

Drought Contingency Plan

March 14, 2005

Prepared for:
Brazos River Authority

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**Brazos River Authority
Waco, Texas**

**Drought Contingency Plan
March 14, 2005**

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**Brazos River Authority
Waco, Texas**

**Drought Contingency Plan
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1. Introduction

As a wholesale water supplier, the Brazos River Authority (Authority) adopts this Drought Contingency Plan (Plan) in conformance with the rules governing drought contingency plans for wholesale water providers set forth by the Texas Commission on Environmental Quality (TCEQ) in *Texas Administrative Code* Title 30, Part 1, Rule §288.22, *Drought Contingency Plans for Wholesale Water Suppliers*. Appendix A includes a copy of the TCEQ rules governing drought contingency plans for wholesale water providers.

2. Provisions to Actively Inform the Public and Provide Opportunity for Input

The Authority has taken the following steps to actively inform the public and affirmatively provide opportunity for user input in the preparation of the Plan and to inform wholesale customers about the Plan:

- Putting a draft of the Plan on the Authority's web site at www.brazos.org and inviting comments on the draft Plan.
- Sending a letter to all wholesale water customers discussing the draft Plan, mentioning where it could be found on the Authority's web site, offering copies to interested customers who did not wish to access the draft Plan on the web site, and soliciting comments from customers. (Appendix B includes a copy of the letter sent to wholesale customers.)
- Sending a draft of this Plan to all Regional Water Planning Groups located in its service area. (Appendix C)
- Providing written notice to the public concerning the draft Plan and the public meeting on the draft Plan and inviting their comments. (Written notice was provided by posting with the Secretary of State's office at the McLennan County Courthouse, and at the BRA central office.)
- Holding a public meeting on the draft Plan at the Authority's office in Waco at 9:00 a.m. Thursday, January 13, 2005.

3. Coordination with Regional Water Planning Groups

The Authority has statutory responsibility for conserving and developing the water resources of the Brazos River Basin in Texas and making them available for beneficial use. The Brazos River Basin covers about 47,000 square miles, with 44,440 in Texas (all or part of 65 counties) and slightly over 2,500 in New Mexico. The Authority's service area includes the Brazos River Basin in Texas, and the Authority also supplies water outside of the Brazos River Basin to the San Jacinto-Brazos Coastal Basin and a small part of the Trinity Basin (in Johnson County).

The Authority has provided a draft of this Plan to each of the Regional Water Planning Groups located within its service area (Region B, Region C, Region F, Brazos G, Region H, and Llano-Estacado (Region O)). Appendix C includes an example of the letter sent to the Regional Water Planning Groups asking that they review the draft Plan for consistency with their approved regional water plans.

4. Information to Be Monitored and Criteria for the Initiation and Termination of Drought Response Stages

The Authority's General Manager/CEO or his/her designee shall monitor water supply and demand conditions. The triggering criteria described below are based on hydrologic analyses and more than 50 years of reservoir operations experience.

Three levels of potential drought severity have been identified at which specific actions will be conducted, including the development of specific drought response plans tailored to conditions as they exist at that time.

Stage 1 – Drought Watch Condition

Requirements for initiation – The Authority's General Manager/CEO or his/her designee may initiate a drought watch condition in one or more of the following circumstances:

- For a reservoir when the content of that reservoir is at or below Stage 1 Storage Trigger for that reservoir found in Table 1 and reasonable estimates of current annual demands, coupled with inflows and evaporation representative of the drought-of-record, indicate that the content could be reduced to the Stage 2 Reservoir Storage Trigger or less during the next 12 months.
- For a reservoir, group of reservoirs, or the entire Authority system when the combined storage of the Authority system is below the Stage 1 System Storage Trigger found in Table 1 and reasonable estimates of current annual demands, coupled with inflows and evaporation representative of the drought-of-record, indicate that the combined system storage could be reduced to the Stage 2 System Storage Trigger or less during the next 12 months.

