

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

October 7, 2020

Jim Mathews
Mathews and Freeland
8140 North MoPac Expressway, # 4-200
Austin, Texas 78759

RE: San Antonio Water System
Certificate of Adjudication No. 19-2153C

This letter is your notice that the Texas Commission on Environmental Quality (TCEQ) executive director (ED) has acted on the above-named application. According to 30 Texas Administrative Code (TAC) Section 50.135 the ED's action became effective on the date the ED signed the permit or other action. A copy of the final action is enclosed and cites the effective date.

For certain matters, a **motion to overturn**, which is a request that the commission review the executive director's action on an application, may be filed with the chief clerk. Whether a motion to overturn is procedurally available for a specific matter is determined by Title 30 of the Texas Administrative Code Chapter 50. According to 30 TAC Section 50.139, an action by the ED is not affected by a motion to overturn filed under this section unless expressly ordered by the commission.

If a motion to overturn is filed, the motion must be received by the chief clerk within 23 days after the date of this letter. An original and 7 copies of a motion must be filed with the chief clerk in person or by mail. The Chief Clerk's mailing address is Office of the Chief Clerk (MC 105), TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. On the same day the motion is transmitted to the chief clerk, please provide copies to Robert Martinez, Environmental Law Division Director (MC 173), and Vic McWherter, Public Interest Counsel (MC 103), both at the same TCEQ address listed above. If a motion is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

You may also request **judicial review** of the ED's action. The procedure and timelines for seeking judicial review of a commission or ED action are governed by Texas Water Code Section 5.351.

Individual members of the public may seek further information by calling the TCEQ Public Education Program, toll free, at 1-800-687-4040.

Sincerely,

A handwritten signature in black ink that reads "Bridget C. Bohac".

Bridget C. Bohac
Chief Clerk

BCB/mgo

cc: Vic McWherter, TCEQ Public Interest Counsel (MC 103)

Jon Niermann, *Chairman*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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October 7, 2020

Mr. Jim Mathews
Mathews and Freeland
8140 N. Mopac #4-200
Austin, Texas 78759

VIA CERTIFIED MAIL

RE: San Antonio Water System
ADJ 2153
CN600529069, RN102741774
Certificate of Adjudication No. 19-2153C
Texas Water Code § 11.122, No Notice Required
Rincon Creek, San Antonio River Basin
Bexar County

Dear Mr. Mathews:

Enclosed is a certified copy of the above referenced document. The applicant, San Antonio Water System, is instructed to ensure that the official record of this water right is filed with the County Clerk of the county in which the appropriation is to be made.

The applicant is responsible for making payment arrangements with the Bexar County Clerk's Office for filing its documents in the official records. An additional certified copy is enclosed for the purpose of filing with the appropriate County Clerk.

As proof of filing, please ensure that the enclosed card is completed by the Bexar County Clerk's Office and returned to the Water Rights Permitting & Availability Section (MC 160), Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

This action is taken under the authority delegated by the Executive Director of the Texas Commission on Environmental Quality.

Should you have questions, please contact Mr. Hal E. Bailey, Jr. of the Texas Commission on Environmental Quality's Water Rights Permitting & Availability Section at (512) 239-4615, or if by correspondence, include MC 160 in the letterhead address below.

Sincerely,

A handwritten signature in cursive script that reads "Kim Nygren".

Kim Nygren, Director
Water Availability Division

KN/hb

Enclosures

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS
COUNTY OF TRAVIS
I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY
OF A TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
DOCUMENT, WHICH IS FILED IN THE PERMANENT RECORDS

OCT 07 2020

OF THE COMMISSION, GIVEN UNDER MY HAND AND THE
SEAL OF OFFICE ON

Bridget C. Bohan
BRIDGET C. BOHAN, CHIEF CLERK
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

| | | | |
|-----------------|---|------------|---|
| CERTIFICATE NO. | 19-2153C | TYPE | § 11.122 |
| Owner: | San Antonio Water System | Address: | 2800 U.S. Highway 281 North San Antonio, Texas 78212 |
| Filed: | September 11, 2020 | Granted: | October 6, 2020 |
| Purposes: | Agricultural, Water Quality Enhancement and Wildlife Management | County: | Bexar |
| Watercourse: | Rincon Creek, tributary of the Medina River | Watershed: | San Antonio River Basin |

WHEREAS, Certificate of Adjudication No. 19-2153, as amended, authorizes, among other things, San Antonio Water System (SAWS), Owner/Applicant, to maintain an existing dam and 2,640-acre-foot reservoir (Mitchell Lake) on Rincon Creek, tributary of the Medina River, San Antonio River Basin in Bexar County; and

WHEREAS, Certificate of Adjudication No. 19-2153, as amended, includes multiple authorizations and special conditions; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 19-2153 to add wildlife management and water quality enhancement purposes of use for the entire 2,640 acre-feet of water currently authorized for impoundment, and to add a place of use for up to 127 acre-feet of the 2,640 acre-feet authorized for impoundment in constructed wetlands downstream of Mitchell Lake Dam in Bexar County; and

