

## Appendix A-1

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## Water Rights



P E R M I T  
T O  
A P P R O P R I A T E P U B L I C W A T E R S  
O F T H E  
S T A T E O F T E X A S

No. 1262.

WHEREAS, the Brazos River Conservation and Reclamation District, the postoffice address of which is Temple, Texas, did on the 6th day of April, A. D. 1938, file with the Board of Water Engineers for the State of Texas, its application, No. 1351, for a permit to appropriate from the public resources of the State of Texas sufficient water for the purposes of Domestic, Municipal, Industrial, Mining, Power Generation, Recreation and for irrigation;

WHEREAS, the said Board of Water Engineers did on the 9th day of May, A. D. 1938, at its office in Austin, Texas, hold a public hearing, as prescribed by law, at which hearing all the evidence affecting said application was duly heard and considered, and in pursuance thereof did make and cause to be entered an order granting said application.

NOW, THEREFORE, the Board of Water Engineers for the State of Texas, does by these presents GRANT THIS PERMIT unto the said BRAZOS RIVER CONSERVATION AND RECLAMATION DISTRICT, to IMPOUND, divert, appropriate and use from the source of supply hereinafter named, and by the means hereinafter described, an amount of the public waters of the state, to consist of the unappropriated flow of the Brazos River, in Palo Pinto County, Texas, not to exceed One Million Five Hundred Thousand (1,500,000) acre-feet of water per annum, or so much thereof as may be necessary, when beneficially used for the purposes of Domestic, Municipal, Industrial, Mining, Power Generation, Recreation and for Irrigation.

PROVIDED, that the said Brazos River Conservation and Reclamation District, the beneficiary hereunder, is authorized to construct a dam in and across the bed of the Brazos River, in Palo Pinto County, Texas, said dam to be of Concrete and Earth, one hundred and Thirty (130) feet in height, Twenty-two Hundred Forty (2240) feet in length, having a bottom width of Two Hundred (200) feet, and a top width of Twelve (12) feet, thus creating a reservoir having an average width of one (1) mile, length of impounded water Sixty-three (63) miles, an average depth of stored water Sixty-five (65) feet, and having a storage capacity of Seven Hundred and Fifty Thousand (750,000) acre-feet; said dam to be located at a point which bears South 1°25' West, 3,250 feet from the Northwest corner of the B. B. B. & C.-R. R. Co. Survey No. 66, on the North bank of the Brazos River, in Palo Pinto County, Texas, distant in a Northwesterly direction from Palo Pinto, Texas, fourteen (14) miles; and to impound in said reservoir and divert therefrom not to exceed One Million Five Hundred Thousand (1,500,000) acre-feet of water per annum for the purposes herein stated.

The lands proposed to be irrigated are lands situated downstream within the watershed of the Brazos River that have now secured, or may hereafter secure, a right from the State to use the stored water for irrigation within the capacity of the reservoir.

PROVIDED, that the above allowance as to quantity is based upon the beneficial use of One Million Five Hundred Thousand (1,500,000) acre-feet of water per annum, and is made with the express proviso

that the amount of water which the said appropriator is permitted to impound, divert and appropriate from the storm and flood waters of the Brazos River, in Palo Pinto County, Texas, shall be available at the point of diversion from the said source of supply by the process of impounding only, and the right herein granted does not, and shall not, extend to any of the waters of the said Brazos River at any point or points other than at the point herein described, and for the specific purposes herein stated.

PROVIDED, that the said grantee shall be permitted to impound the waters of said stream, subject to all the rights of prior appropriators below the said dam, and whenever the grantee shall impound any water, to which lower and prior appropriators are entitled, it shall be required to release same to said lower appropriators on the order of this Board.

IN ORDER TO COMPLY with the last foregoing condition, the grantee shall construct a sluiceway in said dam, having a diameter of not less than four (4) feet, to be equipped with a regulating gate or valve, for the purpose of permitting the free passage of such water as lower appropriators may be entitled to, through the dam during the irrigating season, or at such other times as prior appropriators may desire to appropriate same.

PROVIDED, that the said grantee shall at no time be permitted to impound any part of the normal flow of said stream, or any part of the storm or flood water of said stream, when the same is required or demanded for the use of prior appropriators below the location of said dam, or when the supply of the normal flow below said dam for domestic use is insufficient.

The privileges granted by this permit are subsidiary to the rights of any appropriator of water from the said source, who began or completed any storage or irrigation plant, and diverted any water prior to July 1, 1913, for any purpose prescribed by law, and filed a record of such appropriation with the Board of Water Engineers prior to April 1, 1916, or to the rights of any appropriator of water from the same source, who has heretofore been granted a permit by this Board to appropriate water from said source of supply.

It is especially provided in granting this permit that if at any time a specific complaint is made to the Board that the impounding and diversion of water by the grantee herein named is to the detriment of the rights of prior appropriators, and an investigation by the Board finds the facts so stated in said complaint to be true, that this appropriation may be immediately limited to meet the conditions at that time existing to provide for the protection of those who have prior rights on the Brazos River.

This permit is granted with the express proviso that the grantee, its heirs or assigns, or any beneficiary hereunder, shall comply with all the rules and regulations of the Board of Water Engineers formulated by it in pursuance of the authority given in the General Irrigation Act of this State by virtue of which this Board was created, or in pursuance of any subsequent and appropriate act.

Unless otherwise ordered by the Board, construction work on the herein described works must begin within Two (2) years, and shall be completed within Six (6) years from the date hereof.

Given under the hand and seal of the Board of Water Engineers for the State of Texas, this the 9th day of May, A. D. 1938.



ATTEST:

*D. W. M. Donald*

Secretary:

*B. S. Clark*  
*A. H. Dunlap*  
*John W. Pritchett*

BOARD OF WATER ENGINEERS:

2

May 9, 1938.

IN RE: APPLICATION OF BRAZOS RIVER CONSERVATION AND RECLAMATION DISTRICT:

The Board on this day, a quorum being present, in pursuance of a notice of hearing heretofore issued, published and certified, considered the application of the Brazos River Conservation and Reclamation District, the postoffice address of which is Temple, Texas, the same being numbered 1351, for a permit to impound, divert and appropriate certain public waters of the State, as described in said application, and after fully considering all the facts adduced on the hearing, together with the law applicable thereto, made and ordered entered the following order and decision, to wit:

That the application of the said Brazos River Conservation and Reclamation District for a permit to impound, divert and appropriate certain public waters from the Brazos River, in Palo Pinto County, Texas, for the purposes of domestic, municipal, industrial, mining, power generation, recreation and for irrigation, be granted; that the said Brazos River Conservation and Reclamation District be authorized to construct a dam, as described in said application, and create a reservoir having a storage capacity of Seven Hundred and Fifty Thousand (750,000) acrefeet, and to impound therein from time to time, as the unappropriated flow of the said Brazos River is available, sufficient water for the purposes herein stated, not to exceed One Million Five Hundred Thousand (1,500,000) acrefeet per annum.

The lands proposed to be irrigated are lands situated downstream within the watershed of the Brazos River that have now secured, or may hereafter secure, a right from the State to use the stored water for irrigation within the capacity of the reservoir.

The said Brazos River Conservation and Reclamation District is required under the terms of this order to construct a sluiceway in said dam, having a diameter of not less than four (4) feet.

It is ordered that permit issue under restrictions of the terms of this order, subject to the rights of all prior appropriators, with the express proviso that the grantee shall comply with all the rules and regulations of this Board, and that construction shall begin within Two (2) years, and shall be completed within Six (6) years from date of permit.



Attest:

*A. W. McDonald*

Secretary.

*C. S. Clark*

Chairman.





WHEREAS, the Texas Water Commission finds that jurisdiction over the application is established; and

WHEREAS, no person protested the granting of this application; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Water Commission in issuing this amendment.

NOW, THEREFORE, this amendment to Permit No. 1262 is issued to Brazos River Authority, subject to the following terms and conditions:

1. USE

Permittee is authorized an interbasin transfer of up to 5240 acre-feet of water per annum of the municipal authorization from Possum Kingdom Reservoir to the service area of permittee's customers in the Trinity River Basin.

2. DIVERSION

Point of Diversion: Through an intake structure on the east, or left shore of Lake Granbury, at a point N 42°30' W, 2200 feet from the most northerly corner of the N. Dotson Survey, Abstract No. 151, approximately 9 miles southeast of Granbury, Hood County, Texas.

3. PRIORITY

The time priority of this amendment is November 7, 1986.

This amendment is issued subject to all terms, conditions and provisions contained in Permit No. 1262, except as herein amended.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin and the Trinity River Basin.

Brazos River Authority 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.

ANY PROVISION HEREIN WHICH  
RESTRICTS THE SALE, RENTAL,  
OR USE OF THE DESCRIBED  
REAL PROPERTY BECAUSE OF  
COLOR OR RACE IS INVALID  
AND UNENFORCEABLE UNDER  
FEDERAL LAW.

This amendment is issued subject to the Rules of the Texas Water Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS WATER COMMISSION

*Paul Hopkins*

Paul Hopkins, Chairman

DATE ISSUED:

February 9, 1987

ATTEST:

*Ralph Roming*  
Ralph Roming, Commissioner

*Mary Ann Hefner*  
Mary Ann Hefner, Chief Clerk

*John O. Houchins*  
John O. Houchins, Commissioner

STATE OF TEXAS  
COUNTY OF TRAVIS

I, Mary Ann Hefner, Chief Clerk of the Texas Water Commission, do hereby certify that *the foregoing* is a true and correct copy of an instrument on file in permanent records of said Commission

Given under my hand and the seal of the Texas Water Commission this the 12<sup>th</sup> day of February A. D., 1987.

*Mary Ann Hefner*  
Mary Ann Hefner, Chief Clerk

THE STATE OF TEXAS  
County of Palo Pinto

I, Bobbie Smith, Clerk of the County Court in and for said County do hereby certify that the above instrument in writing, with its certificate of authentication, was filed for record in my office on the 17 day of Feb. A.D. 1987 at 8 o'clock A M. and recorded the 17 day of Feb. A.D. 1987 in the Deed Records of said County in Volume 684 Pages 71

Witness my hand and official seal in Palo Pinto, Texas, the day and year last above written.

*Sandra Clark*  
By Deputy

*Bobbie Smith*  
Appendix A-1 County Clerk, Palo Pinto County, Texas



PERMIT 1349  
TO  
APPROPRIATE PUBLIC WATERS  
OF THE  
STATE OF TEXAS

No. 2107

WHEREAS, the Brazos River Authority, with offices in Waco, Texas, on the 11th day of June, 1962, submitted to the Texas Water Commission an application to impound 64,100 acre-feet of water in Proctor Reservoir in Comanche County, Texas, which was constructed by the United States Corps of Engineers on the Leon River, a tributary of the Little River, Brazos River Watershed, and to divert and use therefrom 64,100 acre-feet of water per annum for the following purposes: 21,500 acre-feet per annum for municipal use; 21,300 acre-feet per annum for industrial use; and 21,300 acre-feet per annum for irrigation use, which application as amended was accepted for filing by the Commission on the 16th day of December, 1963, as Application No. 2292; and

WHEREAS, on the 20th day of January, 1964, after due notice, the Texas Water Commission held a public hearing at its office in Austin, Texas, as prescribed by law, at which time the evidence affecting said application was considered and said application was granted, in part, to wit, the right to impound waters in Proctor Reservoir to the extent that the reservoir would provide 600 acre-feet of water per annum for municipal use and the right to use the bed and banks of the Leon River to transport the waters downstream for diversion, all as more clearly set out in the minute order of January 20, 1964, relating to said Application No. 2292; and

WHEREAS, further consideration of the evidence affecting said application was postponed until March 23, 1964, and at that time postponed until May 25, 1964, and at that time postponed until June 30, 1964. Whereupon, the Texas Water Commission, after hearing all the evidence affecting Application No. 2292, took the same under advisement until the 23rd day of July, 1964, at which time Application No. 2292 was granted, in part, as follows:

NOW, THEREFORE, THE TEXAS WATER COMMISSION DOES HEREBY ISSUE THIS PERMIT UNTO THE SAID Brazos River Authority SUBJECT TO VESTED RIGHTS AND THE FOLLOWING LIMITATIONS AND CONDITIONS:

1. The permittee is authorized to impound unappropriated public water of the Leon River in the storage space provided by the United States Corps of Engineers in the Proctor Reservoir. Impoundment of such water shall be limited to the portion of the reservoir below elevation 1162.0 feet above mean sea level which provides 59,400 acre-feet of storage space.

2. The permittee is authorized to divert or release for use from the reservoir herein authorized such lawfully impounded waters as may be necessary when beneficially used for the following described purposes, provided, however, that such diversion or release for use shall not exceed that amount hereinafter set forth:

- a. 18,000 acre-feet of water per annum for municipal purposes;
- b. 18,000 acre-feet of water per annum for industrial purposes; and
- c. 18,000 acre-feet of water per annum for the irrigation of lands in the Brazos River Basin and in adjacent coastal areas.

3. Permittee is authorized to use the bed and banks of the main channel of the Leon River, Little River and the Brazos River to convey all or any part of the waters authorized to be appropriated under this permit from the reservoir to authorized points of diversion by those downstream having or acquiring the right of use.

THIS PERMIT AND ALL RIGHTS AND PRIVILEGES GRANTED, ACQUIRED OR PERFECTED UNDER THIS PERMIT ARE AND SHALL BE SUBJECT TO THE FOLLOWING ADDITIONAL TERMS, CONDITIONS AND PROVISIONS:

A. All rights granted herein are inclusive of the rights previously granted by the Commission in the order of January 20, 1964, relating to Proctor Reservoir.

B. The permittee shall maintain an active right, whether by fee simple ownership or by contract with the proper parties to storage space in Proctor Reservoir for impoundment of water as authorized herein.

C. The permittee shall store only appropriable public waters of the Leon River, subject to all rights of holders of superior and senior water rights. Whenever the Commission finds that the permittee is storing any water to which holders of superior and senior water rights are entitled, the permittee shall release the same to said holders on order of the Commission.

D. The amount of water for diversion or release for use under this permit to which permittee shall maintain a priority of right shall be limited to 25,000 acre-feet of water per annum and in determining availability of water for subsequent applications for storage and use of the waters of the Brazos River Basin, the Commission shall reserve unto permittee the water necessary to provide the said 25,000 acre-feet per annum as the amount authorized by this permit.

E. The permittee shall keep a record on a monthly basis of the amount of water diverted or released from the reservoir for each purpose authorized herein and shall report same annually on forms provided by the Commission.

F. The permittee shall, upon request of the Commission, provide information relative to daily reservoir levels, daily releases of water through the dam, daily inflows into the reservoir, sedimentation within the reservoir, and chemical quality of the stored water.

G. Persons or entities other than permittee who may acquire from permittee the right to use water authorized to be appropriated hereunder shall hold or obtain appropriate permits from the Texas Water Commission before commencing use of such water.

H. All rights and privileges granted under this permit including but not limited to management and method of use of water, are subject to the continuing supervision of the Texas Water Commission, in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use or unreasonable method of diversion of said water.

I. The permittee shall comply with the law and all the rules, regulations and orders formulated by the Texas Water Commission to administer the functions and responsibilities of the Commission and to enforce the terms, conditions and provisions of this permit.

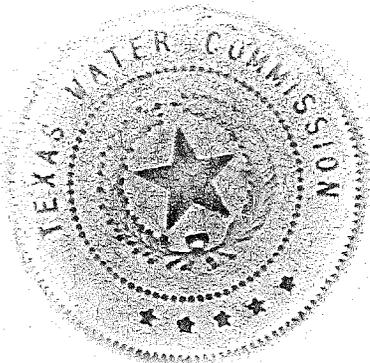
The Commission finds that the granting of this permit as herein set forth is not detrimental to the public welfare and further finds that each term, condition and provision herein is a prerequisite to the granting of this permit and is necessary for the administration of the water resources of this State. The permittee agrees to be bound by the terms, conditions and provisions hereof; failure on the part of the permittee, its successor or assigns and any beneficiary hereunder to

comply with such terms, conditions and provisions will subject this permit and the holder thereof to such administrative and judicial proceedings as may be necessary to prevent violations and to obtain compliance including but not limited to modification or forfeiture and cancellation of the permit; to all of which the permittee agrees by acceptance of this permit and such agreement is a condition precedent to the granting of this permit.

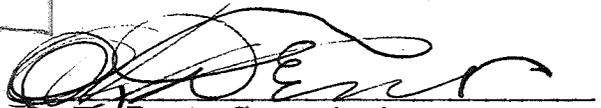
Any other relief sought or additional matter requested in said Application No. 2292 which is not specifically granted by this permit is hereby expressly denied.

GIVEN UNDER THE HAND AND SEAL OF THE TEXAS WATER COMMISSION,  
this the 24th day of July, 1964.

TEXAS WATER COMMISSION

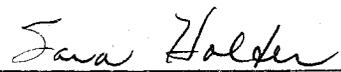


  
Joe D. Carter, Chairman

  
O. F. Dent, Commissioner

  
H. A. Beckwith, Commissioner

ATTEST:

  
Sara Holder, Assistant Secretary



This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Permittee 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.

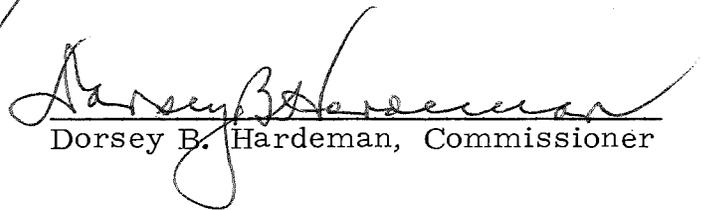
All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

  
Felix McDonald, Chairman

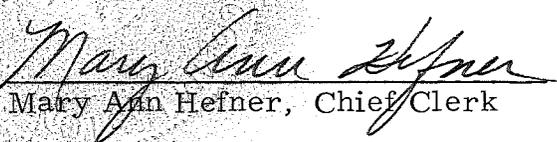
  
Joe R. Carroll, Commissioner

  
Dorsey B. Hardeman, Commissioner

Date Issued:

September 13, 1979

Attest:

  
Mary Ann Hefner, Chief Clerk

AMENDMENT TO  
PERMIT TO  
APPROPRIATE STATE WATER

APPLICATION NO. 2292B	PERMIT NO. 2107B	TYPE: Amendment
Permittee : Brazos River Authority	Address :	P. O. Box 7555 Waco, Texas 76710
Received : September 8, 1980	Filed :	November 3, 1980
Granted : November 3, 1980	County :	Comanche
Watercourse: Leon River, tributary of Little River, trib- utary of Brazos River	Watershed:	Brazos River Basin

WHEREAS, the Texas Water Commission finds that jurisdiction of the application is established; and

WHEREAS, applicant has requested an amendment to Permit No. 2107, as amended, to authorize the conversion to mining use of 200 acre-feet of water out of the 18,000 acre-feet of water per year which is authorized for industrial use; and

WHEREAS, a public hearing has been held and Brazos River Authority named as a party; and

WHEREAS, by law the Executive Director and the Public Interest Advocate of the Department of Water Resources are parties; and

WHEREAS, no person appeared to protest the granting of this application; and

WHEREAS, the issuance of this amendment granting this application is not adverse to any party;

NOW, THEREFORE, this amendment to Permit No. 2107, as amended, is issued to Brazos River Authority subject to the following terms and conditions:

1. USE

Whereas permittee was previously authorized to divert from Lake Proctor 18,000 acre-feet of water per year for municipal purposes, 18,000 acre-feet per year for irrigation purposes, and 18,000 acre-feet per year for industrial purposes, this amendment changes the authorized use so that permittee is now authorized to divert 18,000 acre-feet of water for municipal purposes, 18,000 acre-feet per year for irrigation purposes, 200 acre-feet per year for mining purposes and 17,800 acre-feet per year for industrial purposes with a priority right of not to exceed 25,000 acre-feet of water per annum.

2. PRIORITY

The time priority of this amendment is December 16, 1963.

This amendment is issued subject to all terms, conditions and provisions contained in Permit No. 2107, as amended, except as herein amended.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Permittee 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.

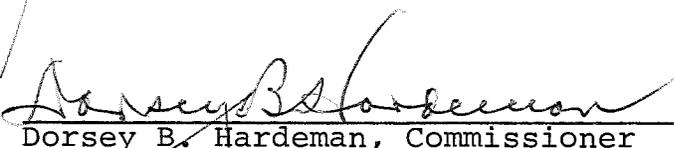
All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

  
\_\_\_\_\_  
Felix McDonald, Chairman

  
\_\_\_\_\_  
Joe R. Carroll, Commissioner

  
\_\_\_\_\_  
Dorsey B. Hardeman, Commissioner

Date Issued:

November 25, 1980

Attest:

  
\_\_\_\_\_  
Mary Ann Hefner, Chief Clerk



PERMIT  
TO  
APPROPRIATE PUBLIC WATERS  
OF THE  
STATE OF TEXAS

No. 2108

WHEREAS, the Brazos River Authority, with offices in Waco, Texas, on the 11th day of June, 1962, submitted to the Texas Water Commission an application to impound 457,600 acre-feet of water in Belton Reservoir in Bell County, Texas, which reservoir was constructed by the United States Corps of Engineers on the Leon River, a tributary of the Little River, Brazos River Watershed, and to divert and use therefrom 457,600 acre-feet of water per annum for the following purposes: 152,600 acre-feet per annum for municipal use; 152,500 acre-feet per annum for industrial use; and 152,500 acre-feet per annum for irrigation use, which application as amended was accepted for filing by the Commission on the 16th day of December, 1963, as Application No. 2293; and

WHEREAS, on the 20th day of January, 1964, after due notice the Texas Water Commission held a public hearing at its office in Austin, Texas, as prescribed by law, at which time consideration of the evidence affecting said application was postponed until March 23, 1964, and at that time postponed until May 25, 1964, and at that time postponed until June 30, 1964. Whereupon, the Texas Water Commission, after hearing all the evidence affecting Application No. 2293, took the same under advisement until the 23rd day of July, 1964, at which time Application No. 2293 was granted, in part, as follows:

NOW, THEREFORE, THE TEXAS WATER COMMISSION DOES HEREBY ISSUE THIS PERMIT UNTO THE SAID Brazos River Authority SUBJECT TO VESTED RIGHTS AND THE FOLLOWING LIMITATIONS AND CONDITIONS:

1. The permittee is authorized to impound unappropriated public water of the Leon River in the storage space provided by the United States Corps of Engineers in Belton Reservoir. Impoundment of such water shall be limited to the portion of the reservoir below elevation 594.0 feet above mean sea level which provides 457,600 acre-feet of storage space.

2. The permittee is authorized to divert or release for use from the reservoir herein authorized such lawfully impounded waters as may be necessary when beneficially used for the following described purposes, provided, however, that such diversion or release for use shall not exceed that amount hereinafter set forth:

- a. 95,000 acre-feet of water per annum for municipal purposes;
- b. 150,000 acre-feet of water per annum for industrial purposes; and
- c. 150,000 acre-feet of water per annum for the irrigation of lands in the Brazos River Basin and in adjacent coastal areas.

3. Permittee is authorized to use the bed and banks of the main channel of the Leon River, Little River and the Brazos River to convey all or any part of the waters authorized to be appropriated under this permit from the reservoir to authorized points of diversion by those downstream having or acquiring the right of use.

THIS PERMIT AND ALL RIGHTS AND PRIVILEGES GRANTED, ACQUIRED OR PERFECTED UNDER THIS PERMIT ARE AND SHALL BE SUBJECT TO THE FOLLOWING ADDITIONAL TERMS, CONDITIONS AND PROVISIONS:

A. The permittee shall maintain an active right, whether by fee simple ownership or by contract with the proper parties, to storage space in Belton Reservoir for impoundment of water as authorized herein.

B. The permittee shall store only appropriable public waters of the Leon River, subject to all rights of holders of superior and senior water rights. Whenever the Commission finds that the permittee is storing any water to which holders of superior and senior water rights are entitled, the permittee shall release the same to said holders on order of the Commission.

C. The right of permittee to divert or release for use waters in storage space below elevation 540.0 feet above mean sea level is subject to the permittee making proper arrangements with the Corps of Army Engineers for the use of such storage space.

D. The amount of water for diversion or release for use to which permittee shall maintain a priority of right under this permit shall be limited to 110,000 acre-feet of water per annum and in determining availability of water for subsequent applications for storage and use of the waters of the Brazos River Basin, the Commission shall reserve unto permittee the water necessary to provide the said 110,000 acre-feet per annum as the amount authorized by this permit.

E. The permittee shall keep a record on a monthly basis of the amount of water diverted or released from the reservoir for each purpose authorized herein and shall report same annually on forms provided by the Commission.

F. The permittee shall, upon request of the Commission, provide information relative to daily reservoir levels, daily releases of water through the dam, daily inflows into the reservoir, sedimentation within the reservoir, and chemical quality of the stored water.