**Table 1
Drought Stage Triggers**

Reservoir	Reservoir Storage (Ac-Ft)				Water Surface Elevation (Feet)			
	Conservation Storage	Stage 1 - Drought Watch	Stage 2 - Drought Warning	Stage 3 - Drought Emergency	Top of Conservation Storage	Stage 1 - Drought Watch	Stage 2 - Drought Warning	Stage 3 - Drought Emergency
Possum Kingdom Lake	539,425	396,497	320,000	250,000	1,000.0	990.7	984.3	977.2
Lake Granbury	132,180	103,239	88,232	52,872	693.0	689.1	686.7	678.9
Lake Whitney	585,782	525,864	489,038	432,758	533.0	530.3	528.5	525.6
Lake Aquilla	45,319	33,797	28,155	17,878	537.5	533.4	531.0	525.7
Lake Proctor	54,762	32,955	22,525	13,187	1,162.0	1156.5	1152.4	1147.7
Lake Belton	431,597	320,099	217,388	114,737	594.0	584.1	572.7	556.1
Lake Stillhouse Hollow	224,247	161,530	91,417	42,276	622.0	610.9	593.5	574.1
Lake Georgetown	36,986	26,221	20,740	14,106	791.0	781.8	776.2	767.9
Lake Granger	52,525	39,183	30,035	22,959	504.0	500.4	497.4	494.6
Lake Somerville	154,260	110,010	83,769	66,164	238.0	233.7	230.6	228.3
Lake Limestone	211,008	143,689	107,248	62,941	363.0	357.2	353.3	347.3
Lake Alan Henry	115,689	32,188	20,342	13,322	353.3	340.2	336.7	333.9
Authority System	2,583,780	1,625,182	1,369,773	1,015,602				

Note: Drought stage triggers are based on statistical analyses of storage from year 2000 firm yield studies of each reservoir. Trigger levels 1, 2 and 3 correspond to reoccurrence frequencies of 20%, 10% and 5%, respectively for all reservoirs except Possum Kingdom Lake. For Possum Kingdom Lake levels trigger levels 1, 2 and 3 correspond to reoccurrence frequencies of 20%, 7.6% and 2.4%, respectively.

Requirements for termination – The Authority’s General Manager/CEO or his/her designee may terminate a drought watch condition when any of the circumstances listed as reasons for initiation have ceased to exist for a period of 30 consecutive days or other relevant factors determined by the Authority’s General Manager/CEO or designee.

Stage 2 – Drought Warning Condition

Requirements for initiation – The Authority’s General Manager/CEO or his/her designee may initiate a drought warning condition in one or more of the following circumstances:

- For a reservoir when the content of that reservoir is at or below the Stage 2 Storage Trigger for that reservoir found in Table 1 and reasonable estimates of current annual demands, coupled with inflows and evaporation representative of the drought-of-record, indicate that the content could be reduced to the Stage 3 Storage Trigger or less during the next 12 months.
- For a reservoir, group of reservoirs, or the entire Authority system when the combined storage of the Authority system is below the Stage 2 System Storage Trigger found in Table 1 and reasonable estimates of current annual demands, coupled with inflows and evaporation representative of the drought-of-record, indicate that the combined system storage could be reduced to the Stage 3 System Storage Trigger or less during the next 12 months.

Requirements for termination – The Authority’s General Manager/CEO or his/her designee may terminate a drought warning condition when any of the circumstances listed as reasons for initiation have ceased to exist for a period of 30 consecutive days or other relevant factors determined by the Authority’s General Manager/CEO or designee. Upon termination of a drought warning, a drought watch may become operative depending on conditions at the time.

Stage 3 – Drought Emergency Condition

Requirements for initiation – The Authority’s General Manager/CEO or his/her designee may initiate a drought emergency condition in one or more of the following circumstances:

- For a reservoir when the content of that reservoir is at or below the Stage 3 Storage Trigger for that reservoir found in Table 1.
- For a reservoir, group of reservoirs, or the entire Authority system when the combined storage of the Authority system is below the Stage 3 System Storage Trigger found in Table 1

Requirements for termination – The Authority’s General Manager/CEO or his/her designee may terminate a drought emergency condition when any of the circumstances listed as reasons for initiation have ceased to exist for a period of 30 consecutive days or other relevant factors determined by the Authority’s General Manager/CEO or designee. Upon termination of a drought emergency, a drought warning or drought watch may become operative depending on conditions at the time.

