

**APPENDIX F: WATER RIGHTS PERMIT
(WATER USE PERMIT)
FROM TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY FOR
BOIS D'ARC CREEK RESERVOIR**

**F-1: SIGNED TEXAS COMMISSION ON ENVIRONMENTAL QUALITY WATER
USE PERMIT FOR LOWER BOIS D'ARC CREEK RESERVOIR**

**F-2: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY MEMORANDUM,
WATER AVAILABILITY ANALYSIS**

**F-3: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY MEMORANDUM,
REVISED WATER AVAILABILITY ANALYSIS**

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Ron Ellis, Manager
Water Rights Permitting & Availability Section
Date: February 14, 2014

From: Kathy Alexander, Ph.D.
Technical Specialist
Water Availability Division

Subject: North Texas Municipal Water District
WRPERM 12151
CN 601365448
Bois d'Arc Creek, Red River Basin
Collin, Dallas, Denton, Fannin, Hopkins, Hunt, Kaufman, Rains, and
Rockwall Counties

WATER AVAILABILITY ANALYSIS ADDENDUM

The initial hydrology memorandum was completed November 22, 2013 and a draft permit was sent to the applicant on November 22, 2013. The applicant submitted comments on December 16, 2013 and January 23, 2014. Staff reviewed the information and recommend the Special Conditions in the draft permit be modified as follows. These recommended modifications are considered to be non-substantive and provided solely for clarification.

In lieu of Special Condition 6.X.

Prior to the diversion and reuse of the return flows authorized pursuant to Paragraph 2.C. USE, resulting from the diversion and use of water from the Lower Bois d'Arc Creek Reservoir as authorized under this permit, Permittee shall apply for and be granted an amendment to identify all specific points of discharge and diversion, and secure the appropriate authorizations to transfer such return flows through state watercourses pursuant to TWC §11.042, except to the extent such points of discharge, diversion, and transfer may be authorized by separate grant of authority from the Commission.

All other recommendations in the original memo dated November 22, 2013 remain unchanged unless specifically addressed in the addendum.

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Ron Ellis, Section Manager Date: February 14, 2014
Water Rights Permitting & Availability Section

Through: *AL* Chris Loft, Team Leader
2/14/14 Resource Protection Team
Water Rights Permitting & Availability Section

From: *RK* Robert Hansen, Aquatic Scientist
2/14/14 Resource Protection Team
Water Rights Permitting & Availability Section

Subject: North Texas Municipal Water District
WRPERM 12151
CN601365448
Water Right Application No. 12151
Lower Bois d'Arc Creek Reservoir, Collin, Dallas, Denton, Fannin,
Hopkins, Hunt, Kaufman, Rains, and Rockwall Counties

ENVIRONMENTAL ANALYSIS ADDENDUM

INSTREAM USES

The initial environmental memorandum was completed November 19, 2013 and a draft permit was sent to the applicant on November 22, 2013. The applicant submitted comments on December 16, 2013 and January 23, 2014. The additional information provided by the applicant was reviewed by Resource Protection Staff. Staff recommend the Special Conditions in the November 22, 2013 draft permit be modified as follows. These recommended modifications are considered to be non-substantive and provided solely for clarification.

In lieu of Special Condition 6.F.

If calculated reservoir inflows, as determined in the most recently approved *North Texas Municipal Water District Reservoir Accounting Plan*, constitute a qualifying pulse flow event as defined in Special Condition 6.L., the pulse flow requirement for the season has not been met, and the flows at USGS gage 07332622 do not exceed the pulse flow trigger requirement, the pulse shall be passed through the reservoir in a manner as

close as practicable to the applicable seasonal release pattern identified in the most recently approved *North Texas Municipal Water District Reservoir Accounting Plan*. Permittee may release water so that flows at the USGS gage 07332622 meet or exceed the pulse flow trigger requirement.

In lieu of Special Condition 6.G.

Consistent with Special Condition 6.F., when calculated reservoir inflows, as determined in the most recently approved *North Texas Municipal Water District Reservoir Accounting Plan*, equal or exceed the pulse flow trigger requirements of Special Condition 6.Q. and the pulse flow requirement for the season has not been met, inflows to the reservoir may be temporarily impounded until the calculated volume or duration criteria for a qualifying pulse flow event, as specified in Special Condition 6.L., have been met.

In lieu of Special Condition 6.H.

Permittee is not required to release stored water, except temporarily impounded water as described in Special Condition 6.G., to meet the environmental flow requirements in this permit. All pass-throughs of inflows or releases of temporarily impounded water required by Special Conditions 6.E. through 6.Q. are limited to the volume of calculated inflows to the reservoir.

In lieu of Special Condition 6.I.

If the pulse flow requirement for a season has been met or if the calculated volume or duration criteria for a qualifying pulse flow event are not met, then inflows may be stored. If Permittee has stored water in accordance with the terms and conditions of this permit, including any applicable environmental flow requirements in effect at the time the water was stored, Permittee may divert and use that stored water, even if the applicable environmental flow requirement is not met at the time of the subsequent diversion and use of that stored water.

In lieu of Special Condition 6.Q.

Consistent with Special Conditions 6.A. and 6.D. through 6.P., storage and diversion of water under this permit shall be authorized when streamflows exceed the following values, at measurement points described in Special Conditions 6.E. and 6.M. above:

Season	Subsistence	Base	Pulse
Fall-Winter	1 cfs	3 cfs	2 per season Trigger: 150 cfs Volume: 1,000 af Duration: 7 days
Spring	1 cfs	10 cfs	2 per season

			Trigger: 500 cfs Volume: 3,540 af Duration: 10 days
Summer	1 cfs	3 cfs	1 per season Trigger: 100 cfs Volume: 500 af Duration: 5 days

cfs = cubic feet per second
af = acre-feet

This special condition is subject to adjustment by the commission if the commission determines, through an expedited public review process, that such adjustment is appropriate to achieve compliance with applicable environmental flow standards adopted pursuant to Texas Water Code §11.471. Any adjustment shall be made in accordance with the provisions of Texas Water Code §11.471(e-1).

All other recommendations in the original memo dated November 19, 2013 remain unchanged unless specifically addressed in the addendum.