G. Persons or entities other than permittee who may acquire from permittee the right to use water authorized to be appropriated hereunder shall hold or obtain appropriate permits from the Texas Water Commission before commencing use of such water.

H. All rights and privileges granted under this permit including but not limited to management and method of use of water, are subject to the continuing supervision of the Texas Water Commission, in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use or unreasonable method of diversion of said water.

I. The permittee shall comply with the law and all the rules, regulations and orders formulated by the Texas Water Commission to administer the functions and responsibilities of the Commission and to enforce the terms, conditions and provisions of this permit.

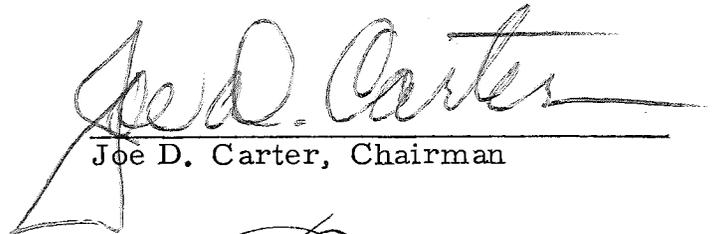
The Commission finds that the granting of this permit as herein set forth is not detrimental to the public welfare and further finds that each term, condition and provision herein is a prerequisite to the granting of this permit and is necessary for the administration of the water resources of this State. The permittee agrees to be bound by the terms, conditions and provisions hereof; failure on the part of the permittee, its successor or assigns and any

beneficiary hereunder to comply with such terms, conditions and provisions will subject this permit and the holder thereof to such administrative and judicial proceedings as may be necessary to prevent violations and to obtain compliance including but not limited to modification or forfeiture and cancellation of the permit; to all of which the permittee agrees by acceptance of this permit and such agreement is a condition precedent to the granting of this permit.

Any other relief sought or additional matter requested in said Application No. 2293 which is not specifically granted by this permit is hereby expressly denied.

GIVEN UNDER THE HAND AND SEAL OF THE TEXAS WATER COMMISSION, this the 24th day of July, 1964.

TEXAS WATER COMMISSION

  
Joe D. Carter, Chairman

  
O. F. Dent, Commissioner

  
H. A. Beckwith, Commissioner

ATTEST:

  
Sara Holder, Assistant Secretary





This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

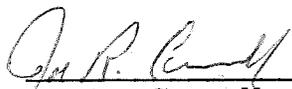
Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

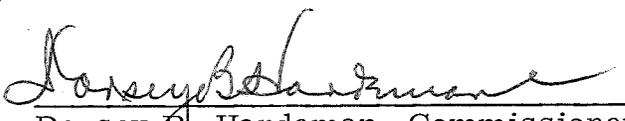
All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

  
\_\_\_\_\_  
Felix McDonald, Chairman

  
\_\_\_\_\_  
Joe R. Carroll, Commissioner

  
\_\_\_\_\_  
Dorsey B. Hardeman, Commissioner

Date Issued:

September 13, 1979

Attest:

  
\_\_\_\_\_  
Mary Ann Hefner, Chief Clerk

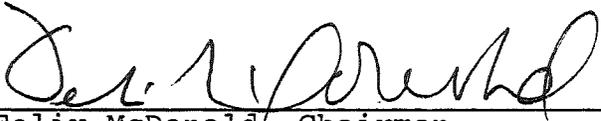


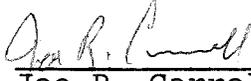
Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

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 Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

  
Felix McDonald, Chairman

  
Joe R. Carroll, Commissioner

  
Dorsey B. Hardeman, Commissioner

Date Issued:

November 25, 1980

Attest:

  
Mary Ann Hefner, Chief Clerk

PERMIT  
TO  
APPROPRIATE PUBLIC WATERS  
OF THE  
STATE OF TEXAS

No. 2109

WHEREAS, the Brazos River Authority, with offices in Waco, Texas on the 11th day of June 1962, submitted to the Texas Water Commission an application to impound 235,700 acre-feet of water in Stillhouse Hollow Reservoir in Bell County, Texas, which is being constructed by the United States Corps of Engineers on the Lampasas River, a tributary of the Little River, Brazos River Watershed, and to divert and use therefrom 235,700 acre-feet of water per annum for the following purposes: 78,600 acre-feet per annum for municipal use; 78,600 acre-feet per annum for industrial use; and 78,500 acre-feet per annum for irrigation use, which application as amended was accepted for filing by the Commission on the 16th day of December, 1963, as Application No. 2294; and

WHEREAS, on the 20th day of January, 1964, after due notice, the Texas Water Commission held a public hearing at its office in Austin, Texas, as prescribed by law, at which time consideration of the evidence affecting said application was postponed until March 23, 1964, and at that time postponed until May 25, 1964, and at that time postponed until June 30, 1964. Whereupon, the Texas Water Commission, after hearing all the evidence affecting Application No. 2294, took the same under advisement until the 23rd day of July, 1964, at which time Application No. 2294 was granted, in part, as follows:

NOW, THEREFORE, THE TEXAS WATER COMMISSION DOES HEREBY ISSUE THIS PERMIT UNTO THE SAID Brazos River Authority SUBJECT TO VESTED RIGHTS AND THE FOLLOWING LIMITATIONS AND CONDITIONS:

1. The permittee is authorized to impound the unappropriated public water of the Lampasas River in the storage space provided by the United States Corps of Engineers in the Stillhouse Hollow Reservoir. Impoundment of such water shall be limited to the portion of the reservoir below elevation 622.0 feet above mean sea level which provides 235,700 acre-feet of storage space.

2. The permittee is authorized to divert or release for use from the reservoir herein authorized such lawfully impounded waters as may be necessary when beneficially used for the following described purposes, provided, however, that such diversion or release for use shall not exceed that amount hereinafter set forth:

- a. 74,000 acre-feet of water per annum for municipal purposes;
- b. 74,000 acre-feet of water per annum for industrial purposes; and
- c. 74,000 acre-feet of water per annum for the irrigation of lands in the Brazos River Basin and in adjacent coastal areas.

3. Permittee is authorized to use the bed and banks of the main channel of the Lampasas River, Little River and the Brazos River to convey all or any part of the waters authorized to be appropriated under this permit from the reservoir to authorized points of diversion by those downstream having or acquiring the right of use.

THIS PERMIT AND ALL RIGHTS AND PRIVILEGES GRANTED, ACQUIRED OR PERFECTED UNDER THIS PERMIT ARE AND SHALL BE SUBJECT TO THE FOLLOWING ADDITIONAL TERMS, CONDITION AND PROVISIONS:

A. The permittee shall maintain an active right, whether by fee simple ownership or by contract with the proper parties, to storage space in Stillhouse Hollow Reservoir for impoundment of water as authorized herein.

B. The permittee shall store only appropriable public waters of the Lampasas River, subject to all rights of holders of superior and senior water rights. Whenever the Commission finds that the permittee is storing any water to which holders of superior and senior water rights are entitled, the permittee shall release the same to said holders on order of the Commission.

C. The amount of water for diversion or release for use to which permittee shall maintain a priority of right under this permit shall be limited to 82,000 acre-feet of water per annum, and in determining availability of water for subsequent applications for storage and use of the waters of the Brazos River Basin, the Commission shall reserve unto permittee the water necessary to provide said 82,000 acre-feet per annum as the amount authorized by this permit.

D. The permittee shall keep a record on a monthly basis of the amount of water diverted or released from the reservoir for each purpose authorized herein and shall report same annually on forms provided by the Commission.

E. The permittee shall, upon request of the Commission, provide information relative to daily reservoir levels, daily releases of water through the dam, daily inflows into the reservoir, sedimentation within the reservoir, and chemical quality of the stored water.

F. Persons or entities who may acquire from permittee the right to use water authorized to be appropriated hereunder shall hold or obtain appropriate permits from the Texas Water Commission before commencing use of such water.

G. All rights and privileges granted under this permit including but not limited to management and method of use of water, are subject to the continuing supervision of the Texas Water Commission, in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use or unreasonable method of diversion of said water.

H. The permittee shall comply with the law and all the rules, regulations and orders formulated by the Texas Water Commission to administer the functions and responsibilities of the Commission and to enforce the terms, conditions and provisions of this permit.

The Commission finds that the granting of this permit as herein set forth is not detrimental to the public welfare and further finds that each term, condition and provision herein is a prerequisite to the granting of this permit and is necessary for the administration of the water resources of this State. The permittee agrees to be bound by the terms, conditions and provisions hereof; failure on the part of the permittee, its successor or assigns and any beneficiary hereunder to comply with such terms, conditions and provisions will subject this permit and the holder thereof to such administrative and judicial proceedings as may be necessary to prevent violations and to obtain compliance including but not limited to modification or forfeiture and cancellation of the permit; to all of which the permittee agrees by acceptance of this permit and such agreement is a condition precedent to the granting of this permit.

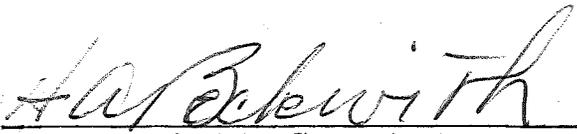
Any other relief sought or additional matter requested in said Application No. 2294 which is not specifically granted by this permit is hereby expressly denied.

GIVEN UNDER THE HAND AND SEAL OF THE TEXAS WATER COMMISSION, this the 24th day of July, 1964.

TEXAS WATER COMMISSION

  
\_\_\_\_\_  
Joe D. Carter, Chairman

  
\_\_\_\_\_  
O. F. Dent, Commissioner

  
\_\_\_\_\_  
H. A. Beckwith, Commissioner

ATTEST:

  
\_\_\_\_\_  
Sara Holder, Assistant Secretary





This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Permittee 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.

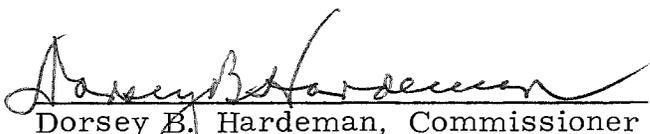
All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

  
Felix McDonald, Chairman

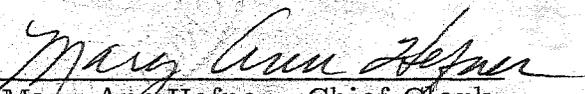
  
Joe R. Carroll, Commissioner

  
Dorsey B. Hardeman, Commissioner

Date Issued:

September 13, 1979

Attest:

  
Mary Ann Hefner, Chief Clerk

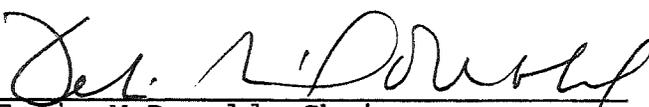


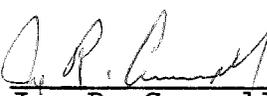
Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

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 Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

  
Felix McDonald, Chairman

  
Joe R. Carroll, Commissioner

  
Dorsey B. Hardeman, Commissioner

Date Issued:

November 25, 1980

Attest:

  
Mary Ann Hefner, Chief Clerk

PERMIT  
TO  
APPROPRIATE PUBLIC WATERS  
OF THE  
STATE OF TEXAS

No. 2110

WHEREAS, the Brazos River Authority, with offices in Waco, Texas, on the 11th day of June 1962, submitted to the Texas Water Commission an application to impound 160, 110 acre-feet of water in Somerville Reservoir in Washington County, Texas, which is now being constructed by the United States Corps of Engineers on Yegua Creek, a tributary of the Brazos River, Brazos River Watershed, and to divert and use therefrom 160, 110 acre-feet of water per annum for the following purposes: 53, 370 acre-feet per annum for municipal use; 53, 370 acre-feet per annum for industrial use; and 53, 370 acre-feet per annum for irrigation use, which application as amended was accepted for filing by the Commission on the 16th day of December, 1963, as Application No. 2295; and

WHEREAS, on the 20th day of January, 1964, after due notice, the Texas Water Commission held a public hearing at its office in Austin, Texas, as prescribed by law, at which time consideration of the evidence affecting said application was postponed until March 23, 1964, and at that time postponed until May 25, 1964, and at that time postponed until June 30, 1964. Whereupon, the Texas Water Commission, after hearing all the evidence affecting Application No. 2295, took the same under advisement until the 23rd day of July, 1964, at which time Application No. 2295 was granted, in part, as follows:

NOW, THEREFORE, THE TEXAS WATER COMMISSION DOES HEREBY ISSUE THIS PERMIT UNTO THE SAID Brazos River Authority SUBJECT TO VESTED RIGHTS AND THE FOLLOWING LIMITATIONS AND CONDITIONS:

1. The permittee is authorized to impound unappropriated public water of Yegua Creek in the storage space provided by the United States Corps of Engineers in the Somerville Reservoir. Impoundment of such water shall be limited to the portion of the reservoir below elevation 238.0 feet above mean sea level which provides 160, 110 acre-feet of storage space.

2. The permittee is authorized to divert or release for use from the reservoir herein authorized such lawfully impounded waters as may be necessary when beneficially used for the following described purposes, provided, however, that such diversion or release for use shall not exceed that amount hereinafter set forth:

- a. 50, 000 acre-feet of water per annum for municipal purposes;
- b. 50, 000 acre-feet of water per annum for industrial purposes; and
- c. 50, 000 acre-feet of water per annum for the irrigation of lands in the Brazos River Basin and in adjacent coastal areas.

3. Permittee is authorized to use the bed and banks of the main channel of Yegua Creek and the Brazos River to convey all or any part of the waters

authorized to be appropriated under this permit from the reservoir to authorized points of diversion by those downstream having or acquiring the right of use.

THIS PERMIT AND ALL RIGHTS AND PRIVILEGES GRANTED, ACQUIRED OR PERFECTED UNDER THIS PERMIT ARE AND SHALL BE SUBJECT TO THE FOLLOWING ADDITIONAL TERMS, CONDITIONS AND PROVISIONS:

A. The permittee shall maintain an active right, whether by fee simple ownership or by contract with the proper parties to storage space in Somerville Reservoir for impoundment of water as authorized herein.

B. The permittee shall store only appropriable public waters of Yegua Creek, subject to all rights of holders of superior and senior water rights. Whenever the Commission finds that the permittee is storing any water to which holders of superior and senior water rights are entitled, the permittee shall release the same to said holders on order of the Commission.

C. The amount of water for diversion or release for use to which permittee shall maintain a priority of right under this permit shall be limited to 48,000 acre-feet of water per annum and in determining availability of water for subsequent applications for storage and use of the waters of the Brazos River Basin, the Commission shall reserve unto permittee the water necessary to provide the said 48,000 acre-feet per annum as the amount authorized by this permit.

D. The permittee shall keep a record on a monthly basis of the amount of water diverted or released from the reservoir for each purpose authorized herein and shall report same annually on forms provided by the Commission.

E. The permittee shall, upon request of the Commission, provide information relative to daily reservoir levels, daily releases of water through the dam, daily inflows into the reservoir, sedimentation within the reservoir, and chemical quality of the stored water.

F. Persons or entities who may acquire from permittee the right to use water authorized to be appropriated hereunder shall hold or obtain appropriate permits from the Texas Water Commission before commencing use of such water.

G. All rights and privileges granted under this permit including but not limited to management and method of use of water, are subject to the continuing supervision of the Texas Water Commission, in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use or unreasonable method of diversion of said water.

H. The permittee shall comply with the law and all the rules, regulations and orders formulated by the Texas Water Commission to administer the functions and responsibilities of the Commission and to enforce the terms, conditions and provisions of this permit.

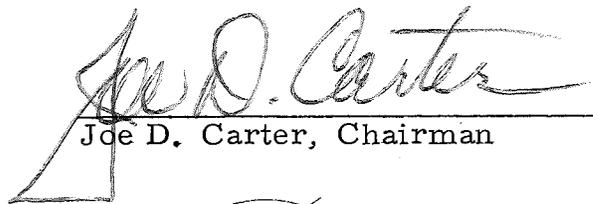
The Commission finds that the granting of this permit as herein set forth is not detrimental to the public welfare and further finds that each term, condition and provision herein is a prerequisite to the granting of this permit and is necessary for the administration of the water resources of this State. The permittee agrees to be bound by the terms, conditions and provisions hereof; failure on the part of the permittee, its successor or assigns and any beneficiary hereunder to comply with such terms, conditions

and provisions will subject this permit and the holder thereof to such administrative and judicial proceedings as may be necessary to prevent violations and to obtain compliance including but not limited to modification or forfeiture and cancellation of the permit; to all of which the permittee agrees by acceptance of this permit and such agreement is a condition precedent to the granting of this permit.

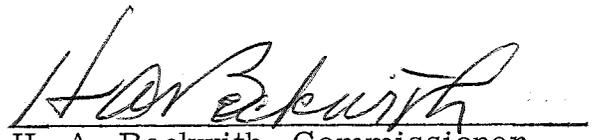
Any other relief sought or additional matter requested in said Application No. 2295 which is not specifically granted by this permit is hereby expressly denied.

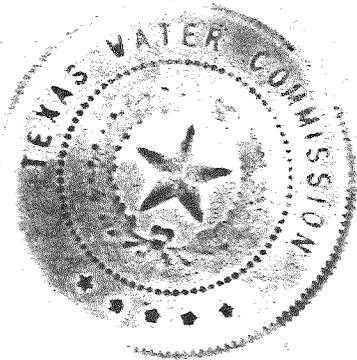
GIVEN UNDER THE HAND AND SEAL OF THE TEXAS WATER COMMISSION, this the 24th day of July, 1964.

TEXAS WATER COMMISSION

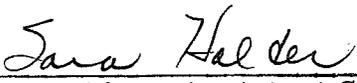
  
Joe D. Carter, Chairman

  
O. F. Dent, Commissioner

  
H. A. Beckwith, Commissioner



ATTEST:

  
Sara Holder, Assistant Secretary





This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

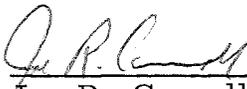
Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

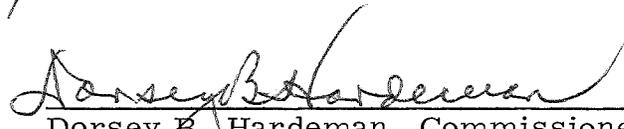
All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

  
\_\_\_\_\_  
Felix McDonald, Chairman

  
\_\_\_\_\_  
Joe R. Carroll, Commissioner

  
\_\_\_\_\_  
Dorsey B. Hardeman, Commissioner

Date Issued:

September 13, 1979

Attest:

  
\_\_\_\_\_  
Mary Ann Hefner, Chief Clerk



Permittee 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 Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

*Felix McDonald*  
Felix McDonald, Chairman

*Joe R. Carroll*  
Joe R. Carroll, Commissioner

*Dorsey B. Hardeman*  
Dorsey B. Hardeman, Commissioner

Date Issued:

November 25, 1980

Attest:

*Mary Ann Hefner*  
Mary Ann Hefner, Chief Clerk

THE STATE OF TEXAS, }  
County of Washington }

I, Gertrude Lehrmann, County Clerk of said County do hereby certify that the foregoing instrument of writing, together with its certificate of authentication was filed for record in my office, this 5 day of December A. D. 1980, at 11:45 o'clock A M., and duly recorded on the 9 day of December A. D. 1980, at 8 o'clock A M., to the Deed records of said County, in Volume 405, on page 283

Witness my hand and seal of the County Court of said County, at my office in Brenham, Texas the day and date above written.

GERTRUDE LEHRMANN  
County Clerk, Washington County, Texas

By *Gale Huff* Deputy  
Gale Huff

PERMIT  
TO  
APPROPRIATE PUBLIC WATERS  
OF THE  
STATE OF TEXAS

No. 2111

WHEREAS, the Brazos River Authority, with offices in Waco, Texas, on the 11th day of June, 1962, submitted to the Texas Water Commission an application for a permit to construct a dam across the Brazos River approximately 8 miles in a southeasterly direction from Granbury, Texas, in Hood County, so as to create De Cordova Bend Reservoir impounding 155,000 acre-feet of water and to appropriate therefrom annually 10,000 acre-feet of water per annum for municipal purposes; 90,000 acre-feet of water per annum for industrial purposes; 20,000 acre-feet of water per annum for irrigation purposes and to divert and use 1,600,000 acre-feet of water per annum for the generation of hydro-electric power, which application as amended was accepted for filing by the Texas Water Commission on the 13th day of February, 1964, as Application No. 2312; and

WHEREAS, on the 23rd day of March, 1964, after due notice, the Texas Water Commission held a public hearing at its office in Austin, Texas, as prescribed by law, at which time consideration of the evidence affecting said application was postponed until May 25, 1964, and at that time postponed until June 30, 1964. Whereupon, the Texas Water Commission, after hearing all the evidence affecting Application No. 2312, took the same under advisement until the 23rd day of July, 1964, at which time said Application No. 2312 was granted, in part, as hereinafter set forth.

NOW, THEREFORE, THE TEXAS WATER COMMISSION DOES HEREBY ISSUE THIS PERMIT UNTO THE SAID Brazos River Authority SUBJECT TO VESTED RIGHTS AND THE FOLLOWING LIMITATIONS AND CONDITIONS:

1. The permittee is authorized to construct and before acquiring any right to divert water under this permit, shall construct a dam in Hood County, Texas, on the Brazos River and thereby create a reservoir with a storage capacity of 155,000 acre-feet of water. Station 0 plus 00 on the centerline of the dam is located at a point which bears S 75° 30' E 3,878 feet from the most eastern west interior corner of James W. Moore Original Survey, Abstract No. 344, Hood County, Texas, and is distant in a southeasterly direction from Granbury, Texas, approximately 8 miles.

2. The permittee is authorized to impound in the reservoir created by the above described dam not to exceed 155,000 acre-feet of the unappropriated public waters of the Brazos River.

3. The permittee is authorized to divert or release for use from the reservoir herein authorized such lawfully impounded waters as may be necessary when beneficially used for the following described purposes, provided, however, that such diversion or release for use shall not exceed that amount hereinafter set forth:

- a. 10,000 acre-feet of water per annum for municipal purposes;
- b. 70,000 acre-feet of water per annum for industrial purposes;
- c. 20,000 acre-feet of water per annum for the irrigation of lands in the Brazos River Basin and in adjacent coastal areas;

d. 350,000 acre-feet of water per annum may be utilized non-consumptively for the purpose of hydro-electric power generation by means of facilities to be installed at said dam, provided, however, that in addition to these waters authorized for hydro-electric power generation purposes, the permittee may utilize for the same purpose those waters passing through or released from the reservoir for other beneficial uses downstream or to satisfy prior existing legal rights or to avoid spills.

4. The rate of diversion for the waters authorized to be diverted and utilized hereunder for hydro-electric power generation purposes shall not exceed 5500 cubic feet per second.

5. Permittee is authorized to use the bed and banks of the main channel of the Brazos River to convey all or any part of the waters authorized to be appropriated under this permit from the reservoir to authorized points of diversion by those downstream having or acquiring the right of use.

THIS PERMIT AND ALL RIGHTS AND PRIVILEGES GRANTED, ACQUIRED OR PERFECTED UNDER THIS PERMIT ARE AND SHALL BE SUBJECT TO THE FOLLOWING ADDITIONAL TERMS, CONDITIONS AND PROVISIONS:

A. The permittee shall store only appropriable public waters of the Brazos River, subject to all rights of holders of superior and senior water rights including but not limited to all rights to the use of water in amounts permitted as of the effective date of this permit. Whenever the Commission finds that the permittee is storing any water to which holders of superior and senior water rights are entitled, the permittee shall release the same to said holders on order of the Commission.

B. The permittee shall construct a 48" diameter cylinder valve, substantially as shown in the permit drawings, for the purpose of permitting the free passage of the normal flow through the dam at any time and the passage of those waters to which the Commission may determine holders of superior and senior water rights are entitled.

C. The permittee shall maintain and keep a record on a monthly basis of the amount of water diverted or released from the reservoir for each purpose authorized herein and shall report same annually on forms provided by the Commission.

D. The permittee shall, upon request of the Commission, provide information relative to daily reservoir levels, daily releases of water through the dam, daily inflows into the reservoir, sedimentation within the reservoir, and chemical quality of the stored water.

E. Persons or entities who may acquire from permittee the right to use water authorized to be appropriated hereunder shall hold or obtain appropriate permits from the Texas Water Commission before commencing use of such water.

F. All construction work shall be done in accordance with the plans approved by the Commission. Final plans and specifications, together with such additional information as the Commission may require, and any changes or alterations made in said plans shall be filed with the Commission and its approval obtained before construction. The Commission reserves the authority to amend this permit on its own motion in accordance with any such changes or alterations which do not contemplate or will not result in increased appropriation or the use of a larger volume of water and which in the judgment of the Commission do not materially affect the substantive rights of others.