5. Procedures to Be Followed for Initiation and Termination of Drought Response Stages

Initiation of a Drought Response Stage

The Authority's General Manager/CEO or his/her designee may order the implementation of a drought response stage when the trigger conditions for that stage are met. The following actions will be taken when a drought stage is initiated:

- The public will be notified through the appropriate media and the Authority web site.
- Wholesale customers will be notified by telephone with a follow-up letter or fax.
- Meetings will be held with customers as appropriate.
- If any mandatory provisions of the Plan are activated, the Authority will notify the Executive Director of the TCEQ within 5 business days.

The Authority's General Manager/CEO or his/her designee may decide not to order the implementation of a drought response stage even though the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

Termination of a Drought Response Stage

The Authority's General Manager/CEO or his/her designee may order the termination of a drought response stage when the conditions for termination are met or at his/her discretion. The following actions will be taken when a drought stage is terminated:

- The public will be notified through local media and the Authority web site.
- Wholesale customers will be notified by telephone with a follow-up letter or fax.
- When any mandatory provisions of the Plan that have been activated are terminated, the Authority will notify the Executive Director of the TCEQ within 5 business days.

The Authority's General Manager/CEO or his/her designee may decide not to order the termination of a drought response stage even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage. The reason for this decision should be documented.

6. Drought Response Stages, Measures to Be Implemented and Goals for Use Reduction

Stage 1 – Drought Watch Condition

Stage 1, drought watch condition, is intended to raise customer and public awareness of potential drought problems. There is no goal for reduction of water use. The Authority's General Manager/CEO or his/her designee can order the implementation of any of the actions listed below, as deemed necessary:

- Inform customers of the drought watch condition and request them to inform their customers, if any.
- Notify customers of actions being taken and urge activation by customers of appropriate water conservation measures.
- Meet with customers to discuss the current drought and possible measures to be taken if the drought intensifies. These measures may include:
 - Initiate Stage 1 or equivalent of customer drought contingency plans, if available
 - Intensify efforts on leak detection and repair
 - Reduce non-essential water use
 - Initiate voluntary landscape watering schedules
 - Implement other measures identified by the Authority and its customers
- Increase public education efforts on ways to reduce water use.
- Investigate alternative ways to supply needs that could be implemented if the drought intensifies.
- In cooperation with customers, initiate the preparation of a specific drought response plan tailored to conditions as they exist at the time.
- Implement appropriate provisions of the specific drought response plan.
- Consider activation of any additional water supply storage space that may be available but not yet activated in water supply reservoirs.
- Contact the TCEQ, United States Geological Survey (USGS), and Corps of Engineers. Inform them of the situation and request appropriate actions from each, such as closer monitoring to protect releases, more frequent gage inspections to reflect actual flow conditions more accurately, a greater effort to meet exact release requests, or activating water user conservation plans.
- Other actions as deemed appropriate for the given situation.

Stage 2 – Drought Warning Condition

The goal for water use reduction under Stage 2, drought warning, is a three percent reduction of the use that would have occurred in the absence of drought contingency

measures. If circumstances warrant, the Authority's General Manager/CEO or his designee may modify this goal. The Authority's General Manager/CEO or his/her designee can order the implementation of any of the actions listed below, as deemed necessary:

- Continue or initiate any actions available under Stage 1.
- Inform customers of the drought warning condition and request them to inform their customers, if any.
- Notify customers of actions being taken and urge activation by customers of appropriate water conservation measures.
- Meet with customers to discuss the current drought and possible measures to be taken. These measures may include:
 - Initiate Stage 2 or equivalent of customer drought contingency plans, if available
 - Encourage the public to wait until the current drought has passed before establishing new landscaping
 - Initiate mandatory landscape watering restrictions
 - Implement other measures identified by the Authority and its customers
- Require customers to initiate drought management efforts.
- Initiate engineering studies to evaluate alternative actions if conditions worsen.
- Further accelerate public education efforts on ways to reduce water use.
- In cooperation with Authority customers, update the specific drought response plan tailored to conditions as they exist at the time.
- Implement appropriate provisions of the specific drought response plan.