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

WHEREAS, this amendment, if granted, is subject to requirements and orders of the South Texas Watermaster; and

WHEREAS, the Executive Director recommends special conditions be included in the amendment; 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. 19-2153, designated Certificate of Adjudication No. 19-2153C, is issued to San Antonio Water System, subject to the following terms and conditions:

1. USE

In addition to the previous authorizations:

- A. Owner is authorized to use the entire 2,640 acre-feet of water authorized for impoundment in Mitchell Lake for water quality enhancement and wildlife management purposes.
- B. Owner is also authorized an additional place of use for up to 127 acre-feet of the total 2,640 acre-feet of water authorized for impoundment in Mitchell Lake in constructed wetlands downstream of the Mitchell Lake dam.

2. SPECIAL CONDITIONS

- A. Impoundment in Mitchell Lake and the constructed wetlands shall not exceed a combined maximum of 2,640 acre of water.
- B. This certificate, as amended, is subject to the requirements and orders of the South Texas Watermaster.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 19-2153, 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.

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.



For the Commission

Date Issued: **October 6, 2020**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS
I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY
OF A TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
DOCUMENT, WHICH IS FILED IN THE PERMANENT RECORDS

OCT 07 2020

OF THE COMMISSION, GIVEN UNDER MY HAND AND THE
SEAL OF OFFICE ON

Bridget C. Bohan
BRIDGET C. BOHAN, CHIEF CLERK
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

| | | | |
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| Filed: | September 11, 2020 | Granted: | October 6, 2020 |
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WHEREAS, Certificate of Adjudication No. 19-2153, as amended, includes multiple authorizations and special conditions; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 19-2153 to add wildlife management and water quality enhancement purposes of use for the entire 2,640 acre-feet of water currently authorized for impoundment, and to add a place of use for up to 127 acre-feet of the 2,640 acre-feet authorized for impoundment in constructed wetlands downstream of Mitchell Lake Dam in Bexar County; and

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

WHEREAS, this amendment, if granted, is subject to requirements and orders of the South Texas Watermaster; and

WHEREAS, the Executive Director recommends special conditions be included in the amendment; 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. 19-2153, designated Certificate of Adjudication No. 19-2153C, is issued to San Antonio Water System, subject to the following terms and conditions:

1. USE

In addition to the previous authorizations:

- A. Owner is authorized to use to the entire 2,640 acre-feet of water authorized for impoundment in Mitchell Lake for water quality enhancement and wildlife management purposes.
- B. Owner is also authorized an additional place of use for up to 127 acre-feet of the total 2,640 acre-feet of water authorized for impoundment in Mitchell Lake in constructed wetlands downstream of the Mitchell Lake dam.

2. SPECIAL CONDITIONS

- A. Impoundment in Mitchell Lake and the constructed wetlands shall not exceed a combined maximum of 2,640 acre of water.
- B. This certificate, as amended, is subject to the requirements and orders of the South Texas Watermaster.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 19-2153, 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.

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.



For the Commission

Date Issued: **October 6, 2020**

WATER RIGHTS PERMITTING &
AVAILABILITY SECTION, MC 160
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY
PO BOX 13087
AUSTIN TX 78711-3087

PERMIT NO./CERTIFICATE NO.: 19-2153C

NAME: San Antonio Water System

Date Recorded: _____

Volume _____ Page No. _____

of the _____ records of the

_____ County, Texas.

By _____

County Clerk and/or Deputy

If you have questions on how to fill out this form or about the Water Rights Program, please contact us at 512-239-4691. Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.

TCEQ-20774 (Rev. 10/2016)



Chief Clerk's Office, MC 105
 Texas Commission on Environmental Quality
 P.O. Box 13087
 Austin, TX 78711-3087

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
X Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Adult Signature Priority Mail Express®
 Adult Signature Restricted Delivery Registered Mail™
 Certified Mail® Registered Mail Restricted Delivery
 Certified Mail Restricted Delivery Return Receipt for Merchandise
 Collect on Delivery Signature Confirmation™
 Collect on Delivery Restricted Delivery Signature Confirmation Restricted Delivery

SAN ANTONIO WATER SYSTEM
 JIM MATHEWS
 ADJ 2153
 121020

1. Article Addressed to:

JIM MATHEWS
 MATHEWS AND FREELAND
 8140 N MOPAC EXPY # 4-200
 AUSTIN TX 78759-8893

2 Article Number (Transfer from service label)

7019 1120 0002 1325 2019

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

JIM MATHEWS
 MATHEWS AND FREELAND
 8140 N MOPAC EXPY # 4-200
 AUSTIN TX 78759-8893

CERTIFIED MAIL®



7019 1120 0002 1325 2019

OFFICIAL BUSINESS
 STATE OF TEXAS
 PENALTY FOR
 PRIVATE USE



US POSTAGE
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