G. Construction of the works herein authorized shall be begun within two (2) years and shall be prosecuted diligently and continuously and be completed within five (5) years from the date hereof unless otherwise ordered by the Commission. Failure to begin and complete such construction within such time limitation shall cause this permit to lapse and be of no further force and effect, and this permit will be forfeited forthwith unless an extension of time is applied for by the permittee prior to the applicable date above and is granted by the Commission.

H. All rights and privileges granted under this permit, including but not limited to management and method of use of water, are subject to the continuing supervision of the Texas Water Commission, in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use or unreasonable method of diversion of said water.

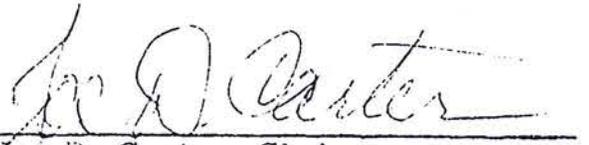
I. The permittee shall comply with the law and all the rules, regulations and orders formulated by the Texas Water Commission to administer the functions and responsibilities of the Commission and to enforce the terms, conditions and provisions of this permit.

The Commission finds that the granting of this permit as herein set forth is not detrimental to the public welfare and further finds that each term, condition and provision herein is a prerequisite to the granting of this permit and is necessary for the administration of the water resources of this State. The permittee agrees to be bound by the terms, conditions and provisions hereof; failure on the part of the permittee, its successor or assigns and any beneficiary hereunder to comply with such terms, conditions and provisions will subject this permit and the holder thereof to such administrative and judicial proceedings as may be necessary to prevent violations and to obtain compliance including but not limited to modification or forfeiture and cancellation of the permit; to all of which the permittee agrees by acceptance of this permit and such agreement is a condition precedent to the granting of this permit.

Any other relief sought or additional matter requested in said Application No. 2312 which is not specifically granted by this permit is hereby expressly denied.

GIVEN UNDER THE HAND AND SEAL OF THE TEXAS WATER COMMISSION, this the 24th day of July, 1964.

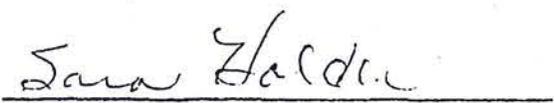
TEXAS WATER COMMISSION

  
Joe D. Carter, Chairman

  
O. F. Dent, Commissioner

  
H. A. Beckwith, Commissioner

ATTEST:

  
Sara Holder, Assistant Secretary

STATE OF TEXAS    X  
                          X  
COUNTY OF TRAVIS X

I, Audrey Strandtman, Secretary of the Texas Water Rights Commission, do hereby certify that the foregoing and attached is a true and correct copy of an order of said Commission, the original of which is filed in the permanent records of said Commission.

Given under my hand and the seal of the Texas Water Rights Commission, this the 29th day of September, A.D. 1966.

  
Audrey Strandtman  
Audrey Strandtman, Secretary

# TEXAS WATER RIGHTS COMMISSION



**AN ORDER amending Permit No. 2111  
and approving construction  
plans and specifications for  
the De Cordova Bend Dam, of  
the Brazos River Authority.**

No. 2111A

On the 15th day of August, 1966, the Commission received an application from the Brazos River Authority to amend Permit No. 2111 pursuant to Rule 605, wherein permittee seeks to delete the use of 350,000 acre-feet of water per annum for the purpose of hydroelectric power generation and to delete the originally planned hydroelectric power generation facilities.

Upon the deletion of said hydroelectric power facilities certain construction changes will be necessary, whereby permittee has filed with the Commission proposed construction plans and specifications, to which plans and specifications reference is here made for all purposes.

On September 29, 1966, pursuant to Rule 605, the Commission took up permittee's application for amendment; after hearing and considering all the evidence pertaining to said application, the Commission finds that the use of 350,000 acre-feet of water per annum for hydroelectric power generation and the power facilities should be deleted and the construction plans and specifications incorporating said changes should be approved.

**IT IS THEREFORE ORDERED BY THE TEXAS RIGHTS COMMISSION:**

1. Permit No. 2111 is amended to delete the hydroelectric power facilities and the use of 350,000 acre-feet of water per annum for hydroelectric

power generation purposes.

2. The construction plans and specifications as amended by attached addenda are hereby approved; and
3. The construction of the dam and appurtenances shall be continuously supervised by the Authority's consulting engineers and periodic reports of progress of construction shall be made to the Commission.

The Secretary is directed to notify the President of the Authority of this Order.

This Order of the Texas Water Rights Commission shall be in force and effect from September 28, 1966, the date of its passage, and it is so ordered.

SIGNED IN THE PRESENCE OF THE  
TEXAS WATER RIGHTS COMMISSION

/s/ Joe D. Carter  
Joe D. Carter, Chairman

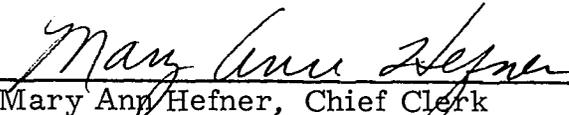
ATTEST:

/s/ Audrey Strandtman  
Audrey Strandtman, Secretary

STATE OF TEXAS        ↓  
                                  ↓  
COUNTY OF TRAVIS    ↓

I, Mary Ann Hefner, Chief Clerk of the Texas Water Commission of the Department of Water Resources, do hereby certify that the attached and foregoing is a true and correct copy of Permit No. 2111 issued to BRAZOS RIVER AUTHORITY, dated July 24, 1964; Order amending Permit No. 2111 and approving construction plans and specifications for the De Cordova Bend Dam of the Brazos River Authority and numbering the order ~~P-2111A~~, dated September 28, 1966; and Permit No. 2111B, issued to BRAZOS RIVER AUTHORITY, dated September 13, 1979, each of which is on file in the permanent records of the Commission.

Given under my hand and the seal of the Texas Water Commission, this 6th day of December, 1979.

  
\_\_\_\_\_  
Mary Ann Hefner, Chief Clerk  
Texas Water Commission

Seal





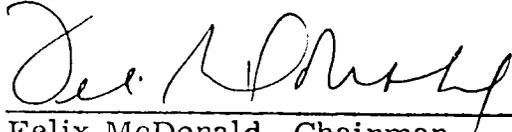
This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

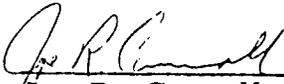
Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

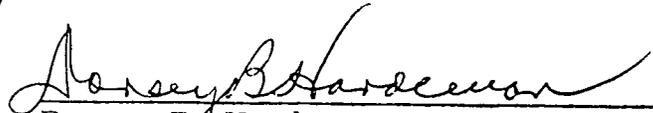
All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

  
Felix McDonald, Chairman

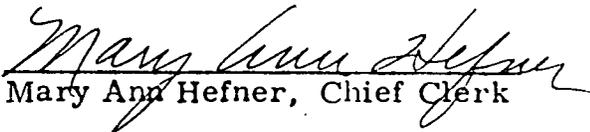
  
Joe R. Carroll, Commissioner

  
Dorsey B. Hardeman, Commissioner

Date Issued:

September 13, 1979

Attest:

  
Mary Ann Hefner, Chief Clerk



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 Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

/s/ Felix McDonald

Felix McDonald, Chairman

/s/ Joe R. Carroll

Joe R. Carroll, Commissioner

/s/ Dorsey B. Hardeman

Dorsey B. Hardeman, Commissioner

Date Issued:

November 25, 1980

(SEAL)

Attest:

/s/ Mary Ann Hefner

Mary Ann Hefner, Chief Clerk

AMENDMENT TO  
PERMIT TO  
APPROPRIATE STATE WATER

APPLICATION NO. 2312D      PERMIT NO. 2111D      TYPE: Amendment  
Permittee : BRAZOS RIVER      Address : P. O. Box 7555  
            AUTHORITY                              Waco, Texas 76714  
Filed : March 5, 1985  
Granted : June 18, 1985      County : Hood  
Watercourse: Brazos River      Watershed: Brazos River Basin

WHEREAS, the Texas Water Commission finds that jurisdiction of the application is established; and

WHEREAS, applicant has requested an amendment to Permit No. 2111, as amended, to authorize the diversion and use for hydroelectric power generation of water that is released for other purposes from the reservoir previously authorized by the permit (Lake Granbury); and

WHEREAS, a study performed on behalf of Brazos River Authority, dated December, 1984, recommended that 25 cfs of water be passed continuously from Lake Granbury to provide in-stream flow for the maintenance of riparian habitat in the 14 river miles immediately downstream of the dam, which segment of the river will be bypassed by operation of the hydroelectric power generating operation sought to be authorized by this amendment; and

WHEREAS, a public hearing has been held and the Brazos River Authority named as a party; and

WHEREAS, by law the Executive Director and the Public Interest Advocate of the Department of Water Resources are parties; and

WHEREAS, the Brazos River Authority and James E. Anthony were named as parties; and

WHEREAS, the Commission has assessed the effects of the granting of this permit on the bays and estuaries of Texas; and

WHEREAS, the issuance of this amendment granting this application is not adverse to any party;

NOW, THEREFORE, this amendment to Permit No. 2111 is issued to the Brazos River Authority, subject to the following terms and conditions:

1. IMPOUNDMENT

Lake Granbury, a 155,000 acre-foot reservoir created by DeCordova Dam on the Brazos River, as previously authorized by Permit No. 2111, as amended.

2. USE

In addition to the rights to use water in accordance with the previously existing provisions of Permit No. 2111, as amended, permittee is authorized to generate hydroelectric power in a proposed power plant containing one turbine by making nonconsumptive use, at a rate not to exceed 3500 cfs, of water that is otherwise authorized to be passed through, spilled from or released from storage in Lake Granbury.

3. DIVERSION

In addition to the diversion points and rates authorized by the previously existing provisions of Permit No. 2111, as amended, permittee is authorized as follows:

(a) Point of Diversion: Through an intake structure to be located on the right, or south bank of Lake Granbury, approximately 3000 feet upstream of the dam's existing outlet works, at a point N 71° E, 700 feet from the ell corner of the James W. Moore Survey, Abstract No. 344, Hood County, approximately 8 miles southeast of Granbury, Texas.

(b) Maximum Diversion Rate: 3500 cfs (1,570,900 gpm).

4. TIME LIMITATIONS

(a) Construction of the hydroelectric facilities herein authorized shall be commenced within two years and completed within five years from date of issuance of this permit.

(b) Failure to commence and/or complete construction of said facilities within the period stated in Time Limitations shall cause the authorizations within this amendment to expire and become null and void, unless permittee applies for an extension of time to commence and/or complete construction prior to the respective deadlines for commencement and completion, and the application is subsequently granted.

5. POINT OF RETURN

Water diverted pursuant to this amendment shall be returned to the Brazos River approximately 14 river miles downstream of the dam's existing outlet works at a point S 22° E, 575 feet from the aforesaid ell corner of the Moore Survey.

6. SPECIAL CONDITIONS

(a) This amendment and all authority granted hereunder are specifically subordinated, as to priority, to all present and future rights to use the waters of the Brazos River for any authorized purpose.

(b) To maintain in-stream flows for riparian habitat on that reach of the Brazos River between DeCordova Dam and the abovesaid Point of Return, permittee shall at all times allow passage of water through the dam's outlet works at a rate of not less than 25 cfs.

(c) To protect existing water rights in the aforesaid reach of the Brazos River, permittee shall allow, in addition to the amounts of water prescribed in Special Condition (b) the passage of all inflows entering Lake Granbury, up to 5 cfs, exclusive of dedicated releases from upstream conservation storage when requested to do so by the holder of any such right. When this inflow exceeds 5 cfs, permittee shall allow the passage of at least 5 cfs when so requested.

7. PRIORITY

The time priority of this amendment is March 5, 1985.

This amendment is issued subject to all terms, conditions and provisions contained in Permit No. 2111, as amended, except as herein amended.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Permittee 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 Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

/s/ Paul Hopkins  
Paul Hopkins, Chairman

/s/ Lee B. M. Biggart  
Lee B. M. Biggart, Commissioner

/s/ Ralph Roming  
Ralph Roming, Commissioner

Date Issued:

June 26, 1985

Attest:

/s/ Mary Ann Hefner  
Mary Ann Hefner, Chief Clerk



PERMIT TO  
APPROPRIATE STATE WATER

6188

APPLICATION NO. 2573

PERMIT NO. 2366

TYPE: Regular

Permittee : Brazos River Authority

Address : P. O. Box 7555  
Waco, Texas

Received : November 10, 1967

Filed : February 12, 1968

Granted : July 16, 1968

County : Williamson

Watercourse : San Gabriel River, trib-  
utary of Little River,  
tributary of Brazos River

Watershed: Brazos River

WHEREAS, the Texas Water Rights Commission has caused due notice, publication and hearing of the application to be made and finds that jurisdiction has been established;

NOW, THEREFORE, this permit to use the public waters of the State of Texas is hereby issued to Brazos River Authority subject to the following terms and conditions:

1. IMPOUNDMENT: Permittee is authorized to impound 65,500 acre-feet of water in the storage space provided by the United States Corps of Engineers in Laneport Reservoir. Station 61+07 on the centerline of the dam is located S 38° 27' 29" E, 18,264.86 feet from the southwest corner of Miguel Davilla Survey, Abstract No. 4, Williamson County, Texas.
2. USE: Permittee is authorized a priority of right under this permit of 25,000 acre-feet of water per annum for beneficial use, and in determining availability of water for subsequent applications for storage and use of the waters of the Brazos River Basin, the Commission shall reserve unto the permittee the water necessary to provide the said 25,000 acre-feet per annum as the amount authorized by this permit.
3. DIVERSION:  

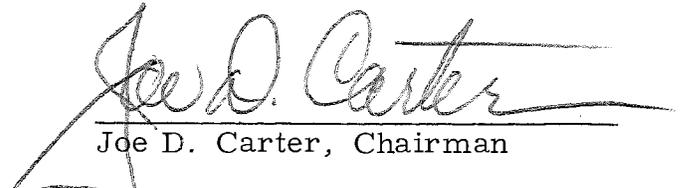
Point of Diversion: Water will be released through the reservoir at a point S 53° 42' 42" E, 18,844.46 feet from the southwest corner of the Miguel Davila Survey, Abstract No. 4, Williamson County, Texas.
4. TIME LIMITATIONS: Construction or installation of all works herein authorized or required shall be commenced within two years and completed within six years unless extended by the Commission.
5. SPECIAL CONDITIONS:
  - (a) Permittee is authorized to use the bed and banks of San Gabriel River, Little River and Brazos River for the purpose of conveying all or part of the waters authorized to be appropriated under this permit to the points of diversion of those downstream having or acquiring the right of use.
  - (b) Persons or entities who may acquire from permittee the right to use water authorized to be appropriated hereunder shall hold or obtain appropriate permits from the Texas Water Rights Commission before commencing use of such water.

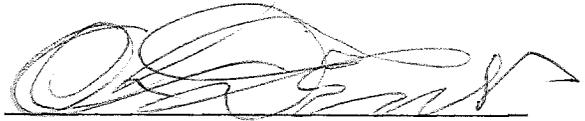
(c) For purposes of the system operation authorized by Commission Order of July 23, 1964, the permittee is authorized to divert and use from Laneport Reservoir 30,000 acre-feet of water per annum for municipal purposes, 30,000 acre-feet of water per annum for industrial purposes and 5,500 acre-feet of water per annum for irrigation purposes.

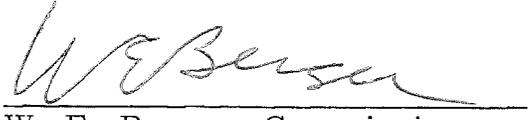
Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

All other matters requested in the application which are not specifically granted by this permit are denied.

This permit is issued subject to the rules and regulations of the Texas Water Rights Commission and to its right of continual supervision.

  
Joe D. Carter, Chairman

  
O. F. Dent, Commissioner

  
W. E. Berger, Commissioner

Date Issued:

July 17, 1968

Attest:

  
Audrey Strandtman, Secretary

THE STATE OF TEXAS }  
County of Williamson }

I, Dick Cervenka, Clerk of the County Court of said County, do hereby certify that the foregoing instrument in writing, with its certificate of authentication, was filed for record in my office on the 22nd day of July A. D. 1968, at 10 o'clock A.M., and duly recorded this the 22nd day of July A. D. 1968, at 11:10 o'clock A.M., in the Water Records of said County, in Vol. 1 pp 75-76

WITNESS MY HAND and seal of the County Court of said County, at office in Georgetown, Texas, the date last above written.

By..... Deputy  
Appendix A-1

  
DICK CERVENKA, CLERK,  
County Court, Williamson County, Texas.



This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Permittee 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.

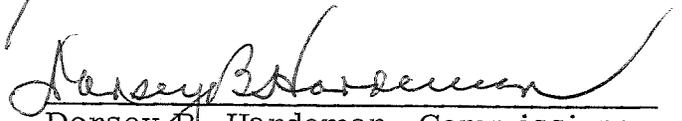
All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

  
Felix McDonald, Chairman

  
Joe R. Carroll, Commissioner

  
Dorsey B. Hardeman, Commissioner

Date Issued:

September 13, 1979

Attest:

  
Mary Ann Hefner, Chief Clerk



Permittee 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.

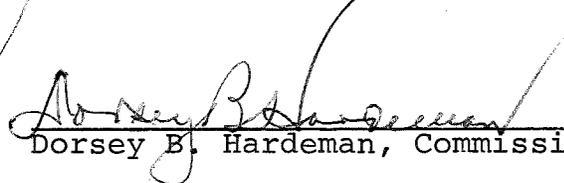
All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

  
Felix McDonald, Chairman

  
Joe R. Carroll, Commissioner

  
Dorsey B. Hardeman, Commissioner

Date Issued:

November 25, 1980

Attest:

  
Mary Ann Hefner, Chief Clerk

PERMIT TO  
APPROPRIATE STATE WATER

6189

APPLICATION NO. 2574

PERMIT NO. 2367

TYPE: Regular

Permittee : Brazos River Authority

Address : P. O. Box 7555  
Waco, Texas

Received : November 10, 1967

Filed : February 12, 1968

Granted : July 16, 1968

County : Williamson

Watercourse : North Fork San Gabriel  
River, tributary of San  
Gabriel River, tributary  
of Little River, tributary  
of Brazos River

Watershed: Brazos River

WHEREAS, the Texas Water Rights Commission has caused due notice, publication and hearing of the application to be made and finds that jurisdiction has been established;

NOW, THEREFORE, this permit to use the public waters of the State of Texas is hereby issued to Brazos River Authority subject to the following terms and conditions:

1. IMPOUNDMENT: Permittee is authorized to impound 37,100 acre-feet of water in the storage space provided by the United States Corps of Engineers in North Fork Reservoir. Station 37 + 00 on the centerline of the dam is located S 2° 00' 36" E, 5,219.63 feet from the northwest corner of David Wright Survey, Abstract No. 13, Williamson County, Texas.
2. USE: Permittee is authorized a priority of right under this permit of 14,200 acre-feet of water per annum for beneficial use, and in determining availability of water for subsequent applications for storage and use of the waters of the Brazos River Basin, the Commission shall reserve unto the permittee the water necessary to provide the said 14,200 acre-feet per annum as the amount authorized by this permit.
3. DIVERSION:  
  
Point of Diversion: Water will be released through the reservoir at a point S 5° 12' 43" W, 5,749.45 feet from the northwest corner of the David Wright Survey, Abstract No. 13, Williamson County, Texas.
4. TIME LIMITATIONS: Construction or installation of all works herein authorized or required shall be commenced within two years and completed within six years, unless extended by the Commission.
5. SPECIAL CONDITIONS:  
  
(a) Permittee is authorized to use the bed and banks of North Fork San Gabriel River, San Gabriel River, Little River and Brazos River for the purpose of conveying all or part of the waters authorized to be appropriated under this permit to the points of diversion of those downstream having or acquiring the right of use.

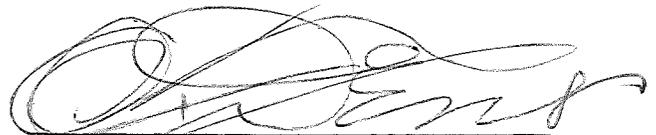
- (b) Persons or entities who may acquire from permittee the right to use water authorized to be appropriated hereunder shall hold or obtain appropriate permits from the Texas Water Rights Commission before commencing use of such water.
- (c) For purposes of the system operation authorized by Commission Order of July 23, 1964, the permittee is authorized to divert and use from North Fork Reservoir 16, 500 acre-feet of water per annum for municipal purposes, 16, 500 acre-feet of water per annum for industrial purposes, and 4, 100 acre-feet of water per annum for irrigation purposes.

Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

All other matters requested in the application which are not specifically granted by this permit are denied.

This permit is issued subject to the rules and regulations of the Texas Water Rights Commission and to its right of continual supervision.

  
 Joe D. Carter, Chairman

  
 O. F. Dent, Commissioner

  
 W. E. Berger, Commissioner

Date Issued:

July 17, 1968

Attest:

  
 Audrey Strandman, Secretary

**THE STATE OF TEXAS** }  
**County of Williamson** } I, Dick Cervenka, Clerk of the County Court of said County, do hereby certify that the foregoing instrument in writing, with its certificate of authentication, was filed for record in my office on the 22nd day of July A. D. 1968 at 10 o'clock A.M., and duly recorded this the 22nd day of July A. D. 1968, at 11 o'clock A.M., in the Water Records of said County, in Vol. 1 pp 73-74.

WITNESS MY HAND and seal of the County Court of said County, at office in Georgetown, Texas, the date last above written.

  
 DICK CERVENKA, CLERK,  
 County Court, Williamson County, Texas.

By..... Deputy Appendix A-1



This amendment is issued subject to all terms, conditions and provisions contained in Permit No. 2367, except as herein amended.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Permittee 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.

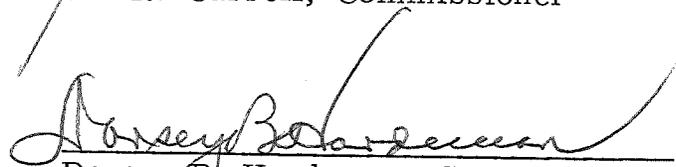
All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

  
Felix McDonald, Chairman

  
Joe R. Carroll, Commissioner

  
Dorsey B. Hardeman, Commissioner

Date Issued:

September 13, 1979

Attest:

  
Mary Ann Hefner, Chief Clerk

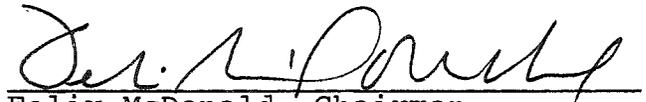


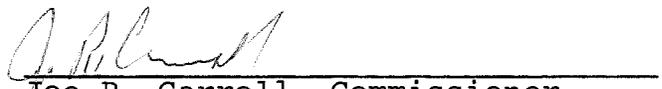
Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

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 Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

  
Felix McDonald, Chairman

  
Joe R. Carroll, Commissioner

  
Dorsey B. Hardeman, Commissioner

Date Issued:

November 25, 1980

Attest:

  
Mary Ann Hefner, Chief Clerk



4. SPECIAL CONDITIONS

- (a) Nothing in this permit shall be construed as authorizing an appropriate right in excess of those presently held by Permittee as evidenced by the aforementioned Permits. Those public waters diverted pursuant to this permit shall consist wholly of waters previously authorized to be diverted by Permittee, which waters shall be released from upstream storage and transported to the points of diversion as hereafter specified.
- (b) Permittee is authorized to use the beds and banks of the Lampasas River, Leon River, Little River, North San Gabriel River and San Gabriel River, and the beds and banks of Yegua Creek and the Brazos River for the purpose of transporting stored waters from the place of storage to the points of diversion from the Brazos River.
- (c) Permittee shall measure and keep records of daily releases made from reservoirs and daily diversions made from each authorized point of diversion for each authorized purpose under this permit, and shall report to the Commission annually in such form and manner as the Commission may from time to time prescribe:
  - (1) All releases of water from storage from each reservoir covered by this permit for each purpose authorized under this permit;
  - (2) All diversions and the locations of same made under provisions of this permit for each authorized purpose.

This permit is issued subject to all superior and senior water rights in the Brazos River Basin.

Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

All other matters requested in the application which are not specifically granted by this permit are denied.

This permit is issued subject to the rules and regulations of the Texas Water Rights Commission and to its right of continual supervision.

TEXAS WATER RIGHTS COMMISSION



\_\_\_\_\_  
O. F. Dent, Chairman

Date Issued:

June 14, 1971

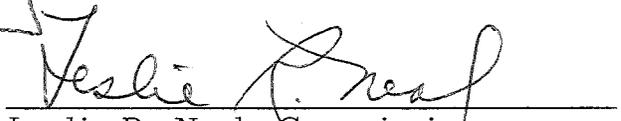


\_\_\_\_\_  
Joe D. Carter, Commissioner

Attest:



\_\_\_\_\_  
Audrey Strandtman, Secretary



\_\_\_\_\_  
Leslie R. Neal, Commissioner

**FILED FOR RECORD**

AT 8 O'CLOCK PM

2 of 2

JUL 19 1971

*Ella Maeck*  
County Clerk, Fort Bend, Co., Tex.



permittee is also authorized to use the bed and banks of Navasota River and Aquilla Creek for such transportation.

