

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

5 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

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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

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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

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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

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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

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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

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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

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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

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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

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

16 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

17 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

18 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

19 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

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

21 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 Army, 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.

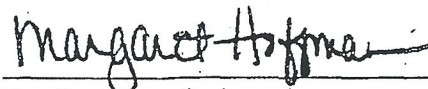
This amendment is issued subject to all superior and senior water right is the San Antonio River Basin.

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