



# TEXAS WATER DEVELOPMENT BOARD



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**TO:** Board Members

**FROM:** Carolyn L. Brittin, Deputy Executive Administrator,  
Water Resources Planning and Information *CLB*

**DATE:** August 18, 2008

**SUBJECT:** Minor Amendments to the 2006 Brazos G (Region G) Regional Water Plan and Notification of a Water Management Strategy Substitution in the Region G Regional Water Plan.

## ACTION REQUESTED

Consider approval of: (a) the City of Cleburne minor amendment to the 2006 Region G water plan; and (b) the Somervell County minor amendment to the 2006 Region G water plan. Consider amending the State Water Plan to incorporate these minor amendments and Region G's substitution of Turkey Peak Reservoir for Wilson Hollow Reservoir.

## BACKGROUND

The 80<sup>th</sup> Texas Legislature appropriated funds to provide low-interest loans for implementing State Water Plan projects through the TWDB Water Infrastructure Fund (WIF). The capital costs of projects requesting these State Water Plan funds must be explicitly identified within regional water plans in order to qualify for a loan. These State Water Plan funds were appropriated after the 2006 regional water plans had been adopted by the regions and approved by the Texas Water Development Board (TWDB).

In order to meet the requirements necessary to apply for these newly available State Water Plan funds, three political subdivisions requested two 'minor amendments' and one water management strategy 'substitution' to the 2006 Region G water plan as follows:

- The City of Cleburne requested a minor amendment to include capital costs for a reclaimed water line, a water treatment plant expansion, and the addition of Lake Whitney water supply requiring reverse-osmosis treatment (see Attachment A).

### *Our Mission*

*To provide leadership, planning, financial assistance, information and education for the conservation and responsible development of water for Texas.*

P.O. Box 13231 • 1700 N Congress Avenue • Austin, Texas 78711-3231  
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- Somervell County Water District requested a minor amendment to include the capital costs of water treatment and transmission facilities that rely on water from the existing Wheeler Branch Reservoir (see Attachment B).
- Palo Pinto County Municipal Water District No. 1 (Palo Pinto MWD#1) requested a water management strategy substitution of Turkey Peak Reservoir, a designated alternative water management strategy, to replace Wilson Hollow Reservoir (see Attachment C). The substitution was based on the expected lower unit costs of water associated with Turkey Peak Reservoir and because the Wilson Hollow Reservoir site has a significant endangered species issue.

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

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

In response to Region G's request, the Executive Administrator determined that both the proposed City of Cleburne and Somervell County Water District plan amendments constituted minor amendments. On June 4, 2008, the Brazos G Regional Water Planning Group unanimously approved both minor amendments.

**Substitutions** of water management strategies in regional water plans may be made only if approved by the Executive Administrator per TAC Ch. 357.7(a)(7)(H). A substitution may not result in a strategy that is in excess of 125% of the recognized needs for the water user group(s) for which the strategy is recommended unless granted by TWDB's Executive Administrator. The Executive Administrator may issue written approval of a substitution, however, if a regional water planning group can demonstrate that there is good cause for the requested strategy substitution and for exceeding the 125% limit.

In response to Region G's request, the Executive Administrator approved the substitution of Turkey Peak Reservoir, a designated alternative water management strategy, to replace Wilson Hollow Reservoir. On April 29, 2008, the Brazos G Regional Water Planning Group unanimously approved the substitution of Turkey Peak Reservoir for Wilson Hollow Reservoir.

**KEY ISSUES**

Although the Turkey Peak Reservoir substitute exceeded the 125% threshold set in 31 TAC Ch. 357.7(a)(7)(H), the Executive Administrator approved the substitution because the project developer, based on field investigations, had determined that Turkey Peak Reservoir is the preferred project primarily due to lower costs and the absence of endangered species at the site.

All three of these political subdivisions have applied for the available State Water Plan funds that are being considered for award at the August 25, 2008 Board meeting. Approval of these minor amendments and the inclusion of the minor amendments and substitution into the State Water Plan would be required for these entities to receive this funding.

**ANTICIPATED OPPOSITION**

None.