This amendment is issued subject to all terms, conditions and provisions contained in Permit No. 2661, except as herein amended.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Permittee 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 Water Rights Commission and to its right of continual supervision.

TEXAS WATER RIGHTS COMMISSION

*Joe D. Carter*  
\_\_\_\_\_  
Joe D. Carter, Chairman

*Joe R. Carroll*  
\_\_\_\_\_  
Joe R. Carroll, Commissioner

*Dorsey B. Hardeman*  
\_\_\_\_\_  
Dorsey B. Hardeman, Commissioner

Date Issued:

March 25, 1977

Attest:

*Mary Ann Hefner*  
\_\_\_\_\_  
Mary Ann Hefner, Secretary

FILED FOR RECORD

AT 8 O'CLOCK a M.

APR 13 1977

*Pearl Ellett*  
\_\_\_\_\_  
County Clerk, Fort Bend Co., Tex.

STATE OF TEXAS

COUNTY OF FORT BEND

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the named records of Fort Bend County, Texas as stamped hereon by me. on



APR 14 1977

*Pearl Ellett*  
\_\_\_\_\_  
COUNTY CLERK, Fort Bend  
County, Texas

12690  
COMPARED

500  
AMENDMENT TO  
PERMIT TO  
APPROPRIATE STATE WATER

VOL 1156 PAGE 455

OFFICIAL RECORDS

APPLICATION NO. 2882B PERMIT NO. 2661B TYPE: Amendment  
Permittee : Brazos River Authority Address : P. O. Box 7555  
Waco, Texas 76710  
Received : May 14, 1982 Filed : August 30, 1982  
Granted : September 29, 1982 County : Fort Bend  
Watercourse: Brazos River and Watershed: Brazos River Basin  
tributaries and San Jacinto-Brazos  
Coastal Basin

WHEREAS, the Texas Water Commission finds that jurisdiction of the application is established; and

WHEREAS, a public hearing has been held and specific findings of fact and conclusions of law adopted, as required;

NOW, THEREFORE, Permit No. 2661, as amended, is amended as follows:

1. IMPOUNDMENT

Permittee is authorized to include uses authorized from Lake Whitney, by Permit No. 3940, with the impoundments to be used in making the 200,000 acre-foot transbasin diversions to the San Jacinto-Brazos Coastal Basin under the authority of Permit No. 2661, as amended.

This amendment is issued subject to all terms, conditions and provisions contained in Permit No. 2661, as amended, except as herein amended.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

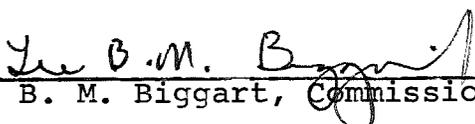
Brazos River Authority agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

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 Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

  
Felix McDonald, Chairman

  
Lee B. M. Biggart, Commissioner

  
John D. Stover, Commissioner

Date Issued:

February 18, 1983

Attest:

  
Mary Ann Hefner, Chief Clerk



## ATTACHMENT I

PERMIT TO  
APPROPRIATE STATE WATER

APPLICATION NO. 3194      PERMIT NO. 2925      TYPE: Regular

Permittee : Houston Lighting & Power Company      Address : Box 1700  
Houston, Texas 77001

Received : November 2, 1973      Filed : December 17, 1973

Granted : February 6, 1974      County : Austin

Watercourse : Allens Creek, tributary of the Brazos River      Watershed: Brazos River Basin

WHEREAS, the Texas Water Rights Commission finds that jurisdiction of the application is established, due notice and publication thereof having been accomplished, and hearing having been held, all in accordance with the Texas Water Code and the Rules and Regulations of the Commission.

NOW, THEREFORE, this permit to appropriate State water is issued to Houston Lighting & Power Company, subject to the following terms and conditions:

## 1. IMPOUNDMENT

Permittee is authorized to construct, and before acquiring any right hereunder shall construct, a dam and reservoir on Allens Creek and impound therein not to exceed 138,441 acre-feet of water (at 118 feet above mean sea level). Station 232 + 50 on the centerline of the dam is N 58° 30' E, 13,750 feet from the east corner of the Jesse Boykin Heirs Survey, Abstract No. 131, Austin County, Texas, 23 miles SE of Bellville, Texas.

## 2. USE

- (a) Permittee is authorized to impound, divert, circulate and recirculate, and to consumptively use from the reservoir for industrial purposes not to exceed 46,256 acre-feet of water per annum from the stream flows of Allens Creek and other waters as may be provided by contract from Brazos River Authority and impounded in the reservoir in accordance with contractual permit. Approximately 2000 acre-feet of the above authorized water may be used for ancillary functions in and around permittee's power generating plant.
- (b) Permittee is further authorized to divert and use 500 acre-feet of water from the unappropriated waters of Allens Creek and/or the Brazos River for construction of permittee's power generating plant, including the dam and reservoir authorized by this permit.
- (c) Permittee is further authorized to divert and use 169,181 acre-feet of water from Allens Creek and/or the Brazos River over a three-year period during the initial filling of the reservoir.

## 3. DIVERSION

- (a) Point of Diversion: On the west or right shore of the reservoir at a point which is N 12° W, 13,350 feet from the east corner of the Jesse Boykin Heirs Survey, Abstract No. 131, Austin County, Texas.

(b) Maximum Diversion Rate: 8,333 cfs (4,000,000 gpm)

BRM-04843

4. POINTS OF RETURN

- (a) Water diverted for plant use but not consumptively used will be returned to the reservoir at a point N 19° 15' W, 17,400 feet from the aforesaid survey corner.
- (b) Surplus water not beneficially used will be returned to the Brazos River at a point N 60° 30' E, 16,350 feet from the aforesaid survey corner.

5. TIME LIMITATIONS

Construction or installation of all works herein authorized shall commence within 2 years and be completed within 5 years from the date of issuance of this permit unless extended by the Commission.

6. SPECIAL CONDITIONS

- (a) Diversions from the Brazos River authorized by this permit for construction purposes or for the initial filling of the reservoir shall be limited to such times as the flow rate at the Richmond gaging station (when corrected to deduct upstream reservoir releases by the Brazos River Authority to serve contractual permits downstream of the Richmond gage) does not reduce the flow rate below 1100 cfs at said gaging station.
- (b) Inflow from Allens Creek Watershed shall be passed through the reservoir whenever flow at the Richmond gaging station (when corrected to deduct upstream reservoir releases by Brazos River Authority to serve contractual permits downstream of the Richmond gage) is less than 1100 cfs, provided, however, permittee is authorized to substitute for inflow from Allens Creek an equal quantity of water released by Brazos River Authority from upstream reservoirs for this purpose.

This permit is issued subject to all superior and senior water rights in the Brazos River Basin.

Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

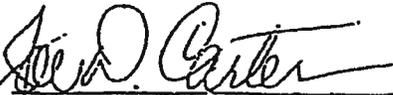
All other matters requested in the application which are not specifically granted by this permit are denied.

This permit is issued subject to the rules and regulations of the Texas Water Rights Commission and to its right of continual supervision.

TEXAS WATER RIGHTS COMMISSION

Date Issued:

May 15, 1974

  
 \_\_\_\_\_  
 Joe D. Carter, Chairman

  
 \_\_\_\_\_  
 O. F. Dent, Commissioner

Attest:

  
 \_\_\_\_\_  
 Audrey Strandtman, Secretary

  
 \_\_\_\_\_  
 Dorsey B. Hardeman, Commissioner

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



THE STATE OF TEXAS  
COUNTY OF TRAVIS  
I hereby certify that this is a true and correct copy of a Texas Natural  
Resource Conservation Commission document, which is filed in the  
permanent records of the Commission  
Given under my hand and the seal of office on

*Ladonna Castañeda* JAN 18 2002  
Ladonna Castañeda, Chief Clerk  
Texas Natural Resource  
Conservation Commission

AMENDMENT TO  
WATER USE PERMIT

APPLICATION NO. 3194A	PERMIT NO. 2925A	TYPE: §§ 11.122 & 11.085
Permittee:	Texas Water Development Board;	Address: P. O. Box 13231, Capitol Station, Austin, Texas 78711
	City of Houston; and,	P.O. Box 1562 Houston, Texas 77251
	Brazos River Authority	P.O. Box 7555 Waco, Texas 76714-7555
Filed:	June 30, 2000	Granted: JAN 16 2002
Purposes:	Municipal, Industrial, Irrigation, Recreational	County: Austin, Brazoria, Fort Bend, Galveston, Harris, and Waller
Watercourse:	Allens Creek, tributary of the Brazos River and Brazos River	Watershed: Brazos River Basin

WHEREAS, Water Use Permit No. 2925, (the Permit) with a priority date of September 1, 1999, authorized permittee to construct and maintain a dam and reservoir on Allens Creek, tributary of the Brazos River, in Austin County, approximately 23 miles southeast of Bellville, Texas, with an impoundment volume not to exceed 138,441 acre-feet of water at a normal operating elevation of 118 feet above mean sea level; and

WHEREAS, the Permit authorizes diversion, at a maximum rate of 8,889 cubic feet per second (c.f.s.) [4,000,000 gallons per minute (g.p.m.)], from any point on the perimeter of the reservoir, and circulation and re-circulation of reservoir water, so as to consumptively use from the reservoir for industrial purposes not to exceed 46,256 acre-feet of water per year from the stream flow of Allens Creek and other water as may be provided by contract from the Brazos River Authority (BRA); and

WHEREAS, the Permit authorizes the use of 500 acre-feet of unappropriated water from Allens Creek or the Brazos River for dam and reservoir construction, and the diversion and use of up to 189,181 acre-feet of water from Allens Creek or the Brazos River over a three-year period during the initial filling of the reservoir; and

WHEREAS, the Permit authorizes the return of surplus water to the Brazos River at a point N 60.5° E, 16,350 feet from the east corner of the Jesse Boykin Heirs Survey, Abstract No. 131, Austin County Texas; and

WHEREAS, the Permit contains conditions that diversion of water for construction and initial filling of the reservoir be limited to times when the flow at the Richmond United States Geological Survey streamflow gage on the Brazos River 37.5 miles downstream from the mouth of Allens Creek is greater than 1,100 c.f.s. (when corrected to deduct upstream reservoir releases by the Brazos River Authority to provide water under contract downstream of the Richmond gage) after the diversion; and a requirement that all water inflows from the Allens Creek watershed be released through the reservoir when flow at the U.S.G.S. gage at Richmond, not including water released by the Brazos River Authority for use downstream of the Richmond gage, is less than 1,100 c.f.s.; and

WHEREAS, pursuant to §11.122 of the Texas Water Code, on June 6, 2000 an application was received by the Commission from the Texas Water Development Board (TWDB), BRA, and the City of Houston (COH) (applicants) to amend the Permit to: 1) increase storage up to 145,533 acre-feet in Allens Creek Reservoir at a maximum water surface elevation of 121.0 feet above mean sea level; 2) authorize diversion from Allens Creek Reservoir of up to 99,650 acre-feet per year for municipal, industrial, and irrigation purposes in lieu of the 46,256 acre-feet originally authorized for industrial purposes; 3) authorize in-place use of Allens Creek Reservoir for recreational purposes; 4) authorize the right to divert up to 202,000 acre-feet of water per year from the Brazos River into Allens Creek Reservoir in lieu of the original authorization to divert 189,181 acre-feet of water from the Brazos River over a three-year period during the initial filling of the reservoir; 5) authorize a diversion point on the Brazos River on the river bottom lands at Latitude 29.650° N, Longitude 96.026° W, and a point immediately east of the dam, about 1,600 feet west of the Brazos River at Latitude 29.670° N, Longitude 96.053° W with authorization for a combined maximum diversion rate of 2,200 cfs (987,380 g.p.m.) from those points; 6) include monthly flow requirements at the Richmond gage for diversions from the Brazos River to safeguard downstream water rights and provide environmental flows; 7) authorize the right to impound runoff from Allens Creek watershed conditionally on the same monthly flow requirements dependent upon streamflows at the Richmond gage as those requirements for diversions from the Brazos River; 8) authorize the right to release water through the outlet works of the dam by gravity at a maximum rate of 700 cfs (314,160 g.p.m.); 9) limit the maximum diversion rate from the perimeter of the reservoir to 300 cfs (134,640 g.p.m.); 10) authorize the right for interbasin transfers of water released from Allens Creek Reservoir from the Brazos River Basin to San Jacinto-Brazos Coastal Basin and the San Jacinto River Basin for use in Harris, Galveston, Brazoria, Fort Bend, Austin, and Waller Counties; 11) authorize points of return for surplus water created by the requested use of water under this water right, to be discharged at the locations of wastewater treatment plants that may be located in the Brazos River Basin, San Jacinto-Brazos Coastal Basin, and San Jacinto River Basin, in Harris, Galveston, Brazoria, Fort Bend, Austin, and Waller Counties; 12) authorize the right to reuse all return flows generated from this project for municipal, industrial, and irrigation purposes within the areas of use authorized under this amendment, and as may be authorized by future amendments of the permit, in Harris, Galveston, Brazoria, Fort Bend, Austin, and Waller Counties; and

WHEREAS, the Texas Legislature passed Senate Bill 1593, 76<sup>th</sup> Legislature (1999), which act contained specific provisions related to Allens Creek Reservoir, the priority of amendments, time to construct Allens Creek Reservoir, and processing and issuing any amendments; and

WHEREAS, the San Jacinto-Brazos Coastal Basin is adjacent to the Brazos River Basin, the basin of origin of the interbasin transfer authorization requested by the applicants; and

WHEREAS, the municipal service area of one of the applicants, the COH, includes Harris and Fort Bend Counties, both of which are partially located within the Brazos River Basin; and

WHEREAS, the proposed interbasin transfer is exempted from the requirements of Water Code §11.085(b)-(u) under Water Code §11.085(v)(3) and (4); and

WHEREAS, the TWDB currently owns the Permit, and the BRA and the COH jointly own the land at the authorized location of the reservoir and dam site, and the applicants have indicated that the BRA and the COH will acquire an ownership interest from the TWDB, of the water rights authorized in the Permit, and that TWDB, BRA and COH shall share in the acquisition, financing, ownership, construction, and operation of the reservoir site and the reservoir project; and

WHEREAS, Station 232 +50 on the centerline of the dam for the reservoir authorized in the Permit was to be N 58.5° E, 13,750 feet from the east corner of the Jesse Boykin Heirs Survey, Abstract No. 131, Austin County Texas, 23 miles SE of Bellville, Texas, and applicants have submitted plans with the application for amending the Permit, describing a different dam location reducing the area to be inundated from 8,250 acres to 7,003 acres and avoiding an area known as Alligator Hole, a wetland that would be inundated under the original Permit; and

WHEREAS, Station 234+50 on the centerline of the dam for the reservoir proposed by the applicants is N 6.717°E, 12,400 feet from the southernmost corner of the Milburn Davis Survey, Abstract No. 71 in Austin County, Texas approximately at Latitude 29.658°N, Longitude 96.050° W; and

WHEREAS, based upon the results of the hydrological analysis, the Executive Director has concluded that the application is consistent with the State Water Plan, and that there is adequate streamflow and unappropriated water available to provide recommended instream flow requirements and support a perpetual water right in the amount of diversion of not to exceed 99,650 acre-feet per annum diverted from the reservoir, with this diversion being dependent upon the diversion of not to exceed 202,000 acre feet of water per annum from the Brazos River, and;

WHEREAS, the hydrological analysis for this amendment was based on the best available hydrology tools available and any applications to amend this amended permit will be analyzed based on the current best available hydrological techniques, and;

WHEREAS, the Executive Director has determined that in order to protect downstream water

rights, water quality, and aquatic habitats, diversions of the additional state water requested will include limitations; and

WHEREAS, the Executive Director indicates that a mitigation plan for the environmental impacts of the entire project embodied in the application must be prepared and approved by the U.S. Army Corps of Engineers prior to construction of the reservoir, which plan will include mitigation for impacts related to wetlands and wildlife habitat associated with this amendment; and

WHEREAS, the applicants, Texas Parks and Wildlife Department (TPWD) and the Executive Director have agreed that a site-specific instream flow study of the Brazos River below the authorized points of diversion will be undertaken, have agreed that this amended permit, may be amended to add streamflow diversion restrictions based on the results of that study, and have agreed that the Permittees, TPWD, or the Executive Director may file an application to amend the permit based upon the results of the study; and

WHEREAS, the Executive Director further recommends that in order to determine the firm yield of the project in the absence of a site specific comprehensive instream flow study, streamflow restrictions based on the consensus based planning criteria will be used and that this permit may be further amended to replace the interim stream flow restrictions of this amended permit following completion of the site specific field study of the segment of the Brazos River impacted by this project and prior to placing the project into operation; and

WHEREAS, applicants have requested authorization for use of return flows for surplus water generated by this project at various unspecified locations, and has made the general request to use all return flows generated by this project; and

WHEREAS, the Commission acknowledges the applicants' intent to use these surplus waters and return flows; and that the requested reuse authorization can be granted at this time; however additional future authorization must be obtained pursuant to Water Code §11.042 in order to use the bed and banks of state watercourses to deliver water for reuse, and this authorization cannot be obtained until discharge and diversion points have been identified by applicants and all statutory requirements satisfied; and

WHEREAS, the Executive Director has determined that the BRA and COH conservation plans do not include the diversion included in this amendment and has thus recommended that the permit, as amended, include a special condition that requires owners to submit to the Executive Director, revised water conservation and drought contingency plans within 180 days prior to the diversion of the water, subject to evaluation and approval by the Executive Director; and

WHEREAS, pursuant to Texas Water Code §§11.122 and 11.085 the Commission finds that jurisdiction of the application is established, and further finds that the application to amend the Permit is subject to the Texas Coastal Management Program (CMP) pursuant to Title 31, Part 16, Chapter 501 through Chapter 506 of the Texas Administrative Code and §33 of the Texas Natural Resources Code, and is consistent with the CMP goals and policies; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Natural Resource Conservation Commission in issuing this amendment;

NOW, THEREFORE, this amendment to Water Use Permit 2925 is issued to the Texas Water Development Board, City of Houston, and Brazos River Authority, subject to the following terms and conditions:

1. **IMPOUNDMENT**

In lieu of the previous authorization to store water in Allens Creek Reservoir, owners are authorized to store, at normal maximum operating capacity, not to exceed 145,533 acre-feet at a maximum water surface elevation of 121.0 feet above mean sea level. Station 234+50 on the centerline of the dam for the reservoir is North 6.717° East bearing, 12,400 feet from the southernmost corner of the Milburn Davis Survey, Abstract No. 71 in Austin County, Texas, at Latitude 29.658°N, Longitude 96.050° W.

2. **USE**

- a) In lieu of the previous authorizations in §§2(a) and 2(c) of Water Use Permit No. 2925, to divert and use consumptively not to exceed 46,256 acre-feet of water per annum from Allens Creek Reservoir for industrial use, and to use contract water from Brazos River Authority, and to divert 189,181 acre-feet of water per annum from the Brazos River over a three-year period for initial filling of the reservoir, owners are herein authorized to divert not to exceed 202,000 acre-feet of water per annum from the Brazos River for storage in the Allens Creek Reservoir, and to subsequently divert and use 99,650 acre-feet of water per annum from the reservoir for municipal, industrial, and irrigation purposes within the Brazos River Basin. Interbasin transfers of this water are herein authorized, from the basin of origin, the Brazos River Basin, to the San Jacinto-Brazos Coastal Basin and the San Jacinto River Basin for use of that water in Harris, Galveston, Brazoria, Fort Bend, Austin, and Waller Counties.
- b) The owners are authorized to use the water impounded in Allens Creek Reservoir for recreational purposes.
- c) The owners are authorized to reuse water appropriated by this permit subject to obtaining future authorizations, after identifying specific points of discharge and diversion and satisfying the requirements of Water Code §11.042, for use of bed and banks for delivery of reuse water.

3. **DIVERSION**

- a) In addition to the existing authorization to divert from any point on the perimeter of the reservoir, owners are herein authorized to divert water from two points on the Brazos

River:

- i A point on the Brazos River at Latitude 29.650° N, Longitude 96.026°W also bearing N, 44.217°E, 13,300 feet from the southernmost corner of the Milburn Davis Survey, Abstract No. 71, in Austin County Texas;
  - ii A point on the Brazos River at Latitude 29.670° N, Longitude 96.053°W also bearing N, 2.00°E, 16,600 feet from the southernmost corner of the Milburn Davis Survey, Abstract No. 71, in Austin County Texas;
- b) Maximum combined diversion rate from the Brazos River: 2,200 c.f.s. (987,360 g.p.m.);
  - c) Maximum diversion from any point on the perimeter of the reservoir is herein reduced from the previously authorized maximum of 8,889 cfs (4,000,000 g.p.m.) to a maximum combined rate of 300 cfs (134,640 g.p.m.);
  - d) Water stored in Allens Creek Reservoir may be released through the outlet works by gravity at a maximum rate of 700 cfs (314,160 g.p.m.).

#### 4. SPECIAL CONDITIONS

- a) The owners, in cooperation with the Executive Director, and TPWD, shall undertake a site specific study of instream flow requirements of the Brazos River below the authorized points of diversion. Following completion of the study, either the Permittees, TPWD, or the Executive Director may file an application to amend this amended permit to implement streamflow diversion restrictions based upon the results of the study. Modification of streamflow diversion restrictions in that amendment may not increase or decrease the firm yield of the project authorized under this permit in paragraph 2(a) by more than 6.4%.
- b) In order to protect in-stream uses, water quality, and aquatic habitat, owners shall not divert water from the Brazos River in such a way that will cause streamflows immediately downstream of the permitted diversion points, excluding water released to meet downstream contracts, to fall below the following trigger levels:
  - i) For any given month, when flow in the Brazos River before diversions is greater than the naturalized median flow given in the table in 4(c), below, diversions shall not cause flow in the Brazos River to fall below that naturalized median flow;
  - ii) For any given month, when flow in the Brazos River before diversions is less than the naturalized median flow given in the table in 4(c), below, but greater than the naturalized 25<sup>th</sup> percentile flow, diversions shall not cause flow in the Brazos River to fall below that naturalized 25<sup>th</sup> percentile flow;

- iii) For any given month, when the flow in the Brazos River before diversions is less than the naturalized 25<sup>th</sup> percentile flow given in the table in 4(c), below, diversions shall not cause flow in the Brazos River to fall below 734 cfs;
  - iv) At no time will diversions cause flow in the Brazos River to fall below 734 cfs.
- c) The naturalized median, 25<sup>th</sup> percentile, and water quality protection flows are as follows:

Month	Naturalized Median Flow (cfs):	Naturalized 25 <sup>th</sup> Percentile Flow (cfs)	Water Quality Protection Flow (cfs)
JAN	2,566	964	734
FEB	4,315	1,773	734
MAR	3,241	1,343	734
APR	4,601	1,835	734
MAY	9,059	3,159	734
JUN	5,576	2,596	734
JUL	2,512	1,139	734
AUG	1,379	709*	734
SEP	2,293	1,104	734
OCT	2,224	1,098	734
NOV	2,437	1,100	734
DEC	3,048	1,055	734

\*Since 25<sup>th</sup> percentile is less than water quality protection flow, water quality protection flow (734 cfs) would apply.

- d) In order to protect downstream senior water rights, for any given month owners shall not divert water from the Brazos River in such a way that will cause streamflows immediately downstream of the permitted diversion points, excluding water released to meet downstream contracts, to fall below the following instantaneous flow rates measured in cfs:

Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
795	795	812	882	882	1017	1017	1017	882	812	812	795

- e) The higher of the environmental flow restrictions of subparagraph 4 (b) and 4(c) and the flows to protect downstream senior water rights of subparagraph 4 (d) shall control.
- f) Notwithstanding the streamflow restrictions of subparagraph 4 (d) to protect downstream senior water rights, downstream senior and superior water rights may exercise their lawful rights, including the right to call for the curtailment of upstream junior rights if downstream senior and superior water rights are not able to divert and use their full lawful right.