Stage 3 – Drought Emergency Condition

The goal for water use reduction under Stage 3, drought emergency, is a total reduction of seven percent in the use that would have occurred in the absence of any drought contingency measures. If circumstances warrant, the Authority's General Manager/CEO or his designee may modify this goal.

The Authority's General Manager/CEO or his designee can order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to Executive Director of TCEQ" impose mandatory requirements on the Authority and customers. The Authority must notify the Executive Director of TCEQ within 5 business days if these measures are implemented.

- Continue or initiate any actions available under Stages 1 and 2.
- Inform customers of the drought emergency condition and request them to inform their customers, if any.

- Notify customers of actions being taken and urge activation by customers of appropriate water conservation measures.
- Meet with customers to discuss the current drought and measures to be taken. These measures may include:
 - Initiate the drought emergency provisions of customer drought contingency plans, if available
 - **Requires Notification to Executive Director of TCEQ** - Initiate mandatory water use restrictions such as prohibiting hosing of paved area, buildings or windows, prohibiting operation of ornamental fountains, prohibit washing or rinsing of vehicle by hose, and prohibiting water use in such a manner as to allow runoff or other waste
 - **Requires Notification to Executive Director of TCEQ** - Limit landscape watering at each service address to once every five days
 - **Requires Notification to Executive Director of TCEQ** - Prohibit draining and filling of existing swimming pools and filling of new swimming pools (Pools may add water to replace losses during normal use)
 - **Requires Notification to Executive Director of TCEQ** - Prohibit establishment of new landscaping
 - Initiate a surcharge by Authority customers for all water use
 - Implement other measures identified by the Authority and its customers
- Implement appropriate provisions of the specific drought response plan.
- Implement viable alternative water supply strategies. (This may require prior approval of the TCEQ.)
- **Requires Notification to Executive Director of TCEQ** – Institute a mandated reduction in deliveries to all customers. Such a reduction will be pursuant to Texas Water Code §11.039. (Texas Water Code §11.039 is included as Appendix D).

7. Required Provision on Distribution of Water in Case of Shortage in Authority Contracts

As required by 30 Texas Administrative Code §288.22(a)(7), the Authority shall include a provision in every water contract entered into or renewed after adoption of the Plan, including contract extensions, indicating that in case of a shortage of water resulting from drought the water will be divided in accordance with the provisions of Texas Water Code §11.039.

8. Procedures for Granting Variances

The Authority's General Manager/CEO or his/her designee may grant a temporary variance to the requirements of this Plan if it is determined that:

- Failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety, or
- Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect, or
- Alternative methods can be implemented which will achieve the same level of reduction in water use.

Variations shall be granted or denied at the discretion of the Authority's General Manager/CEO or his/her designee. All petitions for variations should be in writing and should include the following information:

- Name and address of the petitioner(s)
- Purpose of water use
- Specific provisions from which relief is requested
- Detailed statement of the adverse effect of the provision from which relief is requested
- Description of the relief requested
- Period of time for which the variance is sought
- Alternative measures that will be taken to reduce water use
- Other pertinent information.

9. Procedures for Implementation and Enforcement

Appendix E is a copy of the Authority Board resolution approving this Plan. Compliance with this Plan, as amended from time to time, is a condition in the Authority's water supply agreements. Violation of the Plan is a violation of the water supply agreement provision and will be treated as such.

10. Review and Update

The Authority shall review this Plan at least every five years and shall update as appropriate based on new or updated information.