**RECOMMENDATION**

Staff recommends approval of: (a) the City of Cleburne minor amendment to the 2006 Region G water plan; and (b) the Somervell County minor amendment to the 2006 Region G water plan.

Staff recommends amending the 2007 State Water Plan to incorporate these minor amendments and Region G's substitution of Turkey Peak Reservoir for Wilson Hollow Reservoir.

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



Ken Petersen  
General Counsel

- Attachment A: Cover Letter Request for City of Cleburne Minor Amendment to the 2006 Region G Regional Water Plan
- Attachment B: Cover Letter Request for Somervell County Water District Minor Amendment to the 2006 Region G Regional Water Plan
- Attachment C: Cover Letter Request for Approval of Substitution of Turkey Peak Reservoir for Wilson Hollow Reservoir in the 2006 Region G Regional Water Plan

# BRAZOS G

WATER PLANNING GROUP

**VOTING MEMBERS**

Scott Mack, Chair  
 Dale Spurgin, Vice-Chair  
 Phillip J. Ford,  
 Secretary-Treasurer  
 Jon H. Burrows  
 Tom Clark  
 Alva Cox  
 Scott Diemann  
 Tim Embrough  
 Terry Kelley  
 Mike McGuire  
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 Sheril Smith  
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 Mike Sutherland  
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 Lee  
 Limestone  
 McLennan  
 Milam  
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 Palo Pinto  
 Robertson  
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 Taylor  
 Throckmorton  
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BRAZOS RIVER AUTHORITY, Administrative Agent  
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 (254) 761-3300 • Fax (254) 761-3204

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MAY 8 2008

**TWDB**

May 2, 2008

Mr. Kevin Ward  
 Executive Administrator  
 Texas Water Development Board  
 P.O. Box 13231  
 1700 North Congress Avenue [\[Map\]](#)  
 Austin, TX 78711-3231

RE: Amendment to the 2006 Brazos G Regional Water Plan related to the City of Cleburne Water Supply Projects

Dear Mr. Ward:

The Brazos G Regional Water Planning Group (Group) requests that the Texas Water Development Board consider an amendment to the 2006 Brazos G Regional Water Plan (2006 Plan) related to the City of Cleburne Water Supply Projects. The Group met in a regularly-posted public meeting on Tuesday, April 29, 2008, and approved its support of the following amendment to the 2006 Brazos G Regional Water Plan:

1. Recommend the New West Loop Reuse Line as a Recommended Water Management Strategy for the City of Cleburne.
2. Recommend the Phase I Lake Whitney Water Supply Project as a Recommended Water Management Strategy for the City of Cleburne.

The applicant, the City of Cleburne, believes this amendment qualifies as a minor amendment to the 2006 Plan based on the criteria set-forth in Texas Administrative Code Rule 357.16:

- It does not result in over allocation of an existing or planned source of water. The amendment does not change the allocation of any source of supply. The project develops, in phases, the current BRA contracted amount of 9,700 acre-feet per year and does not rely on any new allocations.
- It does not relate to a new reservoir. The amendment only relates to the development of treatment and transmission facilities.

- It does not have a significant impact on instream flows, environmental flows, or freshwater flows to bays and estuaries.
- It does not have a significant impact on water planning or previously adopted management strategies.
- It does not delete or change any legal requirements of the plan.

Documentation that demonstrates the proposed amendment has been fully evaluated in accordance with applicable statute, rule, and contractual technical guidelines is attached for your review.

The Brazos G Group has also scheduled a tentative public hearing on this matter for June 4, 2008 should you determine that this plan modification is in fact a full amendment. Please notify us of your decision prior to this date so that the Group can act on the matter accordingly.

Should you have any questions regarding this amendment, please contact me at (254) 761-3168 or via e-mail at [tbuzbee@brazos.org](mailto:tbuzbee@brazos.org). We appreciate your consideration of this request.