- g) As authorized by Special Condition 6(c) in Permit 2925, diversions from the Brazos River authorized for construction purposes or for the initial filling of the reservoir shall be limited to such times as the flow rate at the Richmond gaging station (when corrected to deduct upstream reservoir releases by the Brazos River Authority to provide water under contract downstream of the Richmond gage) does not reduce the flow rate below 1100 cfs at said gaging station.
- h) As authorized by Special Condition 6(d) in Permit 2925, inflow from Allens Creek Watershed shall be passed through the reservoir whenever flow at the Richmond gaging station (when corrected to deduct upstream reservoir releases by the Brazos River Authority to provide water under contract downstream of the Richmond gage) is less than 1100 cfs, provided, however, Permittees are authorized to substitute for inflow from Allens Creek an equal quantity of water released by Brazos River Authority from upstream reservoirs for this purpose.
- i) The owners, in cooperation with the Executive Director and Texas Parks and Wildlife Department, shall undertake a habitat mitigation study and develop a wetland and wildlife habitat mitigation plan, to be approved by the U.S. Army Corps of Engineers prior to initiating construction.
- j) The owners will provide a means to pass inflows downstream from the reservoir to provide water to downstream domestic and livestock water users and senior downstream water right holders, and inflows will be passed downstream when required by the Executive Director.
- k) Construction of the dam creating Allens Creek Reservoir, will be in accordance with standard engineering practices, and will include a means to pass inflows past the dam in such quantities as may be necessary to satisfy Special Condition 4(j). The dam authorized under this amendment will be designed and constructed to safely pass the probable maximum flood, and meet the appropriate minimum hydrological requirements of Title 30 Texas Administrative Code §299.14. The owners shall advise the Executive Director upon reaching significant milestones during the project's design process, including the 50% and 75% completion stages of the final plans and specifications. Final construction plans and specifications shall be submitted to the Executive Director for approval prior to commencement of construction of the project.
- l) At least 180 days prior to diversion and use of water authorized in this amendment, owners shall submit to the Executive Director revised conservation and drought contingency plans incorporating the water use authorized in this amendment. The drought contingency and conservation plans shall meet the minimum requirements of Title 30 TAC Chapter 288, and will be subject to evaluation and approval by the Executive Director.
- m) This permit, as amended, does not authorize use of the bed and banks downstream of the

reservoir to convey water for subsequent diversion.

5. CONSERVATION

Owners shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every wholesale water contract entered into, on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water must have water conservation requirements so that each successive wholesale customer in the resale of the water be required to implement water conservation measures.

6. TIME PRIORITIES

- (a) The time priority for the additional water authorized for diversion and use of water under this amendment, and for all other authorizations included in this amendment, is September 1, 1999.
- (b) The time priority for impoundment of inflows in the first 138,441 acre-feet of conservation storage and diversion of 46,256 acre-feet per year remains September 1, 1999.

7. TIME LIMITATIONS

- (a) Construction of the dam herein authorized shall be in accordance with plans approved by the Executive Director and shall be commenced not later than September 1, 2018 and completed within three years thereafter.
- (b) Failure to commence or complete construction of the dam within the period stated above shall cause this permit to expire and become null and void, unless Permittees apply for an extension of time to commence or complete construction prior to the respective deadlines for commencement or completion, and the application is subsequently granted.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

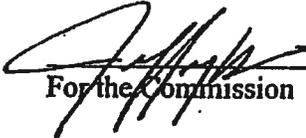
Permittees agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

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 Natural Resource Conservation Commission and to the right of continuing supervision of State water resources exercised by the Commission.

Texas Natural Resource  
Conservation Commission

DATE ISSUED: JAN 16 2002

  
For the Commission

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO  
A WATER USE PERMIT

APPLICATION NO. 3194B      PERMIT NO. 2925B      TYPE: 11.122 & 11.085

Permittees:	Texas Water Development Board	Address:	P.O. Box 13231 Austin, TX 78711
	City of Houston		Dept. of Public Works 611 Walker Houston, TX 77002
	Brazos River Authority		P.O. Box 7555 Waco, TX 76714-7555
Filed:	July 27, 2011	Granted:	August 31, 2011
Purpose:	Municipal, Industrial, Irrigation, Recreational	Counties:	Austin, Brazoria, Fort Bend, Galveston, Harris, and Waller
Watercourses:	Allens Creek, tributary of the Brazos River and the Brazos River	Watershed:	Brazos River Basin

WHEREAS, the Texas Legislature passed Senate Bill 1132, 82nd Texas Legislature, which states the Texas Commission on Environmental Quality (the Commission) shall reissue without notice or hearing Permit No. 2925A to amend Time Limitation No. 7a in Permit No. 2925A to require that construction of the Allens Creek Reservoir commence on or before September 1, 2025, and be completed not later than the fifth anniversary of the date construction of the reservoir commences; and

WHEREAS, Permit No. 2925A, issued to the Texas Water Development Board, the City of Houston, and the Brazos River Authority, amended the original permit and contains numerous terms and conditions; and

WHEREAS, the Executive Director recommends Permit No. 2925A be reissued as Permit No. 2925B including the new construction time limitations and all terms and conditions of Permit No. 2925A; 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, Water Use Permit No. 2925B is issued to the Texas Water Development Board, the City of Houston, and the Brazos River Authority, subject to the following terms and conditions:

1. IMPOUNDMENT

Permittees are authorized to store, at normal maximum operating capacity, not to exceed 145,533 acre-feet at a maximum water surface elevation of 121.0 feet above mean sea level. Station 234+50 on the centerline of the dam for the reservoir bears N 6.717° E, 12,400 feet from the southernmost corner of the Milburn Davis Survey, Abstract No. 71 in Austin County, Texas, also being at Latitude 29.658° N, Longitude 96.050° W.

2. USE

- a) Permittees are authorized to divert not to exceed 202,000 acre-feet of water per year from the Brazos River for storage in the Allens Creek Reservoir, and to subsequently divert and use 99,650 acre-feet of water per year from the reservoir for municipal, industrial, and irrigation purposes within the Brazos River Basin. Interbasin transfers of this water are authorized from the Brazos River Basin to the San Jacinto-Brazos Coastal Basin and the San Jacinto River Basin for use of that water in Harris, Galveston, Brazoria, Fort Bend, Austin, and Waller Counties.
- b) Permittees are authorized to use the water impounded in Allens Creek Reservoir for recreational purposes.
- c) Permittees are authorized to reuse water appropriated by this permit subject to obtaining future authorizations, after identifying specific points of discharge and diversion and satisfying the requirements of Texas Water Code (TWC) §11.042, for use of bed and banks for delivery of reuse water.

3. DIVERSION

- a) Permittees are authorized to divert from any point on the perimeter of the reservoir and from two points on the Brazos River:
  - i) A point on the Brazos River at Latitude 29.650° N, Longitude 96.026° W, also bearing N 44.217° E, 13,300 feet from the southernmost corner of the Milburn Davis Survey, Abstract No. 71, in Austin County, Texas;

- ii) A point on the Brazos River at Latitude 29.670° N, Longitude 96.053° W, also bearing N 2.00° E, 16,600 feet from the southernmost corner of the Milburn Davis Survey, Abstract No. 71, in Austin, County, Texas.
- b) Maximum combined diversion rate from the Brazos River: 2,200 cfs (987,360 gpm).
- c) Maximum diversion from any point on the perimeter of the reservoir is herein reduced from the previously authorized maximum of 8,889 cfs (4,000,000 gpm) to a maximum combined rate of 300 cfs (134,640 gpm),
- d) Water stored in Allens Creek Reservoir may be released through the outlet works by gravity at a maximum rate of 700 cfs (314,160 gpm).

#### 4. SPECIAL CONDITIONS

- a) The Permittees, in cooperation with the Executive Director, and Texas Parks and Wildlife Department (TPWD), shall undertake a site specific study of instream flow requirements of the Brazos River below the authorized points of diversion. Following completion of the study, either the Permittees, TPWD, or the Executive Director may file an application to amend this amended permit to implement streamflow diversion restrictions based upon the results of the study. Modification of streamflow diversion restrictions in that amendment may not increase or decrease the firm yield of the project authorized under this permit in paragraph 2(a) by more than 6.4%.
- b) In order to protect in-stream uses, water quality, and aquatic habitat, Permittees shall not divert water from the Brazos River in such a way that will cause streamflows immediately downstream of the permitted diversion points, excluding water released to meet downstream contracts, to fall below the following trigger levels:
  - i) For any given month, when flow in the Brazos River before diversions is greater than the naturalized median flow given in the table in 4(c), below, diversions shall not cause flow in the Brazos River to fall below that naturalized median flow;
  - ii) For any given month, when flow in the Brazos River before diversions is less than the naturalized median flow given in the table in 4(c), below, but greater than the naturalized 25<sup>th</sup> percentile flow, diversions shall not cause flow in the Brazos River to fall below that naturalized 25<sup>th</sup> percentile flow.

- iii) For any given month, when flow in the Brazos River before diversions is less than the naturalized 25<sup>th</sup> percentile flow given in the table in 4(c), below, diversions shall not cause flow in the Brazos River to fall below 734 cfs;
  - iv) At no time will diversions cause flow in the Brazos River to fall below 734 cfs.
- c) The naturalized median, 25<sup>th</sup> percentile, and water quality protection flows are as follows:

Month	Naturalized Median Flow (cfs)	Naturalized 25 <sup>th</sup> Percentile Flow (cfs)	Water Quality Protection Flow (cfs)
JAN	2,566	964	734
FEB	4,315	1,773	734
MAR	3,241	1,343	734
APR	4,601	1,835	734
MAY	9,059	3,159	734
JUN	5,576	2,596	734
JUL	2,512	1,139	734
AUG	1,379	709*	734
SEP	2,293	1,104	734
OCT	2,224	1,098	734
NOV	2,437	1,100	734
DEC	3,048	1,055	734

\*Since 25<sup>th</sup> percentile is less than water quality protection flow, water quality protection flow (734 cfs) would apply.

- d) In order to protect downstream senior water rights, for any given month Permittees shall not divert water from the Brazos River in such a way that will cause streamflows immediately downstream of the permitted diversion points, excluding water released to meet downstream contracts, to fall below the following instantaneous flow rates measure in cfs:

Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
795	795	812	882	882	1017	1017	1017	882	812	812	795

- e) The higher of the environmental flow restrictions of subparagraph 4(b) and 4(c) and the flows to protect downstream senior water rights of subparagraph 4(d) shall control.

- f) Notwithstanding the streamflow restrictions of subparagraph 4(d) to protect downstream senior water rights, downstream senior and superior water rights may exercise their lawful rights, including the right to call for the curtailment of upstream junior rights if downstream senior and superior water rights are not able to divert and use their full lawful right.
- g) As authorized by Special Condition 6(c) in Permit 2925, diversions from the Brazos River authorized for construction purposes or for the initial filling of the reservoir shall be limited to such times as the flow rate at the Richmond gaging station (when corrected to deduct upstream reservoir releases by the Brazos River Authority to provide water under contract downstream of the Richmond gage) does not reduce the flow rate below 1,100 cfs at said gaging station.
- h) As authorized by Special Condition 6(d) in Permit 2925, inflow from Allens Creek Watershed shall be passed through the reservoir whenever flow at the Richmond gaging station (when corrected to deduct upstream reservoir release by the Brazos River Authority to provide water under contract downstream of the Richmond gage) is less than 1,100 cfs, provided, however, Permittees are authorized to substitute for inflow from Allens Creek an equal quantity of water released by the Brazos River Authority from upstream reservoirs for this purpose.
- i) The Permittees, in cooperation with the Executive Director and TPWD, shall undertake a habitat mitigation study and develop a wetland and wildlife habitat mitigation plan, to be approved by the U.S. Army Corps of Engineers prior to initiating construction.
- j) Permittees will provide a means to pass inflows downstream from the reservoir to provide water to downstream domestic and livestock water users and senior downstream water right holders, and inflows will be passed downstream when required by the Executive Director.
- k) Construction of the dam creating Allens Creek Reservoir, will be in accordance with standard engineering practices, and will include a means to pass inflows past the dam in such quantities as may be necessary to satisfy Special Condition 4(j). The dam authorized under this amendment will be designed and constructed to safely pass the probable maximum flood, and meet the appropriate minimum hydrological requirements of Title 30 Texas Administrative Code (TAC) §299.14. The Permittees shall advise the Executive Director upon reaching significant milestones during the project's design process, including the 50% and 75% completion stages of the final plans and specifications. Final construction plans and specifications shall be submitted to the Executive Director for approval prior to commencement of construction of the project.

- l) At least 180 days prior to diversion and use of water authorized in this amendment, Permittees shall submit to the Executive Director revised conservation and drought contingency plans incorporating the water use authorized in this amendment. The drought contingency and conservation plans shall meet the minimum requirements of Title 30 TAC Chapter 288, and will be subject to evaluation and approval by the Executive Director.
- m) This permit, as amended, does not authorize use of the bed and banks downstream of the reservoir to convey water for subsequent diversion.

## 5. CONSERVATION

Permittees shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every wholesale water contract entered into, on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water must have water conservation requirements so that each successive wholesale customer in the resale of the water be required to implement water conservation measures.

## 6. TIME PRIORITY

The time priority for this right is September 1, 1999.

## 7. TIME LIMITATIONS

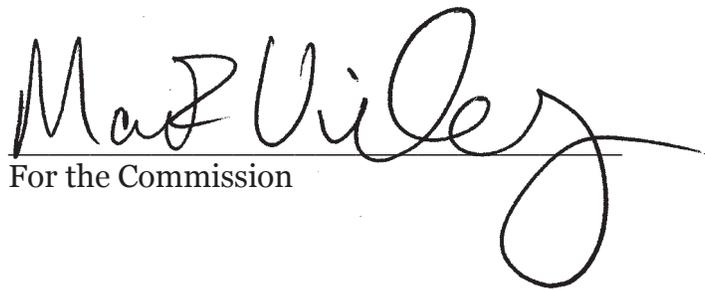
- (a) Construction of the dam herein authorized shall be in accordance with plans approved by the Executive Director and shall be commenced on or before September 1, 2025 and be completed not later than the fifth anniversary of the date construction of the reservoir commences.
- (b) Failure to commence or complete construction of the dam within the period stated above shall cause this permit to expire and become null and void, unless Permittees apply for an extension of time to commence or complete construction prior to the respective deadlines for commencement or completion, and the application is subsequently granted.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Permittees 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: **August 31, 2011**



## 2. DIVERSION

### (a) Points of Diversion:

- (1) By means of pumps located at a point bearing N 41° 15' E, 18,450 feet from the E corner of the Jesse Boykin Heirs Survey, Abstract No. 131, Austin County, Texas; and
- (2) By means of pumps between the confluence of the Navasota River with the Brazos River and the mouth of the Brazos River which may be authorized by the Commission upon petition from permittee and approval thereof.

(b) Maximum Diversion Rate: 3,200 cfs.

## 3. SPECIAL CONDITIONS

- (a) The total amount of water diverted from the Brazos River in any year under the Brazos River Authority's existing permits and future permits, if any, including the excess flow authorized hereunder, shall not exceed the sum of the permitted amounts under all existing permits and future permits, if any, provided that the amount considered permitted for this purpose under Permit No. 1262, relating to Possum Kingdom Reservoir, shall be limited to its firm yield. Nothing herein shall be construed as authorizing an additional appropriative right in the Brazos River Authority in excess of the appropriative rights heretofore held by the Authority.
- (b) The excess flow shall be diverted only when flows in the Brazos River as measured by the gage maintained by the United States Geological Survey near Richmond, Texas, and generally known as the Richmond Gage, exceed 1100 cubic feet per second (or some lesser rate not less than 650 cubic feet per second, during periods when all holders of appropriative rights to divert water downstream of the Richmond Gage agree in writing upon any such lesser rate). It is further provided that in the case of diversions made below the Richmond Gage, if any, the rate of flow required at the Richmond Gage in order for diversions of excess flow to be permissible shall be the rate specified above, plus the rates at which the excess flow is being diverted at points below the Richmond Gage. It is expressly provided that the Commission retains the right to adjust the foregoing limitations of 1100 cubic feet per second and 650 cubic feet per second as it shall, from time to time, deem appropriate.
- (c) In order to monitor the flows of the Brazos River and excess flow diversions, the permittee shall maintain daily records of such diversions and flow of the Brazos River at points near the excess flow diversions. All records shall be compiled monthly and reported to the Commission annually, and at other times as required.
- (d) The permittee agrees that no right of priority or title, by limitation or otherwise, shall ever vest in the permittee by virtue of the issuance of this permit or the use of excess flow granted by this permit. The permittee agrees that there being no priority right in this permit, all rights hereafter granted by the Commission and all rights hereafter awarded through adjudication shall always be considered prior and superior rights for the purpose of determining the amount of excess flow available for use under this permit.

- (e) No impoundment or diversion of water by any party under any water right heretofore or hereafter granted or recognized will constitute an infringement of this permit. The Commission shall not be under duty or obligation to consider this permit in determining the availability of water sought to be appropriated in any subsequent application made to the Commission or to include in any subsequently granted permits provisions for honoring the rights sought in the permit granted hereinunder.
- (f) The permittee agrees that the Commission, after notice to the permittee and hearing, may revoke all or any part of this permit upon finding that the permit no longer effectuates conservation of water.

Beneficial use of water under the authority of this permit constitutes acceptance of the permit. The permittee agrees by the acceptance of this permit to be bound by the orders, terms, conditions and provisions of the permit. The permittee agrees that any violation of the orders, terms, conditions or provisions of this permit will cause this permit to be forfeited and cancelled.

This permit is issued subject to all superior and senior water rights in the Brazos River Basin.

Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

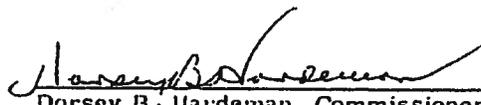
All other matters requested in the application which are not specifically granted by this permit are denied.

This permit is issued subject to the rules and regulations of the Texas Water Rights Commission and to its right of continual supervision

TEXAS WATER RIGHTS COMMISSION

  
Joe D. Carter, Chairman

  
Burke Holman, Commissioner

  
Dorsey B. Hardeman, Commissioner

Date Issued:

September 26, 1974

Attest:

  
Audrey Strandman, Secretary

STATE OF TEXAS     |  
                          |  
COUNTY OF TRAVIS   |

I, Mary Ann Hefner, Chief Clerk of the Texas Water Commission of the Department of Water Resources, do hereby certify that the attached and foregoing is a true and correct copy of Permit No. 2947, issued to BRAZOS RIVER AUTHORITY, dated September 26, 1974; Permit No. 2947A, issued to BRAZOS RIVER AUTHORITY, dated September 16, 1975, and Permit No. 2947B, issued to BRAZOS RIVER AUTHORITY, dated May 5, 1976, each of which is on file in the permanent records of the Commission.

Given under my hand and the seal of the Texas Water Commission, this 6th day of December, 1979.

  
\_\_\_\_\_  
Mary Ann Hefner, Chief Clerk  
Texas Water Commission

Seal



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 and Regulations of the Texas Water Rights Commission and to its right of continual supervision.

TEXAS WATER RIGHTS COMMISSION



Joe D. Carter, Chairman



Joe R. Carroll, Commissioner



Dorsey B. Hardeman, Commissioner

Date Issued:

September 16, 1975

Attest:

  
Mary Ann Hefner, Secretary

**AMENDMENT TO  
PERMIT TO  
APPROPRIATE STATE WATER**

<b>APPLICATION NO. 3216-B</b>	<b>PERMIT NO. 2947-B</b>	<b>TYPE: Amendment</b>
<b>Permittee : Brazos River Authority</b>	<b>Address : P. O. Drawer 7555</b>	<b>Waco, Texas 76710</b>
<b>Received : November 6, 1975</b>	<b>Filed : April 12, 1976</b>	
<b>Granted : April 12, 1976</b>	<b>County : Fort Bend</b>	
<b>Watercourse : Brazos River</b>	<b>Watershed: Brazos River Basin</b>	

**WHEREAS, the Texas Water Rights Commission finds that jurisdiction of the application is established; and**

**WHEREAS, a public hearing has been held and specific findings of fact and conclusions of law adopted, as required by law; and**

**WHEREAS, applicant has requested an amendment to Permit No. 2947-A to authorize the use of two diversion points specified in Contractual Permit No. 299.**

**NOW, THEREFORE, this amendment to Permit No. 2947-A is issued to Brazos River Authority, subject to the following terms and conditions:**

**1. DIVERSION**

**In lieu of the diversion authorized by Permit No. 2947-A permittee is authorized to divert water at the two points specified in Contractual Permit No. 299 being:**

**At a point on the east or left bank of the Brazos River being S 20° E, 600 feet from the NW corner of the William Pettus Survey, Abstract No. 68, 16-1/2 miles SE of Richmond, Fort Bend County, Texas, and at a point on the east or left bank of the Brazos River being N 83° 18' W, 27,319 feet from the SE corner of the Thomas Barnett Survey, Abstract No. 7, 14 miles SE of Richmond, Fort Bend County, Texas.**

**No increase in the maximum rate of diversion authorized in Contractual Permit No. 299 or increase in the annual appropriation is granted**

**2. SPECIAL CONDITION**

**The authorization to use the additional diversion points under this amendment shall expire on December 31, 2024, or upon termination of Contractual Permit No. 299, whichever shall occur first.**

**This amendment is issued subject to all terms, conditions and provisions contained in Permit No. 2947-A, except as herein amended.**

**This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.**

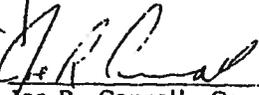
**Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.**

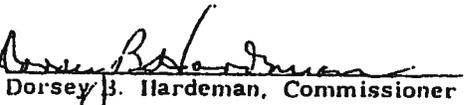
All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules and Regulations of the Texas Water Rights Commission and to its right of continual supervision.

TEXAS WATER RIGHTS COMMISSION

  
\_\_\_\_\_  
Joe D. Carter, Chairman

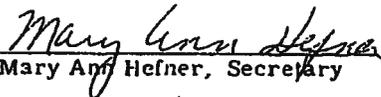
  
\_\_\_\_\_  
Joe R. Carroll, Commissioner

  
\_\_\_\_\_  
Dorsey B. Hardeman, Commissioner

Date Issued:

May 5, 1976

Attest:

  
\_\_\_\_\_  
Mary Ann Hefner, Secretary







#### 4. TIME LIMITATIONS

Construction or installation of all works herein authorized or required shall be in accordance with plans approved by the Commission and shall be commenced within 2 years and completed 5 years from date of issuance of this permit unless extended by the Commission.

#### 5. SYSTEM OPERATION

The permittee is authorized to include the Upper Navasota Reservoir in its system operation as authorized by the Commission's order of July 23, 1964, as amended. For purposes of the system operation authorized by the Commission's order of July 23, 1964, the permittee is authorized to divert and use from the Upper Navasota Reservoir 70,000 acre-feet of water per annum for municipal purposes, 77,500 acre-feet of water per annum for industrial purposes, and 70,000 acre-feet of water per annum for irrigation purposes, provided that all diversions from the Upper Navasota Reservoir exceeding 70,194 acre-feet in any one calendar year shall be charged against the sum of the amounts designated as priority rights in the other tributary reservoirs included in the system operation authorized by the Commission's order of July 23, 1964, as amended.

#### 6. SPECIAL CONDITIONS

- (a) The permittee shall provide the facilities necessary (including pumps) to pass water through the dam at all times, including the period of construction and initial filling of the reservoir.
- (b) Permittee shall establish and maintain a streamflow measuring station upstream from the reservoir at a site approved by the Commission. Records of low flow at this station and at the dam-site will be maintained during the period prior to the beginning impoundment of water in the reservoir and will be used, together with other pertinent data, to establish a correlation acceptable to the Commission between low flow at the upstream station and low flow at the damsite. Low flow in paragraph (c) below refers to simulated low flow at the damsite determined on the basis of this correlation.
- (c) Permittee will pass through the dam all low flow up to 6 cubic feet per second (low flow greater than 6 cubic feet per second will be passed through to serve superior downstream water rights as deemed necessary by the Commission) and will supplement low flow by making releases from reservoir storage to maintain a minimum release at the dam of 2 cubic feet per second until such time that low flow has ceased. Daily readings of the required upstream gaging station will be made whenever reservoir releases are less than 6 cubic feet per second.
- (d) The permittee shall install and maintain a continuous lake level measuring station for Upper Navasota Reservoir and maintain the following records:
  - (1) Reservoir content;
  - (2) Low flow releases; and

- (3) Diversions and releases indicating quantities and uses to be charged against the priority right of this reservoir, and quantities and uses (if any) to be charged against the Brazos River Authority system operation.

All records shall be compiled monthly and reported to the Commission annually and at other times as required.

- (e) The permittee shall survey and monument an appropriate number of sediment ranges prior to impoundment of water. A set of drawings showing the location and profile of each range shall be submitted to the Commission along with a revised elevation-area-capacity table based on the surveyed ranges.
- (f) Revised elevation-area-capacity tables based on new sediment surveys conducted at not greater than 15-year intervals following the first filling of the reservoir shall be submitted to the Commission.

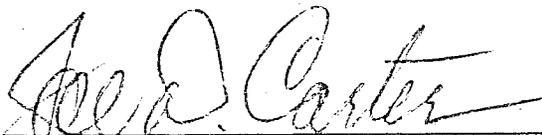
This permit is issued subject to all superior and senior water rights in the Brazos River Basin.

Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

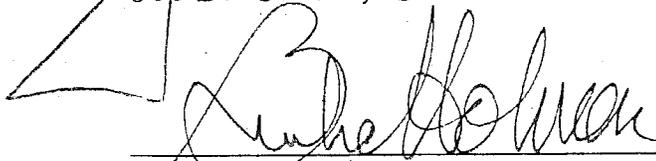
All other matters requested in the application which are not specifically granted by this permit are denied.

This permit is issued subject to the rules and regulations of the Texas Water Rights Commission and to its right of continual supervision.

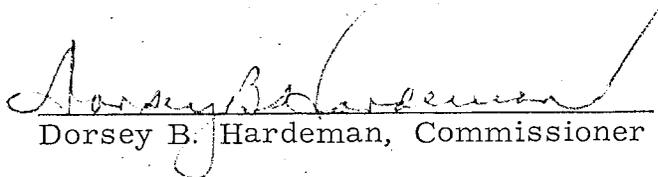
TEXAS WATER RIGHTS COMMISSION



Joe D. Carter, Chairman



Burke Holman, Commissioner

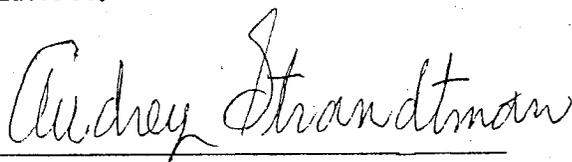


Dorsey B. Hardeman, Commissioner

Date Issued:

October 1, 1974

Attest:



Audrey Strandtman, Secretary



7394

PERMIT TO  
APPROPRIATE STATE WATER

APPLICATION NO. 3214A	PERMIT NO. 2950A	TYPE: Amendment
Permittee : Brazos River Authority	Address : P. O. Box 7555	Waco, Texas 76710
Received : June 4, 1979	Filed : September 4, 1979	
Granted : September 4, 1979	Counties : Leon, Limestone and Robertson	
Watercourse : Navasota River, tribu- tary of Brazos River	Watershed: Brazos River Basin	

WHEREAS, the Texas Water Commission finds that jurisdiction of the application is established; and

WHEREAS, Permit No. 2950, issued October 1, 1974, authorizes permittee to construct and maintain a dam and reservoir (Lake Limestone) on the Navasota River, to impound therein not to exceed 217,494 acre-feet of water at elevation 363 feet above mean sea level and to divert and use therefrom not to exceed 70,000 acre-feet of water per annum for municipal purposes, 77,500 acre-feet per annum for industrial purposes and 70,000 acre-feet per annum for irrigation, with a priority right of 70,194 acre-feet of water per annum; and

WHEREAS, the applicant has requested an amendment to Permit No. 2950 to authorize the use of Lake Limestone for recreational purposes; and

WHEREAS, a public hearing has been held and Brazos River Authority named as a party; and

WHEREAS, by law the Executive Director and the Public Interest Advocate of the Department of Water Resources are parties; and

WHEREAS, no person appeared to protest the granting of this application; and

WHEREAS, the issuance of this amendment granting this application is not adverse to any party.

NOW, THEREFORE, this amendment to Permit No. 2950 is issued to Brazos River Authority subject to the following terms and conditions:

1. USE

In addition to the present authorizations, permittee is authorized to use the impounded waters of Lake Limestone for nonconsumptive recreational purposes.

2. PRIORITY

The time priority of this amendment is May 6, 1974.

This amendment is issued subject to all terms, conditions and provisions contained in Permit No. 2950, except as herein amended.

4

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Permittee 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 Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

Felix McDonald  
Felix McDonald, Chairman

Joe R. Carroll  
Joe R. Carroll, Commissioner

Dorsey B. Hardeman  
Dorsey B. Hardeman, Commissioner

Date Issued:

September 13, 1979

Attest:

Mary Ann Hefner  
Mary Ann Hefner, Chief Clerk

The State of Texas }  
County of Limestone }

I, DENA PRUITT, Clerk of the County Court of Limestone County, do hereby certify that the foregoing instrument, with its certificate of authentication, was filed in my office the 20 day of Sept, 1979, at 8 o'clock A.M., and duly recorded the 20 day of Sept, 1979, at 4 o'clock P.M., in Water Permit Record of said County, in Volume 1, Page 3.

WITNESS MY HAND and the Seal of the County Court of said County, at my office in Groesbeck, Texas, the day and year last written.

By Nancy Stockton Appendix A-1 Deputy Clerk, County Court, Limestone County, Texas DENA PRUITT Clerk, County Court, Limestone County, Texas



6

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Permittee 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 Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

Felix McDonald  
Felix McDonald, Chairman

Joe R. Carroll  
Joe R. Carroll, Commissioner

Dorsey B. Hardeman  
Dorsey B. Hardeman, Commissioner

Date Issued:

October 30, 1979

Attest:

Mary Ann Hefner  
Mary Ann Hefner, Chief Clerk

STATE OF TEXAS  
COUNTY OF TRAVIS  
Mary Ann Hefner, Chief Clerk of the Texas  
Water Commission, do hereby certify that *the*  
*foregoing* is a true and correct copy of  
the instrument on file in permanent records of

The State of Texas }  
County of Limestone }  
I, DENA PRUITT, Clerk of the County Court of Limestone County, do hereby certify that the foregoing instrument, with its certificate of authentication, was filed in my office the 10<sup>th</sup> day of November, 1979, at 8 o'clock A.M., and duly recorded the 9<sup>th</sup> day of November, 1979, at 1 o'clock P.M., in Water Permit Record of said County, in Volume 1, Page 5.  
WITNESS MY HAND and the Seal of the County Court of said County, at my office in Groesbeck, Texas, the day and year last written.  
By Susan Smith Deputy Clerk, County Court, Limestone County, Texas  
DENA PRUITT  
Clerk, County Court, Limestone County, Texas



608

Permittee 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 Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

Felix McDonald  
Felix McDonald, Chairman

Joe R. Carroll  
Joe R. Carroll, Commissioner

Dorsey B. Hardeman  
Dorsey B. Hardeman, Commissioner

Date Issued:

November 25, 1980

Attest:

Mary Ann Hefner  
Mary Ann Hefner, Chief Clerk

STATE OF TEXAS  
COUNTY OF TRAVIS

I, Mary Ann Hefner, Chief Clerk of the Texas Water Commission, do hereby certify that the foregoing is a true and correct copy of an instrument on file in permanent records of said Commission of the Department of Water Resources.

Given under my hand and the seal of the Texas Water Commission this the 4th day of December, A. D., 1980.

Mary Ann Hefner  
Mary Ann Hefner, Chief Clerk

RECORDED  
INDEXED  
NOV 25 1980  
COUNTY CLERK



- (b) Permittee is authorized to release water for authorized downstream uses by gravity flow at a maximum rate of 942,500 gpm (2100 cfs) at a point N 60° 20' W, 4139 feet from the SE corner of the aforesaid Francis Survey.

4. TIME LIMITATIONS

Construction or installation of all works herein authorized shall be commenced within two years and completed within seven years from date of issuance of this permit, unless extended by the Commission.

5. SYSTEM OPERATION

Permittee is authorized to include the subject reservoir in the Brazos River Authority system operation as authorized by the Commission order of July 23, 1964, as amended. For purposes of the system operation, permittee is authorized annually to divert and use from the reservoir 17,000 acre-feet of water for municipal purposes, 18,400 acre-feet of water for industrial purposes, and ~~17,000 acre-feet of water for irrigation purposes~~, provided that all diversions from Aquilla Lake exceeding 16,260 acre-feet in any one calendar year shall be charged against the sum of the amounts designated as priority rights in the other tributary reservoirs included in the system operation authorized by the Commission order of July 23, 1964, as amended.

*17,000 aff water  
for irrigation  
purposes deleted  
by IWRC Bd.  
Order dated  
7-5-77.*

6. SPECIAL CONDITIONS

- (a) Permittee shall provide the facilities necessary (including pumps) to pass water through the dam at all times, including the period of construction and initial filling of the reservoir.
- (b) Whenever the flow in Aquilla Creek downstream of the proposed dam as measured at the USGS streamflow gaging station at Farm Road 1304 is less than 0.5 cfs, the Authority will release at least 0.5 cfs through the dam for domestic and livestock uses and for the benefit of fish and wildlife.
- (c) Permittee is authorized to use the bed and banks of Aquilla Creek and the Brazos River for the purpose of conveying water to authorized downstream points of diversion and use, including the San Jacinto-Brazos Coastal Basin as authorized by Permit No. 2661, as amended.
- (d) Failure to construct the works herein authorized according to Time Limitations may be cause for revocation of this permit after notice and hearing by the Commission.
- (e) Persons or entities who may contract with permittee for the right to use water authorized to be appropriated hereunder shall hold or obtain contractual permits from the Texas Water Rights Commission before commencing use of such water.

This permit is issued subject to all superior and senior water rights in the Brazos River Basin.

Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

All other matters requested in the application which are not specifically granted by this permit are denied.

This permit is issued subject to the Rules of the Texas Water Rights Commission and to its right of continual supervision.

TEXAS WATER RIGHTS COMMISSION

Joe D. Carter  
Joe D. Carter, Chairman

Joe R. Carroll  
Joe R. Carroll, Commissioner

Dorsey B. Hardeman  
Dorsey B. Hardeman, Commissioner

Date Issued:

February 1, 1977

Attest:  
  
Mary Ann Heffner  
Mary Ann Heffner, Secretary

STATE OF TEXAS ★  
County of Hill ★

I, LARRY WRIGHT, Clerk of the County Court of said County do certify that the foregoing document of writing, with its certification of authentication, and duly recorded the 7 day of Feb A. D. 19 77 at 8:00 O'clock A M in the Deed records of said county, in vol. 558 on page 29.

WITNESS my hand and seal of the County Court of said County at the 3 of 3 office in Hillsboro, the day and year last above written.

LARRY WRIGHT  
Clerk County Court, Hill County, Texas  
By Dorsey Hard Deputy





This amendment is issued subject to all terms, conditions and provisions contained in Permit No. 3403, except as herein amended.

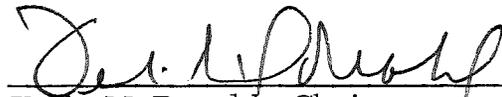
This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Permittee 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.

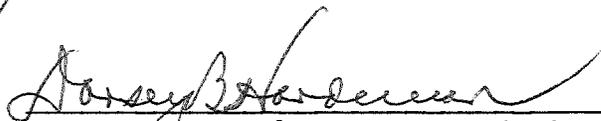
All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

  
Felix McDonald, Chairman

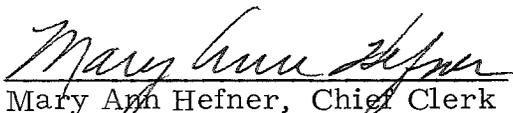
  
Joe R. Carroll, Commissioner

  
Dorsey B. Hardeman, Commissioner

Date Issued:

September 13, 1979

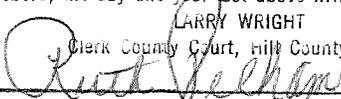
Attest:

  
Mary Ann Hefner, Chief Clerk

STATE OF TEXAS ★  
County of Hill ★

I, LARRY WRIGHT, Clerk of the County Court of said County do hereby certify that the foregoing document of writing, with its certification of authentication, and duly recorded this 1st day of Oct, A. D. 19 79 at 8:30 O'clock A M in the Deed records of said county, b. v. l. 584 on page 854.

WITH my hand and seal of the County Court of said County at the office in Hillsboro, the day and year last above written.

LARRY WRIGHT  
Clerk County Court, Hill County, Texas  
By  Page 2 of 2

AMENDMENT TO  
PERMIT TO  
APPROPRIATE STATE WATER

APPLICATION NO. 3687B	PERMIT NO. 3403B	TYPE: Amendment
Permittee : Brazos River Authority	Address :	P. O. Box 7555 Waco, Texas 76710
Received : September 8, 1980	Filed :	November 3, 1980
Granted : November 3, 1980	County :	Hill
Watercourse: Aquilla Creek, trib- utary of Brazos River	Watershed:	Brazos River Basin

WHEREAS, the Texas Water Commission finds that jurisdiction of the application is established; and

WHEREAS, applicant has requested an amendment to Permit No. 3403, as amended, to authorize the conversion to mining use of 200 acre-feet of water out of the 18,400 acre-feet of water per year which is authorized for industrial use; and

WHEREAS, a public hearing has been held and Brazos River Authority named as a party; and

WHEREAS, by law the Executive Director and the Public Interest Advocate of the Department of Water Resources are parties; and

WHEREAS, no person appeared to protest the granting of this application; and

WHEREAS, the issuance of this amendment granting this application is not adverse to any party;

NOW, THEREFORE, this amendment to Permit No. 3403, as amended, is issued to Brazos River Authority subject to the following terms and conditions:

1. USE

Whereas permittee was previously authorized to annually divert from Lake Aquilla 17,000 acre-feet of water for municipal purposes and 18,400 acre-feet of water for industrial purposes, this amendment changes the authorized use so that permittee is now authorized to annually divert 17,000 acre-feet of water for municipal purposes, 200 acre-feet for mining purposes and 18,200 acre-feet for industrial purposes with a priority right of not to exceed 16,260 acre-feet of water per year.

2. PRIORITY

The time priority of this amendment is October 25, 1976.

This amendment is issued subject to all terms, conditions and provisions contained in Permit No. 3403, as amended, except as herein amended.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin.

Permittee 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 Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

Felix McDonald  
Felix McDonald, Chairman

Joe R. Carroll  
Joe R. Carroll, Commissioner

Dorsey B. Hardeman  
Dorsey B. Hardeman, Commissioner

Date Issued:

November 25, 1980

Attest:

Mary Ann Hefner  
Mary Ann Hefner, Chief Clerk

STATE OF TEXAS ★  
County of Hill ★  
I, RUTH PELHAM, Clerk of the County Court of said County do certify that the foregoing document of writing, with its certification of authentication, was duly recorded the 8 day of Dec. A. D. 19 80 at 9:00 o'clock A. M. in the Deed records of said county, in vol. 599 on page 741.  
WITNESS my hand and seal of the County Court of said County at the office in Hillsboro, the day and year last above written.  
RUTH PELHAM  
Clerk County Court, Hill County, Texas  
By Pat [Signature] Deputy



the dam, specifying the amounts released for downstream use pursuant to water use contracts executed by the permittee.

(d) This permit shall become null and void upon termination of permittee's contractual right with the United States of America to store water in Lake Whitney.

(e) This permit is junior in priority to any rights which may be granted by the Texas Water Commission to City of Stephenville pursuant to Application No. 4237.

(f) Whenever the flow of Brazos River, measured at the U.S.G.S. gaging station at Richmond, is less than 1100 cfs, and upon request of The Dow Chemical Company for releases to satisfy its prior rights, permittee shall use its best efforts to cause the U. S. Corps of Engineers to release through Whitney Dam the available flows of the Brazos River into Lake Whitney to the extent necessary to maintain a flow of 1100 cfs at the Richmond Gage.

#### 5. SYSTEM OPERATION

Permittee is authorized to include the subject reservoir in the Brazos River Authority system operation as such operation is authorized by the Commission order of July 23, 1964, as amended. For purposes of the system operation, permittee is authorized annually to divert and use from the reservoir 25,000 acre-feet of water for municipal purposes, and 25,000 acre-feet of water for industrial purposes, provided that all diversions from Lake Whitney exceeding 18,336 acre-feet in any one calendar year shall be charged against the sum of the amounts designated as priority rights in the other reservoirs included in the system operation authorized by the Commission order of July 23, 1964, as amended.

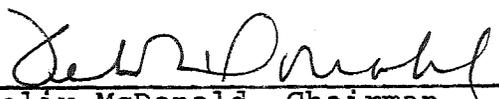
This permit is issued subject to all superior and senior water rights in the Brazos River Basin.

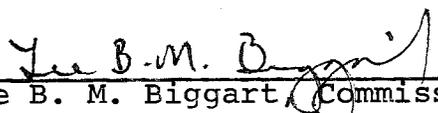
Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

All other matters requested in the application which are not specifically granted by this permit are denied.

This permit is issued subject to the Rules of the Texas Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

  
Felix McDonald, Chairman

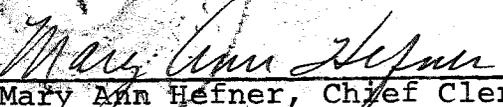
  
Lee B. M. Biggart, Commissioner

  
John D. Stover, Commissioner

Date Issued:

February 18, 1983

Attest:

  
Mary Ann Hefner, Chief Clerk

# TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



THE STATE OF TEXAS  
COUNTY OF TRAVIS  
I hereby certify that this is a true and correct copy of a Texas Natural  
Resource Conservation Commission document, which is filed in the  
permanent records of the Commission.  
Given under my hand and the seal of office on

*Ladonna Castañuela* SEP 25 2001

Ladonna Castañuela, Chief Clerk  
Texas Natural Resource  
Conservation Commission

## PERMIT TO USE STATE WATER

APPLICATION NO. 5730	PERMIT NO. 5730	TYPE: §11.085
Permittee: Brazos River Authority	Address: P. O. Box 7555 Waco, Texas 76714	
Filed: February 12, 2001	Granted: AUG 22 2001	
Purpose: Municipal, Industrial, and Irrigation	County: Williamson	
Watercourse: Colorado River	Basin: Colorado River Basin and Brazos River Basin	

WHEREAS, pursuant to S.B. 1879, Acts 1997, Texas Legislature, Regular Session Chapter 154, the enabling statute of the Lower Colorado River Authority (LCRA) was amended to allow LCRA to provide water service in Williamson County within the service area of the BRA (Brazos River Authority) in the Brazos River Basin; and

WHEREAS, on January 26, 1998, the Board of Directors of the BRA adopted a resolution consenting to LCRA providing water service in Williamson County within the service area of the BRA in the Brazos River Basin; and

WHEREAS, pursuant to H.B. 1437, Acts 1999, Texas Legislature, Regular Session, Chapter 214, the enabling statute of the LCRA was amended to allow the LCRA to provide water service to additional areas in Williamson County; and

WHEREAS, on October 9, 2000, LCRA and BRA entered into a Water Sale Contract wherein LCRA, pursuant to its Certificate of Adjudication Nos. 14-5478, as amended, and 14-5482, as amended, will provide water service in the amount of 25,000 acre-feet of water per annum for municipal, industrial, and irrigation use by the BRA within its Williamson County service area; and

WHEREAS, the water may be diverted from the perimeter of Lake Travis as authorized in its Certificate of Adjudication No. 14-5482, as amended, and from the Colorado River at three diversion points located downstream of Lake Travis; and

WHEREAS, the BRA seeks authorization to allow use of the aforesaid 25,000 acre-feet of water per annum for municipal, industrial, and irrigation purposes within its service area in Williamson County; and

WHEREAS, the BRA also seeks authorization to reuse all of the wastewater effluent and return water created per annum by the use of the aforesaid 25,000 acre-feet for municipal, industrial, and irrigation purposes within the areas of use authorized for the initial uses, and as may be authorized by future amendments of the permit, in Williamson County; and

WHEREAS, the requested reuse authorization can be granted at this time, but additional future authorization must be obtained pursuant to Texas Water Code § 11.042 in order to use the bed and banks of state watercourses to deliver water for reuse, and this authorization cannot be obtained until discharge and diversion points have been identified by applicant and all statutory requirements satisfied; and

WHEREAS, the Commission will use the new Brazos River Basin Water Availability Model for future permitting, and water rights permitting recommendations from the Commission are based on a determination of available unappropriated waters and do not include wastewater effluent in the determination of available water; and

WHEREAS, pursuant to S.B. 1, Acts 1997, Texas Legislature, Regular Session, Chapter 1010, and Section §11.085(v)(4), of the Texas Water Code, the Commission is authorized to grant an interbasin transfer permit if the proposed transfer is from a basin to a county that is partially within the basin for use in that part of the county not within the basin; and

WHEREAS, pursuant to S.B. 1, Acts 1997, Texas Legislature, Regular Session, Chapter 1010, and Texas Natural Resource Conservation Commission Rules 30 TAC §295.155 (d), the requested authorization is an exempt interbasin transfer included under §11.085 (v) not requiring notice; and

WHEREAS, the Texas Natural Resource Conservation Commission finds that jurisdiction over the application is established;

NOW THEREFORE, this permit is issued to the Brazos River Authority subject to the following terms and conditions:

1. USE

- A. Pursuant to a October 9, 2000 Water Sale Contract between LCRA and BRA and LCRA's Certificate of Adjudication Nos. 14-5478, as amended, and 14-5482, as amended, permittee is authorized to use water provided from storage from Lake Buchanan, Colorado River Basin, Llano and Burnet Counties and/or from Lake Travis, Colorado River Basin, Travis County, in an amount not to exceed 25,000 acre-feet of water for municipal, industrial, and irrigation use within the service area of the BRA in Williamson County within the Brazos River Basin.
- B. Permittee is authorized to reuse water authorized by this permit subject to obtaining future authorizations, after identifying specific points of discharge and diversion and satisfying the requirements of Texas Water Code § 11.042, for use of bed and banks for delivery.

2. DIVERSION POINTS

- A. From a point on the perimeter of Lake Travis
- B. From three points on the Colorado River located downstream of Lake Travis being as follows:
  - 1. Latitude 30.2964° N, Longitude 97.7878° W
  - 2. Latitude 30.2647° N, Longitude 97.7525° W
  - 3. Latitude 30.2307° N, Longitude 97.5203° W

3. WATER CONSERVATION

Water authorized for use under this permit shall be in accordance with the Water Conservation Plans and Drought Contingency Plans filed by the LCRA and BRA and approved by the Texas Natural Resource Conservation Commission.

4. TIME PRIORITY

The time priority for the impoundment of water in Lake Buchanan and Lake Travis is March, 29, 1926. The time priority for the diversion and use of water for all other purposes authorized herein is March 7, 1938.

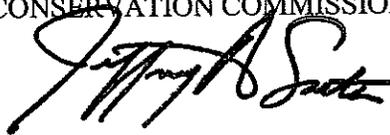
Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

All other matters requested in the application which are not specifically granted by this permit are denied.

This permit is issued subject to all superior and senior water rights in the Colorado River Basin.

This permit is issued subject to the Rules of the Texas Natural Resource Conservation Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS NATURAL RESOURCE  
CONSERVATION COMMISSION



For the Commission

DATE ISSUED:

**AUG 22 2001**



# TEXAS WATER COMMISSION



AN ORDER authorizing system operation of certain reservoirs in the Brazos River Basin.

BE IT ORDERED BY THE TEXAS WATER COMMISSION:

Section 1. The Commission has this day granted to Brazos River Authority Permits, numbered 2107, 2108, 2109, 2110 and 2111, to impound and divert water respectively from the Proctor Reservoir on the Leon River, the Belton Reservoir on the Leon River, the Stillhouse Hollow Reservoir on the Lampasas River, the Somerville Reservoir on Yegua Creek and the DeCordova Bend Reservoir on the main stem of the Brazos River. Brazos River Authority is the holder of Permit No. 1262, authorizing it to impound and divert water from the Possum Kingdom Reservoir on the main stem of the Brazos River. In this order DeCordova Bend and Possum Kingdom are sometimes called main stem reservoirs; Belton, Stillhouse Hollow, Proctor and Somerville are sometimes called tributary reservoirs.

Section 2. Brazos River Authority proposes and has requested permission of the Commission to operate the four tributary reservoirs as elements of a system under which releases from tributary reservoirs could be coordinated with releases from main stem reservoirs to achieve most effective conservation and beneficial use of available stored waters.

Section 3. The Commission recognizes that, when reservoirs are suitably located with regard to each other and with regard to water users, operation of such reservoirs as elements of a system, rather than as individual reservoirs, offers opportunities for more effective conservation and beneficial utilization of the available water resources. The Commission recognizes also that the effectiveness of system operation of reservoirs depends on the ability to

make releases of water from those reservoirs in the system in which supply is relatively abundant in order to reduce the need for releases from reservoirs where the supply is short.

Section 4. The Commission, by this order, grants to the Brazos River Authority permission to manage and operate the tributary reservoirs as elements of a system, coordinating releases from the tributary reservoirs with releases from the main stem reservoirs to minimize waste, and to conserve water in reservoirs in which the supply is short by making releases from tributary reservoirs in which the supply is more abundant. Pursuant to such operation, Brazos River Authority is authorized to make diversions from tributary reservoirs in excess of the acre-foot quantity limitations set out in the individual permits upon the amounts of water which may be diverted for municipal, industrial and irrigation purposes respectively, so long as the total amount of water released from all such tributary reservoirs in any year for each purpose does not exceed the cumulative authorized total for such purpose.

Section 5. To assure that the system operation authorized by this order will not impair the ability of each tributary reservoir to supply water for local needs within its tributary watershed, such tributary reservoir shall be excluded from system operation during any period of time in which Authority's permitted storage space in any such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as other needs can be met from other reservoirs.

