Applicant; and

WHEREAS, the South Texas Watermaster's Office has jurisdiction over this application; and

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 19-2130, as amended, designated as Certificate of Adjudication No. 19-2130E, is issued to the Bexar-Medina-Atascosa Counties Water Control and Improvement District, subject to the following terms and conditions:

1. BED AND BANKS

Bexar-Medina-Atascosa Counties Water Control and Improvement District is authorized to use the bed and banks of a portion of Segment 1903 of the Medina River to convey a maximum of 19,974 acre-feet of municipal water per from a point where BMA's gravity flow irrigation canal crosses the Medina River known as Siphon No. 2 to Bexar Metropolitan Water District's diversion point authorized in Certificate of Adjudication No. 19-4768, as amended, approximately 50.3 miles downstream.

2. RELEASE

Point and Rate:

- A. From Diversion Lake into BMA's gravity feed irrigation canal upstream of Siphon Point No. 2 at a rate not to exceed 450 cfs (202,400 gpm) as previously authorized.
- B. From BMA's gravity feed irrigation canal at Siphon Point No. 2 into the Medina River at Latitude 29.486°N, Longitude 98.908°W at a rate not to exceed 42 cfs (18,850 gpm).

3. DIVERSION

At Bexar Metropolitan Water District's diversion point authorized by Certificate of Adjudication No. 19-4768, as amended, near Von Ormy, Texas, located at Latitude 29.308°N, Longitude 98.645°W.

4. TIME PRIORITY

The time priority for the bed and banks authorization herein is March 29, 2002.

5. SPECIAL CONDITIONS

- A. Diversion of the entire 19,974 acre-feet of water per annum, less carriage losses from Siphon Point No. 2 to the point of diversion, is not authorized until such time that the owner provides documentation that the man-made gravity flow channel system has been fully lined. Until the lining of the additional 2,300 feet of the canal proposed for the winter of 2002 has been completed, a reduced (by a factor of 4.75%) amount of 19,025 acre-feet of water per annum, less carriage losses from Siphon Point No. 2 to the point of diversion, is authorized. Until the proposed liner for the final 4,600 feet of the canal has been completed; a reduced (by a factor of 3.2 %) amount of 19,335 acre-feet of water per annum, less carriage losses from Siphon Point No. 2 to the point of diversion, is authorized.
- B. Carriage losses from the release point at Siphon Point No. 2 to the diversion point authorized by Certificate of Adjudication No. 19-4768 shall apply in the amount of 4.1 percent of the measure release at Siphon Point No. 2.
- C. Owner is authorized to divert only that amount of water that is released from the man-made gravity flow canal into the Medina River, not to exceed a maximum of 19,974 acre-feet of water per annum, less carriage losses from Siphon Point No. 2 to the point of diversion.

- D. The quality of authorized water released for conveyance must remain within acceptable surface water quality standards of Segment 1903 of the Medina River as defined in 30 TAC §307.
- E. In order to implement the above described release and diversion strategy, owner shall install and maintain flow measurement and recording devices with an accuracy of +/- 5% at both the release point at Siphon Point No. 2 on the BMA gravity flow canal system and at Bexar Metropolitan Water District's diversion point authorized by Certificate of Adjudication No. 19-4768, as amended.

6. CONSERVATION

Owners shall implement water conservation plans that provides for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in very wholesale water supply contract entered into or renewed after official adoption of the water conservation plan, including any contract extension, must ensure that each successive wholesale customer develop and implement a water conservation plan or water conservation measures that incorporate elements of Title 30, Texas Administrative Code, Chapter 288.

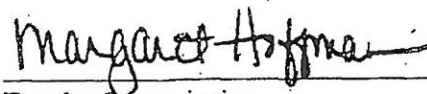
This amendment is issued subject to all superior and senior water right is the San Antonio River Basin.

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

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

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

TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY



For the Commission

ISSUED: APR 22 2003