



TEXAS WATER DEVELOPMENT BOARD



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J. Kevin Ward
Executive Administrator

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TO: Board Members

THROUGH: Carolyn L. Brittin, Deputy Executive Administrator
Water Resources Planning and Information

Dan Hardin, Director, Water Resources Planning
Water Resources Planning and Information

FROM: Angela Kennedy, Regional Water Planning
Water Resources Planning and Information

DATE: August 12, 2009

SUBJECT: Consider approving the City of Lubbock minor amendment to the 2006 Llano Estacado (Region O) Regional Water Plan.

ACTION REQUESTED

Consider approval of the City of Lubbock minor amendment to the 2006 Llano Estacado Regional Water Plan modifying a surface water supply water management strategy.

BACKGROUND

City of Lubbock determined in their *2007 Strategic Water Supply Plan* that Lake No. 8 was no longer a necessary component of the Jim Bertram Lake System Expansion Water Management Strategy to meet future peak day water demands. As a result, the City of Lubbock requested that the 2006 Llano Estacado Regional Water Plan be amended to remove Lake No. 8 from the Jim Bertram Lake System Expansion Water Management Strategy.

Minor amendments to regional water plans may be made if the Executive Administrator determines that an amendment is minor under 31 TAC § 357.16. The criteria under 31 TAC § 357.16 that must be met for an amendment to be considered minor include that the amendment:

- (1) does not result in over allocation of an existing or planned source of water;
- (2) does not relate to a new reservoir;

Our Mission

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- (3) does not have a significant effect on instream flows, environmental flows or freshwater flows to bays and estuaries;
- (4) does not have a significant substantive impact on water planning or previously adopted management strategies; and,
- (5) does not delete or change any legal requirements of the plan.

On May 5, 2008, Region O submitted a request for a minor amendment determination from TWDB (Attachment A). In response to the Region's request, the Executive Administrator determined that the proposed plan amendment constituted a minor amendment and sent a letter to the planning group on June 24, 2008 (Attachment B). On May 1, 2008, the Region O Regional Water Planning Group unanimously approved the minor amendment to their 2006 Llano Estacado Regional Water Plan. On June 1, 2009 Region O provided the materials required to submit the minor amendment to the Board for consideration of approval (Attachment C).

KEY ISSUES

The Region O Water Planning Group received no written or verbal public comments in opposition to the proposed modification of this water management strategy for the City of Lubbock.

An associated amendment to the 2007 State Water Plan is presented for your consideration in a separate Board item.

ANTICIPATED OPPOSITION

None.

RECOMMENDATION

Staff recommends approval of the City of Lubbock minor amendment to the 2006 Llano Estacado Regional Water Plan.

This recommendation has been reviewed by legal counsel and is in compliance with applicable statutes and Board rules.

Ken Petersen
General Counsel

Board Members
August 12, 2009
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Attachment A: Cover Letter Request for City of Lubbock Minor Amendment to the 2006 Llano Estacado Regional Water Plan

Attachment B: Minor Amendment Determination from Executive Administrator

Attachment C: Cover Letter Submission of Amendment Materials for Approval

LLANO ESTACADO REGIONAL WATER PLANNING GROUP

May 5, 2008

RECEIVED

MAY 7 2008

TWDB

PLANNING GROUP MEMBERS

H. P. Brown Jr, Chair
Jim Conkwright, Vice-Chair
Doug Hutcheson, Secretary
Tom Adams
Dr. Melanie Barnes
Jim Barron
Delaine Baucum
Bruce Blalack
Delmon Ellison Jr.
Dr. Don Ethridge
Harvey Everheart
Bill Harbin
Don James
Bob Josseland
Richard Leonard
Terry Lopas
Don McElroy
E.W. (Gene) Montgomery
Dr. Ken Rainwater
Kent Satterwhite
Jim Steiert

NON-VOTING MEMBERS

Temple McKinnon
Joan Glass
Dr. Herb Grubb
Steve Jones
Malcolm Laing

Mr. Kevin Ward, Executive Administrator
 Texas Water Development Board
 P. O. Box 13231
 Austin, Texas 78711-3231

ATTN: Ms Carolyn Brittin, Deputy Executive Administrator

Dear Mr. Ward:

In response to a request by the City of Lubbock, dated September 6, 2007, to amend the 2006 Llano Estacado Regional Water Plan, to remove Lake 8 from the Lubbock Jim Bertram Lake System Expansion Water Management Strategy of the 2006 Llano Estacado Regional Water Plan, the Llano Estacado Regional Water Planning Group (LERWPG), after due public notice and public meeting, on May 1, 2008 granted Lubbock's request to remove Lake 8 from the 2006 Llano Estacado Regional Plan (Addendum No. 1, Section 4.5.15.3 The City of Lubbock).

This results in the following modifications to the Jim Bertram Lake System Expansion Water Management Strategy:

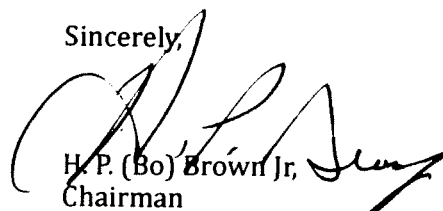
1. Lake No. 8 is no longer considered to be part of the recommended water management strategy.
2. The yield of the Jim Bertram Lake System Expansion remains at 21,200 acre-feet per year (acft/yr), although the yield could vary between 17,650 acft/yr and 34,200 acft/yr, depending upon the quantity of wastewater effluent being discharged upstream.