Section 6. This order is subject to all lawful vested rights of others entitled to waters of the Brazos River Basin.

Section 7. This order is subject to revocation or modification by the Commission with or without hearing on the Commission's own motion, upon application by the Brazos River Authority, or upon

application by any party whose interests or rights are affected by  
this order or by the system operation authorized herunder.

This order shall be in full force and effect from the 23rd day  
of July, 1964, the date of its passage, and it is so ordered.

TEXAS WATER COMMISSION



Joe D. Carter, Chairman

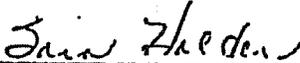


O. F. Dant, Commissioner



H. A. Beckwith, Commissioner

ATTEST:



Sara Holder, Asst. Secretary

# TEXAS WATER RIGHTS COMMISSION



AN ORDER amending the System  
Operation of certain reser-  
voirs in the Brazos River  
Basin dated July 23, 1964.

BE IT ORDERED BY THE TEXAS WATER RIGHTS COMMISSION:

The System Operation Order to the Brazos River Authority entered on July 23, 1964, is amended by adding the reservoirs to be constructed under Permits Nos. 2366 and 2367.

All other of the terms and conditions of the System Operation Order for the Brazos River Authority shall remain the same.

Executed and entered this the 23rd day of July, 1968.

TEXAS WATER RIGHTS COMMISSION

*Joe D. Carter*

Joe D. Carter, Chairman

*D. F. Dent*

D. F. Dent, Commissioner

*W. E. Berger*

W. E. Berger, Commissioner

ATTEST:

*Audrey Strandtman*  
Audrey Strandtman, Secretary

BRA-048465

BRA-CA-000038

TEXAS WATER RIGHTS COMMISSION



AN ORDER amending the System Operation  
of certain reservoirs in the Brazos  
River Basin

BE IT ORDERED BY THE TEXAS WATER RIGHTS COMMISSION:

The System Operation Order to the Brazos River Authority  
entered on July 23, 1964, as amended July 23, 1968, is further  
amended by adding the reservoirs to be constructed under  
Permits Nos. 2950 and 3403.

All other of the terms and conditions of the System Operation  
Order, as amended, for the Brazos River Authority shall remain  
the same.

Executed and entered of record, this the 1st day of February, 1977.

TEXAS WATER RIGHTS COMMISSION

/s/ Joe D. Carter  
Joe D. Carter, Chairman

ATTEST:

/s/ Joe R. Carroll  
Joe R. Carroll, Commissioner

/s/ Dorsey B. Hardeman  
Dorsey B. Hardeman, Commissioner

/s/ Mary Ann Hefner  
Mary Ann Hefner, Secretary

TEXAS DEPARTMENT OF WATER RESOURCES

TEXAS WATER COMMISSION



AN ORDER amending the System Operation  
of certain reservoirs in the Brazos  
River Basin

BE IT ORDERED BY THE TEXAS WATER COMMISSION:

The System Operation Order to the Brazos River Authority entered on July 23, 1964, as amended, is further amended by adding the use of water under Permit No. 3940.

All other of the terms and conditions of the System Operation Order, as amended, for the Brazos River Authority shall remain the same.

Executed and entered of record, this the 31st day of January, 1983.

TEXAS WATER COMMISSION

/s/ Lee B. M. Biggart  
Lee B. M. Biggart, Chairman

/s/ Felix McDonald  
Felix McDonald, Commissioner

ATTEST:

/s/ Mary Ann Hefner  
Mary Ann Hefner, Chief Clerk

/s/ John D. Stover  
John D. Stover, Commissioner



Certificate of Adjudication 12-5155

- B. For purposes of the system operation, the Authority is authorized to exceed the priority right and to annually divert and use from the aforesaid Possum Kingdom Reservoir not to exceed 175,000 acre-feet of water for municipal purposes, of which amount not more than 5240 acre-feet of the municipal authorization may be transferred to the Trinity River Basin for municipal use by the Authority's service area customers; 250,000 acre-feet of water for industrial purposes; 250,000 acre-feet of water for irrigation purposes and 49,800 acre-feet of water for mining purposes. All diversions and use of water from Possum Kingdom Reservoir in excess of 230,750 acre-feet in any one calendar year shall be charged against the sum of the amounts designated as priority rights in the other reservoirs included in the System Operation Order.
- C. Owner is also authorized to use the water impounded in Possum Kingdom Reservoir for non-consumptive recreation purposes.
- D. Owner is further authorized a non-priority right to the non-consumptive use of water released from or flowing out of the aforesaid reservoir for hydroelectric power generation.

3. DIVERSION

- A. Location:  
At the perimeter of the aforesaid reservoir and releases through the dam.
- B. Maximum rate: Unspecified.

4. PRIORITY

The time priority of owner's right is April 6, 1938 for all rights authorized herein except for the interbasin transfer of water which is November 7, 1986.

5. SPECIAL CONDITIONS

- A. Owner shall maintain facilities necessary to allow the free passage of water through the aforesaid dam that owner is not entitled to divert or impound.
- B. Owner is authorized to use the bed and banks of the Brazos River, below the aforesaid dam, for the purpose of conveying all or part of the water to be appropriated hereunder to authorized points of diversion and use downstream, including points of diversion and use in the San Jacinto-Brazos Coastal Basin as authorized by Certificate of Adjudication 12-5167.

Certificate of Adjudication 12-5155

- C. Owner is authorized to make total diversions or releases from all system reservoirs in any calendar year in an amount not to exceed the sum of the amounts authorized as priority rights in the reservoirs included in the system operation.
- D. The total amount of water diverted or released from any one system reservoir for a particular purpose may exceed the authorization for that purpose under that reservoir's certificate of adjudication, but may not exceed the total authorized diversions for all purposes from that reservoir in any calendar year.
- E. Any diversion or release in any calendar year from any one system reservoir in excess of the amount stated in the certificate of adjudication for that reservoir as its priority right shall be charged against the sum of the amounts designated as priority rights for the other reservoirs included in the system operation.
- F. Any diversions or releases in excess of 230,750 acre-feet of water shall have no priority or status as a vested appropriative water right and are subject to the authority of the Texas Water Commission to order owner to cease such diversions or releases and/or to take other appropriate action.
- G. No diversion or release of water from one system reservoir shall perfect owner's rights in any other reservoir.
- H. To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which the Authority's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, the Authority may resume system operations until such time as any system reservoir refills to above 30 percent capacity.
- I. The Brazos River Authority's operation of Possum Kingdom Reservoir under the system operation order shall be subject to revocation or modification by the Commission with or without a hearing, without notice other than that provided to the Authority, or upon the Commission's own motion, upon application of the Executive Director, upon application by the Authority, or upon application by any party whose interests or

Certificate of Adjudication 12-5155

rights are affected by the system operation order or by system operations.

- J. Owner shall store in the system reservoirs only appropriable waters of the Brazos River and its tributaries, subject to the rights of holders of other water rights. Subsequent to the diversion or release of water from any system reservoir in excess of the amount authorized as a priority right for that reservoir, Owner's right to impound any additional water in that reservoir is subject to the rights of holders of downstream senior and junior water rights to require passage of inflows to which they would be entitled in the absence of this additional use under the system operations. Whenever the Commission determines that owner is storing any water to which holders of other water rights are entitled, the Authority shall release said water.
- K. All rights and privileges granted under the system operation order and the individual certificates, including but not limited to management and method of use of water, are subject to the continuing supervision of the Texas Water Commission, in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use or unreasonable method of diversion of said water.
- L. Owner shall keep a record on a monthly basis of the amount of water diverted or released from each system reservoir for each purpose authorized and shall report same annually on forms provided by the Commission.
- M. Owner shall, upon request of the Commission, provide information relative to daily reservoir levels, daily releases of water through the dam, daily inflows into the reservoir, sedimentation within the reservoir and the chemical quality of the stored water.

The locations of pertinent features related to this certificate are shown on Page 1 of the Brazos II River Segment Certificates of Adjudication Maps, copies of which are located in the office of the Texas Water Commission, Austin, Texas.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.D.I.D. No. One and Galveston County Water Authority dated November 24, 1986 and supersedes all rights of the owner asserted in that cause.

Certificate of Adjudication 12-5155

This certificate of adjudication is issued subject to senior and superior water rights in the Brazos River Basin.

This certificate of adjudication is issued subject to the rules of the Texas Water Commission and its continuing right of supervision of State Water Resources consistent with the public policy of the State as set forth in the Texas Water Code.

TEXAS WATER COMMISSION

Paul Hopkins  
Paul Hopkins, Chairman

DATE ISSUED:

DEC 14 1987

ATTEST:

Karen A. Phillips  
Karen A. Phillips, Chief Clerk

THE STATE OF TEXAS  
County of Palo Pinto

I, Bobbie Smith, Clerk of the County Court in and for said County do hereby

certify that the above instrument in writing, with its certificate of authentication, was filed for record in my office on the 16 day of Dec A.D. 19 87 at 8 o'clock A M. and recorded the 16 day of Dec A.D. 19 87 in the Book Records of said County in Volume 698 Pages 172

Witness my hand and official seal in Palo Pinto, Texas, the day and year last above written.

Bobbie Smith  
County Clerk, Palo Pinto County, Texas

By Sandra Clark Deputy



06514

## CERTIFICATE OF ADJUDICATION

CERTIFICATION OF ADJUDICATION: 12-5156

OWNER: Brazos River Authority  
P. O. Box 7555  
Waco, Texas 76714-7555*Return*

COUNTY: Hood

PRIORITY DATES: February 13,  
1964 and  
November 7, 1986

WATERCOURSE: Brazos River

BASIN: Brazos River

WHEREAS, by final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.C.I.D. No. One and Galveston County Water Authority dated November 24, 1986 a right was recognized under Permit 2111C authorizing the Brazos River Authority to appropriate waters of the State of Texas as set forth below:

WHEREAS, by amendment to Permit 2111C, issued on June 26, 1985, the Texas Water Commission authorized the Authority the right to use water released from or flowing out of Lake Granbury for hydroelectric power generation at a release rate of 3500 cfs;

WHEREAS, by an amendment to Permit 2111D, issued on February 9, 1987, the Texas Water Commission authorized an interbasin transfer of 2600 acre-feet of water per annum of the municipal authorization from the Brazos River Basin to the Authority's service area customers in the Trinity River Basin;

WHEREAS, on August 11, 1987, the Texas Water Commission issued an order forfeiting, revoking and cancelling amendment D to Permit 2111, which granted the Authority the right to use the water released from Lake Granbury for hydroelectric purposes;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Brazos River Basin is issued to the Brazos River Authority, subject to the following terms and conditions:

## 1. IMPOUNDMENT

Owner is authorized to maintain an existing dam and reservoir on the Brazos River (Lake Granbury) and impound therein not to exceed 155,000 acre-feet of water. The dam is located in the James W. Moore Survey, Abstract 344 and the Stephen Wingate Survey, Abstract 578, Hood County, Texas.

2. USE

- A. Owner is authorized a priority right to divert and use not to exceed 64,712 acre-feet of water per annum from the aforesaid reservoir for municipal, industrial, irrigation and mining purposes. The amount of this priority right may be used in computing the sum of priority rights for the purpose of system operation as authorized by Commission Order of July 23, 1964, as amended and as modified, by the Commission's final determination of all claims of water rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, the Fort Bend County W.C.I.D. No. One and the Galveston County Water Authority on June 26, 1985.
- B. For purposes of the system operation, the Authority is authorized to exceed the priority right and to annually divert and use from the aforesaid Lake Granbury not to exceed 10,000 acre-feet of water for municipal purposes, of which amount not more than 2600 acre-feet of the municipal authorizations may be transferred to the Trinity River Basin for municipal use by the Authority's service area customers; 70,000 acre-feet of water for industrial purposes; 19,500 acre-feet of water for irrigation purposes and 500 acre-feet of water for mining purposes. All diversions and use of water from Lake Granbury in excess of 64,712 acre-feet in any one calendar year shall be charged against the sum of the amounts designated as priority rights in the other reservoirs included in the System Operation Order.
- C. Owner is also authorized to use the water impounded in Lake Granbury for nonconsumptive recreation purposes.

3. DIVERSION

- A. Location:  
At the perimeter of the aforesaid reservoir and releases through the dam.
- B. Maximum rate: Unspecified

4. PRIORITY

- A. The time priority of owner's right is February 13, 1964 for the impoundment of water in Lake Granbury, the use of said water for recreation purposes and the diversion and use of water for municipal, industrial, irrigation and mining purposes.
- B. The time priority of owner's right is November 7, 1986 for the interbasin transfer of water to the Trinity River Basin.

5. SPECIAL CONDITIONS

- A. Owner shall maintain facilities necessary to allow the free passage of water through the aforesaid dam that owner is not entitled to divert or impound.
- B. Owner is authorized to use the bed and banks of the Brazos River, below the aforesaid dam, for the purpose of conveying all or part of the water to be appropriated hereunder to authorized points of diversion and use downstream, including points of diversion and use in the San Jacinto-Brazos Coastal Basin as authorized by Certificate of Adjudication 12-5167.
- C. Owner is authorized to make total diversions or releases from all system reservoirs in any calendar year in an amount not to exceed the sum of the amounts authorized as priority rights in the reservoirs included in the system operation.
- D. The total amount of water diverted or released from any one system reservoir for a particular purpose may exceed the authorization for that purpose under that reservoir's certificate of adjudication, but may not exceed the total authorized diversions for all purposes from that reservoir in any calendar year.
- E. Any diversion or release in any calendar year from any one system reservoir in excess of the amount stated in the certificate of adjudication for that reservoir as its priority right shall be charged against the sum of the amounts designated as priority rights for the other reservoirs included in the system operation.
- F. Any diversions or releases in excess of 64,712 acre-feet of water shall have no priority or status as a vested appropriative water right and are subject to the authority of the Texas Water Commission to order owner to cease such diversions or releases and/or to take other appropriate action.
- G. No diversion or release of water from one system reservoir shall perfect owner's rights in any other reservoir.
- H. To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time

in which the Authority's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, the Authority may resume system operations until such time as any system reservoir refills to above 30 percent capacity.

- I. The Brazos River Authority's operation of Lake Granbury under the system operation order shall be subject to revocation or modification by the Commission with or without a hearing, without notice other than that provided to the Authority, or upon the Commission's own motion, upon application of the Executive Director, upon application by the Authority, or upon application by any party whose interests or rights are affected by the system operation order or by system operations.
- J. Owner shall store in the system reservoirs only appropriable waters of the Brazos River and its tributaries, subject to the rights of holders of other water rights. Subsequent to the diversion or release of water from any system reservoir in excess of the amount authorized as a priority right for that reservoir, Owner's right to impound any additional water in that reservoir is subject to the rights of holders of downstream senior and junior water rights to require passage of inflows to which they would be entitled in the absence of this additional use under the system operations. Whenever the Commission determines that owner is storing any water to which holders of other water rights are entitled, the Authority shall release said water.
- K. All rights and privileges granted under the system operation order and the individual certificates, including but not limited to management and method of use of water, are subject to the continuing supervision of the Texas Water Commission, in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use or unreasonable method of diversion of said water.
- L. Owner shall keep a record on a monthly basis of the amount of water diverted or released from each system reservoir for each purpose authorized and shall report same annually on forms provided by the Commission.
- M. Owner shall, upon request of the Commission, provide information relative to daily reservoir levels, daily releases of water through the dam, daily inflows into the reservoir, sedimentation within the reservoir and the chemical quality of the stored water.

The locations of pertinent features related to this certificate are shown on Page 18 of the Brazos II River Segment Certificates of Adjudication Maps, copies of which are located in the office of the Texas Water Commission, Austin, Texas.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.D.I.D. No. One and Galveston County Water Authority dated November 24, 1986 and supersedes all rights of the owner asserted in that cause.

This certificate of adjudication is issued subject to senior and superior water rights in the Brazos River Basin.

This certificate of adjudication is issued subject to the rules of the Texas Water Commission and its continuing right of supervision of State Water Resources consistent with the public policy of the State as set forth in the Texas Water Code.

TEXAS WATER COMMISSION

*Paul Hopkins*  
Paul Hopkins, Chairman

DATE ISSUED:

DEC 14 1987

ATTEST:

*Karen A. Phillips*  
Karen A. Phillips, Chief Clerk

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

FILED FOR RECORD AT 10:15 AM.

STATE OF TEXAS  
COUNTY OF HOOD

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS OF HOOD COUNTY, TEXAS, in the Volume and Page as shown hereon.



*Anjanette Ables*  
ANJANETTE ABLES, County Clerk  
Hood County, Texas

JUL 07 1988

*Anjanette Ables*  
Clerk County Court, Hood County, TX.



# TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



COUNTY OF TRAVIS  
I hereby certify that this is a true and correct copy of a Texas Natural Resource Conservation Commission document, which is filed in the permanent records of the Commission.  
Given under my hand and the seal of office on

*Ladonna Castañuela*

Ladonna Castañuela, Chief Clerk  
Texas Natural Resource  
Conservation Commission

JUN 12 2001

## AMENDMENT TO CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-5156A

TYPES §§11.122, 11.085

Owner:	Brazos River Authority	Address:	P.O. Box 7555 Waco, TX 76714-7555
Filed:	April 18, 2001	Granted:	<b>MAY 31 2001</b>
Purpose:	Municipal, Industrial, Irrigation, and Mining	County:	Hood and Johnson
Watercourse:	Brazos River	Watershed:	Brazos and Trinity River Basins

WHEREAS, Certificate of Adjudication No. 12-5156 was issued to the Brazos River Authority (the "Authority"), and authorizes the impoundment of not to exceed 155,000 acre-feet of water in a reservoir on the Brazos River (Lake Granbury). The aforesaid Certificate also authorizes the diversion and use of 64,712 acre-feet of water per annum, at an unspecified rate, from the aforesaid reservoir for municipal, industrial, irrigation, mining purposes, and nonconsumptive recreational purposes; and

WHEREAS, as authorized under the Texas Water Commission's July 23, 1964 Systems Operations Order, the Authority is authorized to exceed the priority right and to annually divert and use from the aforesaid Lake Granbury not to exceed 10,000 acre-feet of water for municipal purposes, of which amount no more than 2,600 acre-feet of the municipal authorizations may be transferred to the Trinity River Basin for municipal use by the Authority's service area customers; 70,000 acre-feet of water for industrial purposes; 19,500 acre-feet of water for irrigation purposes, and 500 acre-feet of water for mining purposes; and

WHEREAS, under the Order, the Authority may make diversions in excess of the authorized water amounts set out in individual tributary reservoirs and main stem reservoirs to maximize conservation and efficiency in operations, provided that the total amount of water released from all tributary reservoirs in any one year for each purpose does not exceed the cumulative authorized total for such purpose; and

WHEREAS, the applicant seeks to amend Certificate of Adjudication No. 12-5156 to authorize an increase in municipal use to 40,000 acre-feet, a decrease in industrial use to 45,000 acre-feet, and a decrease in irrigation use to 14,500 acre-feet of water per annum; and

WHEREAS, the applicant also seeks to increase the amount of municipal water transferred from Lake Granbury to the Trinity River Basin for municipal use by the Authority's service area customers within Johnson County, to 20,000 acre-feet of water per annum; and

WHEREAS, the Texas Natural Resource Conservation Commission finds that jurisdiction over the application is established; and

WHEREAS, pursuant to S.B. 1, Acts 1997, Texas Legislature, Regular Session, Chapter 1010, and Section 11.085(v)(4) of the Texas Water Code, the Commission is authorized to grant an interbasin transfer permit if the proposed transfer is from a basin to a county that is partially within the basin for use in that part of the county not within the basin; and

WHEREAS, pursuant to S.B. 1, Acts 1997, Texas Legislature, Regular Session, Chapter 1010, and Texas Natural Resource Conservation Commission Rules 30 TAC §295.155 (d), the requested authorization is an interbasin transfer included under §11.085 (v) not requiring notice; and

WHEREAS, no person objected to the granting of this amendment; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Natural Resource Conservation Commission in issuing this amendment.

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 12-5156, designated Certificate of Adjudication No. 12-5156A, is issued to the Brazos River Authority subject to the following terms and conditions:

#### USE

In lieu of previous use authorization in Paragraph 2B of Certificate of Adjudication No. 12-5156, for purposes of Systems Operations, the Authority is now authorized to exceed the priority right and annually divert and use from Lake Granbury not to exceed 40,000 acre-feet of water for municipal purposes, of which amount no more than 20,000 acre-feet of the municipal authorizations may be transferred to the Trinity River Basin for municipal use by the Authority's service area customers within Johnson County; 45,000 acre-feet of water for industrial purposes; 14,500 acre-feet of water for irrigation purposes, and 500 acre-feet of water for mining purposes. All diversions and use of water from Lake Granbury in excess of 64,712 acre-feet in any one calendar year shall be charged against the sum of the amounts designated as priority rights in the other reservoirs included in the Systems Operations Order.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 12-5156, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos 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 Natural Resource Conservation Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS NATURAL RESOURCE  
CONSERVATION COMMISSION



For the Commission

Date issued:

**MAY 31 2001**

CERTIFICATE OF ADJUDICATION

20706

CERTIFICATION OF ADJUDICATION: 12-5157      OWNER: Brazos River Authority  
P. O. Box 7555  
Waco, Texas 76714-7555

COUNTIES: Hill and Bosque      PRIORITY DATE: August 30, 1982

WATERCOURSE: Brazos River      BASIN: Brazos River

WHEREAS, by final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.C.I.D. No. One and Galveston County Water Authority dated November 24, 1986 a right was recognized under Permit 3940 authorizing the Brazos River Authority to appropriate waters of the State of Texas as set forth below:

WHEREAS, the Brazos River Authority entered into a contractual agreement with the United States of America for storage of 50,000 acre-feet of water in Lake Whitney between elevation 520 feet and 533 feet above mean sea level;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Brazos River Basin is issued to the Brazos River Authority, subject to the following terms and conditions:

1. IMPOUNDMENT

Owner is authorized to impound 50,000 acre-feet of water, between elevations 520 feet and 533 feet above mean sea level, in an existing reservoir on the Brazos River (Lake Whitney) which is owned by the United States of America and operated by the U.S. Corps of Engineers. The dam is located in the Charles P. Heartt Survey, Abstract 390, Bosque County and the Levi Jones Survey, Abstract 465 and the Manuel Madgrigal Survey, Abstract 556, Hill County, Texas.

2. USE

A. Owner is authorized a priority right to divert and use not to exceed 18,336 acre-feet of water per annum from the aforesaid reservoir for municipal and industrial purposes. The amount of this priority right may be used in computing the sum of priority rights for the purpose of system operation as authorized by Commission Order of July 23, 1964, as amended and as modified, by the Commission's final determination of all claims of water rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, the Fort Bend County W.C.I.D. No. One and the Galveston County Water Authority on June 26, 1985.

Certificate of Adjudication 12-5157

- B. For purposes of the system operation, the Authority is authorized to exceed the priority right and to annually divert and use from the aforesaid Lake Whitney not to exceed 25,000 acre-feet of water for municipal purposes and 25,000 acre-feet of water for industrial purposes. All diversions and use of water from Lake Whitney in excess of 18,336 acre-feet in any one calendar year shall be charged against the sum of the amounts designated as priority rights in the other reservoirs included in the System Operation Order.
- C. Owner is also authorized to use the water impounded in Lake Whitney for non-consumptive recreation purposes.

3. DIVERSION

- A. Location:  
At the perimeter of the aforesaid reservoir and releases through the dam.
- B. Maximum rate: 5000 cfs (2,250,000 gpm).

4. PRIORITY

The time priority of owner's right is August 30, 1982.

5. SPECIAL CONDITIONS

- A. Owner shall maintain facilities necessary to allow the free passage of water through the aforesaid dam that owner is not entitled to divert or impound.
- B. Owner is authorized to use the bed and banks of the Brazos River, below the aforesaid dam, for the purpose of conveying all or part of the water to be appropriated hereunder to authorized points of diversion and use downstream, including points of diversion and use in the San Jacinto-Brazos Coastal Basin as authorized by Certificate of Adjudication 12-5167.
- C. Owner is authorized to make total diversions or releases from all system reservoirs in any calendar year in an amount not to exceed the sum of the amounts authorized as priority rights in the reservoirs included in the system operation.
- D. The total amount of water diverted or released from any one system reservoir for a particular purpose may exceed the authorization for that purpose under that reservoir's certificate of adjudication, but may not exceed the total authorized diversions for all purposes from that reservoir in any calendar year.