Sincerely,



TREY BUZBEE  
Brazos G Administrative Agent

Enclosures

# BRAZOS G

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 Lee  
 Limestone  
 McLennan  
 Milam  
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May 2, 2008

Mr. Kevin Ward  
 Executive Administrator  
 Texas Water Development Board  
 P.O. Box 13231  
 1700 North Congress Avenue [\[Map\]](#)  
 Austin, TX 78711-3231

RE: Amendment to the 2006 Brazos G Regional Water Plan related to the Somervell County Water Supply Project

Dear Mr. Ward:

The Brazos G Regional Water Planning Group (Group) requests that the Texas Water Development Board consider an amendment to the 2006 Brazos G Regional Water Plan (2006 Plan) related to the Somervell County Water Supply Project. The Group met in a regularly-posted public meeting on Tuesday, April 29, 2008, and approved its support of the following amendment to the 2006 Brazos G Regional Water Plan:

1. Recommend the Somervell County Water Supply Project to Meet Future Water Supply Needs for Various Entities in Somervell County.

The applicant, Somervell County Water District, believes this amendment qualifies as a minor amendment to the 2006 Plan based on the criteria set forth in Texas Administrative Code Rule 357.16:

- It does not result in over allocation of an existing or planned source of water. The amendment does not change the allocation of any source of supply.
- It does not relate to a new reservoir. The amendment only relates to the development of treatment and transmission facilities.
- It does not have a significant impact on instream flows, environmental flows, or freshwater flows to bays and estuaries.
- It does not have a significant impact on water planning or previously adopted management strategies.
- It does not delete or change any legal requirements of the plan.

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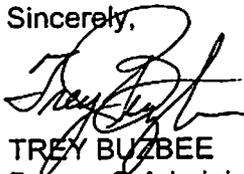
May 5, 2008

Documentation that demonstrates the proposed amendment has been fully evaluated in accordance with applicable statute, rule, and contractual technical guidelines is attached for your review.

The Brazos G Group has also scheduled a tentative public hearing on this matter for June 4, 2008 should you determine that this plan modification is in fact a full amendment. Please notify us of your decision prior to this date so that the Group can act on the matter accordingly.

Should you have any questions regarding this amendment, please contact me at (254) 761-3168 or via e-mail at [tbuzbee@brazos.org](mailto:tbuzbee@brazos.org). We appreciate your consideration of this request.

Sincerely,



TREY BUZBEE  
Brazos G Administrative Agent

Enclosures

MAY 8 2008

TWDB

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May 2, 2008

Mr. Kevin Ward  
 Executive Administrator  
 Texas Water Development Board  
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RE: Substitution of a fully-evaluated alternative strategy for Palo Pinto County Municipal Water District No. 1 Water Supply Plan to the 2006 Brazos G Regional Water Plan

Dear Mr. Ward:

The Brazos G Regional Water Planning Group (Group) requests the Texas Water Development Board consider a substitute water management strategy for the Palo Pinto County Municipal Water District No. 1 (Palo Pinto County MWD No. 1). The Group met in a regularly-posted public meeting on Tuesday, April 29, 2008, and adopted the following substitute water management strategy to the 2006 Brazos G Regional Water Plan:

1. Substitution of the Turkey Peak Reservoir for the Lake Palo Pinto Off-Channel Reservoir (aka Wilson Hollow) as the recommended water management strategy for the Palo Pinto County MWD No. 1, and designation of the Lake Palo Pinto Off-Channel Reservoir as an alternative water management strategy.

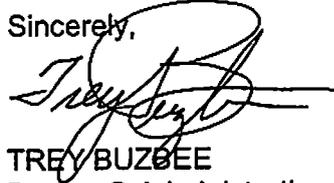
This substitution results in a strategy that is in excess of 125% of the recognized needs for Palo Pinto County MWD No. 1. As per 357.7(a)(7)(H), please find attached for your review the materials supporting this water supply plan substitution.

The Brazos G Group has also scheduled a tentative public hearing on this matter for June 4, 2008 should you determine that this plan modification is in fact a full amendment. Please notify us of your decision prior to this date so that the Group can act on the matter accordingly.

Page 2 of 2  
May 5, 2008

Should you have any questions regarding this matter, please contact me at (254) 761-3168 or via e-mail at [tbuzbee@brazos.org](mailto:tbuzbee@brazos.org). We appreciate your consideration of this request.

Sincerely,



TREY BUZBEE  
Brazos G Administrative Agent

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