APPENDIX A

Texas Administrative Code, Section 288.22

APPENDIX A

**Texas Commission on Environmental Quality Rules on Drought Contingency Plans
for Wholesale Water Suppliers**

TITLE 30

ENVIRONMENTAL QUALITY

PART 1

**TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY**

CHAPTER 288

**WATER CONSERVATION PLANS, DROUGHT
CONTINGENCY PLANS, GUIDELINES AND
REQUIREMENTS**

SUBCHAPTER B

DROUGHT CONTINGENCY PLANS

RULE §288.22

**Drought Contingency Plans for Wholesale Water
Suppliers**

(a) A drought contingency plan for a wholesale water supplier must include the following minimum elements.

(1) Preparation of the plan shall include provisions to actively inform the public and to affirmatively provide opportunity for user input in the preparation of the plan and for informing wholesale customers about the plan. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(2) The drought contingency plan must document coordination with the regional water planning groups for the service area of the wholesale public water supplier to ensure consistency with the appropriate approved regional water plans.

(3) The drought contingency plan must include a description of the information to be monitored by the water supplier and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(4) The drought contingency plan must include a minimum of three drought or emergency response stages providing for the implementation of measures in response to water supply conditions during a repeat of the drought-of-record.

(5) The drought contingency plan must include the procedures to be followed for the initiation or termination of drought response stages, including procedures for notification of wholesale customers regarding the initiation or termination of drought response stages.

(6) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this paragraph are not enforceable.

(7) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

(A) pro rata curtailment of water deliveries to or diversions by wholesale water customers as provided in Texas Water Code, §11.039; and

(B) utilization of alternative water sources with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(8) The drought contingency plan must include a provision in every wholesale water contract entered into or renewed after adoption of the plan, including contract extensions, that in case of a shortage of water resulting from drought, the water to be distributed shall be divided in accordance with Texas Water Code, §11.039.

(9) The drought contingency plan must include procedures for granting variances to the plan.

(10) The drought contingency plan must include procedures for the enforcement of any mandatory water use restrictions including specification of penalties (e.g., liquidated damages, water rate surcharges, discontinuation of service) for violations of such restrictions.

(b) The wholesale public water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The wholesale public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as adoption or revision of the regional water plan.

Source Note: The provisions of this §288.22 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

APPENDIX B

Letter to Customers

APPENDIX B
Example Letter to Wholesale Water Customers

Date

[Customer]
[Address]

Dear [Customer]:

The Brazos River Authority has prepared a draft Drought Contingency Plan, which when adopted by the Board of Directors of the Brazos River Authority will be used by the Authority as a component of its Water Management and Drought Protection Plan. As a wholesale water customer of the Authority, we are seeking your input and comments on the draft Drought Contingency Plan. This plan is available for review on the Authority's web site at www.brazos.org. If you do not wish to access the plan over the internet, you may request a copy through our public relations office at (254) 761-3111.

Public comments regarding the Drought Contingency Plan may be made at the Public Meeting to be held by the Brazos River Authority Board of Directors Asset Management Committee, on Thursday, January 13, 2004 at 9:00 a.m. Written comments on the draft Drought Contingency Plan will be accepted through close of business on Thursday, January 20, 2005.

The Drought Contingency Plan will be presented to the entire Brazos River Authority Board of Directors for adoption at its Monday, January 26, 2004 meeting.

We appreciate your input and interest in the water resources in the Brazos River Basin.

Sincerely,

Phil Ford
General Manager/CEO
Brazos River Authority

APPENDIX C

Letter to Regional Water Planning Groups

APPENDIX C
Example Letter to Regional Water Planning Groups
[Planning Groups B, C, F, G, H, and O]

Date

[Chairman]
Chair, Region _ Water Planning Group
[Address]

Dear [Chairman]:

Enclosed please find a copy of the draft Drought Contingency Plan for the Brazos River Authority. I am submitting a copy of this plan to the Region __ Water Planning Group in accordance with the Texas Water Development Board and Texas Commission on Environmental Quality rules.