The Llano Estacado Regional Water Planning Group (Region O) hereby requests the Texas Water Development Board's certification that the removal of Lake 8 of the Jim Bertram Canyon Lake System from the 2006 Llano Estacado Regional Water Plan is a minor amendment, as provided in 31 TAC 357.11(f).

We are asking for this minor amendment certification since the removal of Lake 8 from the 2006 Llano Estacado Regional Water Plan (1) does not result in overallocation of an existing or planned source of water; (2) is the removal of a proposed new reservoir from the 2006 Regional Water Plan; (3) does not have a significant effect on instream flows, environmental flows or freshwater flows to bays and estuaries; (4) does not have a significant substantive impact on water planning or previously adopted management strategies; and (5) does not delete or change any legal requirements of the plan.

2930 Avenue Q
 Lubbock, TX 79411-2499
 (806) 762-0181
 Fax (806) 762-1834
 www.llanoplan.org
 hpwd@hpwd.com

Sincerely,



H. P. (Bo) Brown Jr,
Chairman



TEXAS WATER DEVELOPMENT BOARD



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 Edward G. Vaughan, *Member*

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 Joe M. Crutcher, *Member*

June 24, 2008

Mr. Harold P. "Bo" Brown, Jr.
 Chairman, Llano Estacado Regional Water Planning Group
 c/o High Plains UWCD #1
 2930 Avenue Q
 Lubbock, Texas 79411-2499

RE: Llano Estacado's (Region O) written request, received May 8, 2008 for a determination regarding whether or not amending the 2006 Region O Water Plan to remove Lake 8 from the Lubbock Jim Bertram Lake System Expansion would be a minor amendment under 31 TAC Ch. 357.16.

Dear Mr. Brown:

I have reviewed Region O's request and, based on that request and supporting materials, have determined that removing Lake 8 from the Lubbock Jim Bertram Lake System Expansion constitutes a minor amendment under 31 TAC Ch. 357.16.

If Region O adopts the proposed minor amendment, the region will need to:

- Provide the Texas Water Development Board (TWDB) with documentation of the planning group's action adopting this water management strategy as a minor amendment;
- Issue and distribute an addendum to the 2006 Region O Water Plan which updates the plan to reflect the minor amendment;
- Provide TWDB with corrected DB07 data to reflect all the associated changes to the 2006 Region O Water Plan and the 2007 State Water Plan;
- Modify the final costs and yield of the project in the Region O Water Plan so that they are similar to other results in the Region O Water Plan.

If Region O makes any substantive changes to the project components or configuration during the minor amendment process, TWDB will need to review the modified proposed amendment to ensure that the modified project still meets all of the criteria under 31 TAC Ch. 357.16.

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Mr. Harold P. "Bo" Brown, Jr.
June 24, 2008
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If you have any questions concerning the approval or its associated requirements, please contact David Meesey, the Board's Regional Water Planning Manager at (512) 936-0852.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Kevin Ward". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

for J. Kevin Ward
Executive Administrator

c: Mr. Jim Conkwright, Vice-Chairman, Region O Planning Group
Mr. David Meesey, TWDB

LLANO ESTACADO REGIONAL WATER PLANNING GROUP

PLANNING GROUP MEMBERS

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June 1, 2009

Mr. Kevin Ward
 Executive Administrator
 Texas Water Development Board
 P. O. Box 13231
 Austin, Texas 78711-3231

RECEIVED

JUN 04 2009

TWDB

ATTN: Ms. Carolyn Brittin, Deputy Executive Administrator

Re: Your Letter of June 24, 2008 regarding Region O's written request of May 8, 2008 to amend the 2006 Region O Water Plan to remove Lake 8 from the Lubbock Jim Bertram Lake System Expansion as a minor amendment under 31 TAC Ch. 357.16

Dear Mr. Ward:

Based upon your determination, as stated in your letter of June 24, 2008, that "... removing Lake 8 from the Lubbock Jim Bertram Lake System Expansion constitutes a minor amendment under 31 TAC Ch. 357.16," the LERWPG is providing Amendment No. 1 Report, which includes the following information:

- 1.0 Excerpt: Agenda Item No. 5 Minutes of the Llano Estacado Regional Water Planning Group (Region O) Meeting of May 1, 2008;
- 2.0 Llano Estacado Regional Water Planning Group letter of May 5, 2008 to Texas Water Development Board requesting determination that the "Removal of Proposed Lake 8 of the Jim Bertram Lake System from the 2006 Llano Estacado Regional Water Plan," is a minor plan amendment; and
- 3.0 Copy of TWDB Letter Of July 24, 2008 approving the "Removal of Proposed Lake 8 of the Jim Bertram Lake System from the 2006 Llano Estacado Regional Water Plan," as a minor plan amendment; and
- 4.0 Amendment Text.

The LERWPG has posted Addendum No. 2, Parts 1 and 2 on its web site and forwarded copies of Addendum No. 2 to all other regional water planning groups. Upon final acceptance by the TWDB, Region O will work with TWDB staff to update the necessary information in DB07.

Sincerely,

H. P. (Bo) Brown Jr.
 Chairman

Enclosures