Please review the draft plan for consistency with the approved Regional Water Plan. Public comments regarding the Drought Contingency Plan may be made at the Public Meeting to be held by the Brazos River Authority Board of Directors Asset Management Committee, on Thursday, January 13, 2004 at 9:00 a.m. Written comments on the draft Drought Contingency Plan will be accepted through close of business on Thursday, January 20, 2005. Any comments or concerns may be addressed to Jim Forte, Planning and Development Manager.

The Drought Contingency Plan will be presented to the entire Brazos River Authority Board of Directors for adoption at its Monday, January 26, 2004 meeting. A final copy of the Drought Contingency Plan will be forwarded to the Region _ Water Planning Group after it is adopted by the Brazos River Authority Board.

Sincerely,

Phil Ford
General Manager/CEO
Brazos River Authority

APPENDIX D

Texas Water Code, Section 11.039

APPENDIX D

Texas Water Code Section 11.039

§ 11.039. Distribution of Water During Shortage

(a) If a shortage of water in a water supply not covered by a water conservation plan prepared in compliance with Texas Natural Resource Conservation Commission or Texas Water Development Board rules results from drought, accident, or other cause, the water to be distributed shall be divided among all customers pro rata, according to the amount each may be entitled to, so that preference is given to no one and everyone suffers alike.

(b) If a shortage of water in a water supply covered by a water conservation plan prepared in compliance with Texas Natural Resource Conservation Commission or Texas Water Development Board rules results from drought, accident, or other cause, the person, association of persons, or corporation owning or controlling the water shall divide the water to be distributed among all customers pro rata, according to:

(1) the amount of water to which each customer may be entitled; or

(2) the amount of water to which each customer may be entitled, less the amount of water the customer would have saved if the customer had operated its water system in compliance with the water conservation plan.

(c) Nothing in Subsection (a) or (b) precludes the person, association of persons, or corporation owning or controlling the water from supplying water to a person who has a prior vested right to the water under the laws of this state.

Amended by Acts 1977, 65th Leg., p. 2207, ch. 870, § 1, eff. Sept. 1, 1977.

Amended by Acts 2001, 77th Leg., ch. 1126, § 1, eff. June 15, 2001.

APPENDIX E

Board Resolution to Adopt the Drought Contingency Plan

APPENDIX E
Brazos River Authority
Board Resolution Adopting the Drought Contingency Plan



Brazos River Authority

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE BRAZOS RIVER AUTHORITY
JANUARY 24TH, 2005**

***Drought Contingency Plan for the Brazos River Authority,
Authorizing Submittal of the Drought Contingency Plan to the
Texas Commission on Environmental Quality and the Texas
Water Development Board for approval, and Authorizing
Incorporation of Provisions into All Water Sales Contracts used
by the Brazos River Authority***

AGENDA ITEM NO. 17

"BE IT RESOLVED by the Board of Directors of the Brazos River Authority that a Drought Contingency Plan, as presented to Brazos River Authority by Freese and Nichols, Inc., dated December 8, 2004, prepared in conformance with the requirements of the Texas Commission on Environmental Quality (TCEQ) and the Texas Water Development Board (TWDB) is hereby adopted;

BE IT FURTHER RESOLVED by the Board of Directors of the Brazos River Authority that the General Manager/CEO is directed to submit the adopted Brazos River Authority Drought Contingency Plan to both TCEQ and TWDB for their approval; and

BE IT FURTHER RESOLVED by the Board of Directors of the Brazos River Authority that the General Manager/CEO is directed to incorporate provisions into all water sales contracts used by the Brazos River Authority to require purchasers of water from the

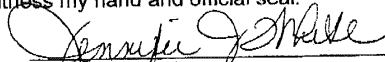
Brazos River Authority to implement water conservation and demand reduction measures in accordance with the adopted Brazos River Authority Drought Contingency Plan."

The aforementioned resolution was approved by the Board of Directors of the Brazos River Authority on January 24, 2005, to certify which witness my hand and seal.



Joe B. Hinton
Chairman of the Board

SUBSCRIBED AND SWORN TO BEFORE ME on this the 10th day of February, 2005, to certify which witness my hand and official seal.



Notary Public in and for the
State of Texas