Certificate of Adjudication 12-5157

- E. Any diversion or release in any calendar year from any one system reservoir in excess of the amount stated in the certificate of adjudication for that reservoir as its priority right shall be charged against the sum of the amounts designated as priority rights for the other reservoirs included in the system operation.
- F. Any diversions or releases in excess of 18,336 acre-feet of water shall have no priority or status as a vested appropriative water right and are subject to the authority of the Texas Water Commission to order owner to cease such diversions or releases and/or to take other appropriate action.
- G. No diversion or release of water from one system reservoir shall perfect owner's rights in any other reservoir.
- H. To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which the Authority's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, the Authority may resume system operations until such time as any system reservoir refills to above 30 percent capacity.
- I. The Brazos River Authority's operation of Lake Whitney under the system operation order shall be subject to revocation or modification by the Commission with or without a hearing, without notice other than that provided to the Authority, or upon the Commission's own motion, upon application of the Executive Director, upon application by the Authority, or upon application by any party whose interests or rights are affected by the system operation order or by system operations.
- J. Owner shall store in the system reservoirs only appropriable waters of the Brazos River and its tributaries, subject to the rights of holders of other water rights. Subsequent to the diversion or release of water from any system reservoir in excess of the amount authorized as a priority right for that reservoir, Owner's right to impound any additional water in that reservoir is subject to the rights of holders of downstream senior and junior water rights to require passage of inflows to which they would be entitled in the absence of this additional use under the system operations. Whenever the Commission determines that owner is storing any water to which

Certificate of Adjudication 12-5157

holders of other water rights are entitled, the Authority shall release said water.

- K. All rights and privileges granted under the system operation order and the individual certificates, including but not limited to management and method of use of water, are subject to the continuing supervision of the Texas Water Commission, in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use or unreasonable method of diversion of said water.
- L. Owner shall keep a record on a monthly basis of the amount of water diverted or released from each system reservoir for each purpose authorized and shall report same annually on forms provided by the Commission.
- M. Owner shall, upon request of the Commission, provide information relative to daily reservoir levels, daily releases of water through the dam, daily inflows into the reservoir, sedimentation within the reservoir and the chemical quality of the stored water.
- N. Whenever the flow of the Brazos River, measured at the USGS Gaging Station at Richmond, is less than 1100 cfs and upon request of the Dow Chemical Company for releases to satisfy its prior rights, owner shall use its best efforts to cause the U.S. Corps of Engineers to release through Whitney Dam the available flows of the Brazos River into Lake Whitney to the extent necessary to maintain a flow of 1100 cfs at the Richmond Gage.
- O. This certificate of adjudication is junior in priority to any rights which may be granted by the Texas Water Commission to the City of Stephenville pursuant to Application No. 4237.

The locations of pertinent features related to this certificate are shown on Page 27 of the Brazos II River Segment Certificates of Adjudication Maps, copies of which are located in the office of the Texas Water Commission, Austin, Texas.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.D.I.D. No. One and Galveston County Water Authority dated November 24, 1986 and supersedes all rights of the owner asserted in that cause.

This certificate of adjudication is issued subject to senior and superior water rights in the Brazos River Basin.

Certificate of Adjudication 12-5157

This certificate of adjudication is issued subject to the rules of the Texas Water Commission and its continuing right of supervision of State Water Resources consistent with the public policy of the State as set forth in the Texas Water Code.

TEXAS WATER COMMISSION

Paul Hopkins  
Paul Hopkins, Chairman

DATE ISSUED:

DEC 14 1987

ATTEST:

Karen A. Phillips  
Karen A. Phillips, Chief Clerk

THE STATE OF TEXAS  
COUNTY OF TRAVIS  
I hereby certify that this is a true and correct copy of a Texas Water Commission document, the original of which is filed in the permanent records of the Commission.  
Given under my hand and seal of office this the 14 day of Dec 19 87.  
Karen A. Phillips  
Karen A. Phillips, Chief Clerk  
Texas Water Commission



CERTIFICATE OF ADJUDICATION

CERTIFICATION OF ADJUDICATION: 12-5158      OWNER: Brazos River Authority  
P. O. Box 7555  
Waco, Texas 76714-7555

COUNTY: Hill      PRIORITY DATE: October 25, 1976

WATERCOURSE: Aquilla Creek, tributary      BASIN: Brazos River  
of the Brazos River

WHEREAS, by final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.C.I.D. No. One and Galveston County Water Authority dated November 24, 1986 a right was recognized under Permit 3403B authorizing the Brazos River Authority to appropriate waters of the State of Texas as set forth below:

WHEREAS, the Brazos River Authority entered into a contractual agreement with the United States of America which provided that the Authority has a right to use an undivided 100 percent of the total storage space in Lake Aquilla below an elevation of 537.5 feet above mean sea level;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Brazos River Basin is issued to the Brazos River Authority, subject to the following terms and conditions:

1. IMPOUNDMENT

Owner is authorized to store 52,400 acre-feet of water, at elevation 537.5 feet above mean sea level, in an existing dam and reservoir on Aquilla Creek (Lake Aquilla) which is owned by the United States of America and operated by the U. S. Corps of Engineers. The dam is located in the William Francis Survey, Abstract 286 and the Thomas Bell Survey, Abstract 60, Hill County, Texas.

2. USE

A. Owner is authorized a priority right to divert and use not to exceed 13,896 acre-feet of water per annum from the aforesaid reservoir for municipal, industrial and mining purposes. The amount of this priority right may be used in computing the sum of priority rights for the purpose of system operation as authorized by Commission Order of July 23, 1964, as amended and as modified, by the Commission's final determination of all claims of water rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos

Certificate of Adjudication 12-5158

River Authority, the Fort Bend County W.C.I.D. No. One and the Galveston County Water Authority on June 26, 1985.

- B. For purposes of the system operation, the Authority is authorized to exceed the priority right and to annually divert and use from the aforesaid reservoir not to exceed 17,000 acre-feet of water for municipal purposes; 18,200 acre-feet of water for industrial purposes and 200 acre-feet of water for mining purposes. All diversions and use of water from Lake Aquilla in excess of 13,896 acre-feet in any one calendar year shall be charged against the sum of the amounts designated as priority rights in the other reservoirs included in the System Operation Order.
- C. Owner is also authorized to use the water impounded in Lake Aquilla for non-consumptive recreation purposes.

3. DIVERSION

- A. Location:  
Various points on the perimeter of the aforesaid reservoir and releases through the dam.
- B. Maximum rate:
  - (1) Releases through dam: 2100.00 cfs (945,000 gpm).
  - (2) Perimeter of reservoir: 90.00 cfs (40,500 gpm).

4. PRIORITY

The time priority of owner's right is October 25, 1976.

5. SPECIAL CONDITIONS

- A. Owner shall maintain facilities necessary to allow the free passage of water through the aforesaid dam that owner is not entitled to divert or impound.
- B. Owner is authorized to use the bed and banks of Aquilla Creek and the Brazos River, below the aforesaid dam, for the purpose of conveying all or part of the water to be appropriated hereunder to authorized points of diversion and use downstream, including points of diversion and use in the San Jacinto-Brazos Coastal Basin as authorized by Certificate of Adjudication 12-5167.
- C. Owner is authorized to make total diversions or releases from all system reservoirs in any calendar year in an amount not to exceed the sum of the amounts authorized as priority rights in the reservoirs included in the system operation.

Certificate of Adjudication 12-5158

- D. The total amount of water diverted or released from any one system reservoir for a particular purpose may exceed the authorization for that purpose under that reservoir's certificate of adjudication, but may not exceed the total authorized diversions for all purposes from that reservoir in any calendar year.
- E. Any diversion or release in any calendar year from any one system reservoir in excess of the amount stated in the certificate of adjudication for that reservoir as its priority right shall be charged against the sum of the amounts designated as priority rights for the other reservoirs included in the system operation.
- F. Any diversions or releases in excess of 13,896 acre-feet of water shall have no priority or status as a vested appropriative water right and are subject to the authority of the Texas Water Commission to order owner to cease such diversions or releases and/or to take other appropriate action.
- G. No diversion or release of water from one system reservoir shall perfect owner's rights in any other reservoir.
- H. To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which the Authority's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, the Authority may resume system operations until such time as any system reservoir refills to above 30 percent capacity.
- I. The Brazos River Authority's operation of Lake Aquilla under the system operation order shall be subject to revocation or modification by the Commission with or without a hearing, without notice other than that provided to the Authority, or upon the Commission's own motion, upon application of the Executive Director, upon application by the Authority, or upon application by any party whose interests or rights are affected by the system operation order or by system operations.
- J. Owner shall store in the system reservoirs only appropriable waters of the Brazos River and its tributaries, subject to the rights of holders of other water rights. Subsequent to the diversion or release of water from any system reservoir in

Certificate of Adjudication 12-5158

excess of the amount authorized as a priority right for that reservoir, Owner's right to impound any additional water in that reservoir is subject to the rights of holders of downstream senior and junior water rights to require passage of inflows to which they would be entitled in the absence of this additional use under the system operations. Whenever the Commission determines that owner is storing any water to which holders of other water rights are entitled, the Authority shall release said water.

- K. All rights and privileges granted under the system operation order and the individual certificates, including but not limited to management and method of use of water, are subject to the continuing supervision of the Texas Water Commission, in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use or unreasonable method of diversion of said water.
- L. Owner shall keep a record on a monthly basis of the amount of water diverted or released from each system reservoir for each purpose authorized and shall report same annually on forms provided by the Commission.
- M. Owner shall, upon request of the Commission, provide information relative to daily reservoir levels, daily releases of water through the dam, daily inflows into the reservoir, sedimentation within the reservoir and the chemical quality of the stored water.
- N. Whenever the flow in Aquilla Creek downstream of the dam as measured at the USGS Streamflow Gaging Station at F.M. Road 1304 is less than 0.5 cfs, the Brazos River Authority will release at least 0.5 cfs of water through the dam for domestic and livestock uses and for the benefit of fish and wildlife.

The locations of pertinent features related to this certificate are shown on Page 1 of the Brazos III River Segment Certificates of Adjudication Maps, copies of which are located in the office of the Texas Water Commission, Austin, Texas.

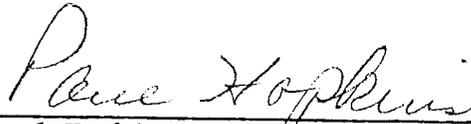
This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.D.I.D. No. One and Galveston County Water Authority dated November 24, 1986 and supersedes all rights of the owner asserted in that cause.

This certificate of adjudication is issued subject to senior and superior water rights in the Brazos River Basin.

Certificate of Adjudication 12-5158

This certificate of adjudication is issued subject to the rules of the Texas Water Commission and its continuing right of supervision of State Water Resources consistent with the public policy of the State as set forth in the Texas Water Code.

TEXAS WATER COMMISSION

  
\_\_\_\_\_  
Paul Hopkins, Chairman

DATE ISSUED:

DEC 14 1987

ATTEST:

  
\_\_\_\_\_  
Karen A. Phillips, Chief Clerk



CERTIFICATE OF ADJUDICATION

CERTIFICATION OF ADJUDICATION: 12-5159      OWNER: Brazos River Authority  
P. O. Box 7555  
Waco, Texas 76714-7555

COUNTY: Comanche      PRIORITY DATE: December 16, 1963

WATERCOURSE: Leon River, tributary      BASIN: Brazos River  
of the Little River,  
tributary of the Brazos  
River

WHEREAS, by final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.C.I.D. No. One and Galveston County Water Authority dated November 24, 1986 a right was recognized under Permit 2107B authorizing the Brazos River Authority to appropriate waters of the State of Texas as set forth below:

WHEREAS, the Brazos River Authority entered into a contractual agreement with the United States of America for the storage of 59,400 acre-feet of water in Lake Proctor below elevation 1162 feet above mean sea level;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Brazos River Basin is issued to the Brazos River Authority, subject to the following terms and conditions:

1. IMPOUNDMENT

Owner is authorized to impound 59,400 acre-feet of water in an existing reservoir on the Leon River (Lake Proctor) which is owned by the United States of America and operated by the U.S. Corps of Engineers. The dam is located in the James B. Bonham Survey, Abstract 32; the Samuel Bowers Survey, Abstract 45; the James R. Stephens Survey, Abstract 838; the Sarah Garlington Survey, Abstract 1135 and the A. S. Garlington Survey, Abstract 1718, Comanche County, Texas.

2. USE

A. Owner is authorized a priority right to divert and use not to exceed 19,658 acre-feet of water per annum from the aforesaid reservoir for municipal, industrial, irrigation and mining purposes. The amount of this priority right may be used in computing the sum of priority rights for the purpose of system operation as authorized by Commission Order of July 23, 1964, as amended and as modified, by the Commission's final determination of all claims of water rights in the Brazos River

Certificate of Adjudication 12-5159

Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, the Fort Bend County W.C.I.D. No. One and the Galveston County Water Authority on June 26, 1985.

- B. For purposes of the system operation, the Authority is authorized to exceed the priority right and to annually divert and use from the aforesaid Lake Proctor not to exceed 18,000 acre-feet of water for municipal purposes; 17,800 acre-feet of water for industrial purposes; 18,000 acre-feet of water for irrigation purposes and 200 acre-feet of water for mining purposes. All diversions and use of water from Lake Proctor in excess of 19,658 acre-feet in any one calendar year shall be charged against the sum of the amounts designated as priority rights in the other reservoirs included in the System Operation Order.
- C. Owner is also authorized to use the water impounded in Lake Proctor for non-consumptive recreation purposes.

3. DIVERSION

- A. Location:  
At the perimeter of the aforesaid reservoir and releases through the dam.
- B. Maximum rate: Unspecified.

4. PRIORITY

The time priority of owner's right is December 16, 1963.

5. SPECIAL CONDITIONS

- A. Owner shall maintain facilities necessary to allow the free passage of water through the aforesaid dam that owner is not entitled to divert or impound.
- B. Owner is authorized to use the bed and banks of the Leon River, the Little River and the Brazos River, below the aforesaid dam, for the purpose of conveying all or part of the water to be appropriated hereunder to authorized points of diversion and use downstream, including points of diversion and use in the San Jacinto-Brazos Coastal Basin as authorized by Certificate of Adjudication 12-5167.
- C. Owner is authorized to make total diversions or releases from all system reservoirs in any calendar year in an amount not to exceed the sum of the amounts authorized as priority rights in the reservoirs included in the system operation.

Certificate of Adjudication 12-5159

- D. The total amount of water diverted or released from any one system reservoir for a particular purpose may exceed the authorization for that purpose under that reservoir's certificate of adjudication, but may not exceed the total authorized diversions for all purposes from that reservoir in any calendar year.
- E. Any diversion or release in any calendar year from any one system reservoir in excess of the amount stated in the certificate of adjudication for that reservoir as its priority right shall be charged against the sum of the amounts designated as priority rights for the other reservoirs included in the system operation.
- F. Any diversions or releases in excess of 19,658 acre-feet of water shall have no priority or status as a vested appropriative water right and are subject to the authority of the Texas Water Commission to order owner to cease such diversions or releases and/or to take other appropriate action.
- G. No diversion or release of water from one system reservoir shall perfect owner's rights in any other reservoir.
- H. To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which the Authority's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, the Authority may resume system operations until such time as any system reservoir refills to above 30 percent capacity.
- I. The Brazos River Authority's operation of Lake Proctor under the system operation order shall be subject to revocation or modification by the Commission with or without a hearing, without notice other than that provided to the Authority, or upon the Commission's own motion, upon application of the Executive Director, upon application by the Authority, or upon application by any party whose interests or rights are affected by the system operation order or by system operations.
- J. Owner shall store in the system reservoirs only appropriable waters of the Brazos River and its tributaries, subject to the rights of holders of other water rights. Subsequent to the diversion or release of water from any system reservoir in

Certificate of Adjudication 12-5159

excess of the amount authorized as a priority right for that reservoir, Owner's right to impound any additional water in that reservoir is subject to the rights of holders of downstream senior and junior water rights to require passage of inflows to which they would be entitled in the absence of this additional use under the system operations. Whenever the Commission determines that owner is storing any water to which holders of other water rights are entitled, the Authority shall release said water.

- K. All rights and privileges granted under the system operation order and the individual certificates, including but not limited to management and method of use of water, are subject to the continuing supervision of the Texas Water Commission, in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use or unreasonable method of diversion of said water.
- L. Owner shall keep a record on a monthly basis of the amount of water diverted or released from each system reservoir for each purpose authorized and shall report same annually on forms provided by the Commission.
- M. Owner shall, upon request of the Commission, provide information relative to daily reservoir levels, daily releases of water through the dam, daily inflows into the reservoir, sedimentation within the reservoir and the chemical quality of the stored water.

The locations of pertinent features related to this certificate are shown on Page 12 of the Upper Leon River Segment Certificates of Adjudication Maps, copies of which are located in the office of the Texas Water Commission, Austin, Texas.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.D.I.D. No. One and Galveston County Water Authority dated November 24, 1986 and supersedes all rights of the owner asserted in that cause.

Certificate of Adjudication 12-5159

This certificate of adjudication is issued subject to senior and superior water rights in the Brazos River Basin.

This certificate of adjudication is issued subject to the rules of the Texas Water Commission and its continuing right of supervision of State Water Resources consistent with the public policy of the State as set forth in the Texas Water Code.

TEXAS WATER COMMISSION

Paul Hopkins  
Paul Hopkins, Chairman

DATE ISSUED:

DEC 14 1987

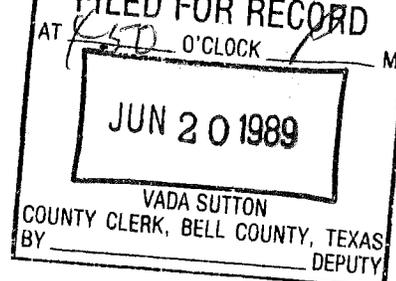
ATTEST:

Karen A. Phillips  
Karen A. Phillips, Chief Clerk



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CERTIFICATE OF ADJUDICATION



CERTIFICATION OF ADJUDICATION: 12-5160 OWNER: Brazos River Authority  
P. O. Box 7555  
Waco, Texas 76714-7555

COUNTY: Bell PRIORITY DATE: December 16, 1963

WATERCOURSE: Leon River, tributary of the Little River, tributary of the Brazos River BASIN: Brazos River

WHEREAS, by final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.C.I.D. No. One and Galveston County Water Authority dated November 24, 1986 a right was recognized under Permit 2108B authorizing the Brazos River Authority to appropriate waters of the State of Texas as set forth below:

WHEREAS, the Brazos River Authority entered into a contractual agreement with the United States of America for the storage of 457,600 acre-feet of water in Belton Reservoir between elevation 540 and elevation 594 feet above mean sea level;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Brazos River Basin is issued to the Brazos River Authority, subject to the following terms and conditions:

1. IMPOUNDMENT

Owner is authorized to impound 457,600 acre-feet of water in an existing reservoir on the Leon River (Belton Reservoir) which is owned by the United States of America and operated by the U.S. Corps of Engineers. The dam is located in the Christopher Cruise Survey, Abstract 166 and the George W. Lindsey Survey, Abstract 513, Bell County, Texas.

2. USE

A. Owner is authorized a priority right to divert and use not to exceed 100,257 acre-feet of water per annum from the aforesaid reservoir for municipal, industrial, irrigation and mining purposes. The amount of this priority right may be used in computing the sum of priority rights for the purpose of system operation as authorized by Commission Order of July 23, 1964, as amended and as modified, by the Commission's final determination of all claims of water rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by

Certificate of Adjudication 12-5160

the Brazos River Authority, the Fort Bend County W.C.I.D. No. One and the Galveston County Water Authority on June 26, 1985.

- B. For purposes of the system operation, the Authority is authorized to exceed the priority right and to annually divert and use from the aforesaid Belton Reservoir not to exceed 95,000 acre-feet of water for municipal purposes; 150,000 acre-feet of water for industrial purposes; 149,500 acre-feet of water for irrigation purposes and 500 acre-feet of water for mining purposes. All diversions and use of water from Belton Reservoir in excess of 100,257 acre-feet in any one calendar year shall be charged against the sum of the amounts designated as priority rights in the other reservoirs included in the System Operation Order.
- C. Owner is also authorized to use the water impounded in Belton Reservoir for non-consumptive recreation purposes.

3. DIVERSION

- A. Location:  
At the perimeter of the aforesaid reservoir and releases through the dam.
- B. Maximum rate: Unspecified.

4. PRIORITY

The time priority of owner's right is December 16, 1963.

5. SPECIAL CONDITIONS

- A. Owner shall maintain facilities necessary to allow the free passage of water through the aforesaid dam that owner is not entitled to divert or impound.
- B. Owner is authorized to use the bed and banks of the Leon River, the Little River and the Brazos River, below the aforesaid dam, for the purpose of conveying all or part of the water to be appropriated hereunder to authorized points of diversion and use downstream, including points of diversion and use in the San Jacinto-Brazos Coastal Basin as authorized by Certificate of Adjudication 12-5167.
- C. Owner is authorized to make total diversions or releases from all system reservoirs in any calendar year in an amount not to exceed the sum of the amounts authorized as priority rights in the reservoirs included in the system operation.

Certificate of Adjudication 12-5160

- D. The total amount of water diverted or released from any one system reservoir for a particular purpose may exceed the authorization for that purpose under that reservoir's certificate of adjudication, but may not exceed the total authorized diversions for all purposes from that reservoir in any calendar year.
- E. Any diversion or release in any calendar year from any one system reservoir in excess of the amount stated in the certificate of adjudication for that reservoir as its priority right shall be charged against the sum of the amounts designated as priority rights for the other reservoirs included in the system operation.
- F. Any diversions or releases in excess of 100,257 acre-feet of water shall have no priority or status as a vested appropriative water right and are subject to the authority of the Texas Water Commission to order owner to cease such diversions or releases and/or to take other appropriate action.
- G. No diversion or release of water from one system reservoir shall perfect owner's rights in any other reservoir.
- H. To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which the Authority's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, the Authority may resume system operations until such time as any system reservoir refills to above 30 percent capacity.
- I. The Brazos River Authority's operation of Belton Reservoir under the system operation order shall be subject to revocation or modification by the Commission with or without a hearing, without notice other than that provided to the Authority, or upon the Commission's own motion, upon application of the Executive Director, upon application by the Authority, or upon application by any party whose interests or rights are affected by the system operation order or by system operations.

Certificate of Adjudication 12-5160

- J. Owner shall store in the system reservoirs only appropriable waters of the Brazos River and its tributaries, subject to the rights of holders of other water rights. Subsequent to the diversion or release of water from any system reservoir in excess of the amount authorized as a priority right for that reservoir, Owner's right to impound any additional water in that reservoir is subject to the rights of holders of downstream senior and junior water rights to require passage of inflows to which they would be entitled in the absence of this additional use under the system operations. Whenever the Commission determines that owner is storing any water to which holders of other water rights are entitled, the Authority shall release said water.
- K. All rights and privileges granted under the system operation order and the individual certificates, including but not limited to management and method of use of water, are subject to the continuing supervision of the Texas Water Commission, in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use or unreasonable method of diversion of said water.
- L. Owner shall keep a record on a monthly basis of the amount of water diverted or released from each system reservoir for each purpose authorized and shall report same annually on forms provided by the Commission.
- M. Owner shall, upon request of the Commission, provide information relative to daily reservoir levels, daily releases of water through the dam, daily inflows into the reservoir, sedimentation within the reservoir and the chemical quality of the stored water.

The locations of pertinent features related to this certificate are shown on Page 1 of the Lower Leon River Segment Certificates of Adjudication Maps, copies of which are located in the office of the Texas Water Commission, Austin, Texas.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.D.I.D. No. One and Galveston County Water Authority dated November 24, 1986 and supersedes all rights of the owner asserted in that cause.

This certificate of adjudication is issued subject to senior and superior water rights in the Brazos River Basin.

Certificate of Adjudication 12-5160

This certificate of adjudication is issued subject to the rules of the Texas Water Commission and its continuing right of supervision of State Water Resources consistent with the public policy of the State as set forth in the Texas Water Code.

TEXAS WATER COMMISSION

*Paul Hopkins*

Paul Hopkins, Chairman

DATE ISSUED:

DEC 14 1987

ATTEST:

*Karen A. Phillips*

Karen A. Phillips, Chief Clerk



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FILED FOR RECORD  
AT 4:50 O'CLOCK M  
JUN 20 1989  
VADA SUTTON  
COUNTY CLERK, BELL COUNTY, TEXAS  
BY DEPUTY

CERTIFICATE OF ADJUDICATION

CERTIFICATION OF ADJUDICATION: 12-5161 OWNER: Brazos River Authority  
P. O. Box 7555  
Waco, Texas 76714-7555

COUNTY: Bell PRIORITY DATE: December 16, 1963

WATERCOURSE: Lampasas River, tributary of the Little River, tributary of the Brazos River  
BASIN: Brazos River

WHEREAS, by final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.C.I.D. No. One and Galveston County Water Authority dated November 24, 1986 a right was recognized under Permit 2109B authorizing the Brazos River Authority to appropriate waters of the State of Texas as set forth below:

WHEREAS, the Brazos River Authority entered into a contractual agreement with the United States of America for the storage of 235,700 acre-feet of water in Stillhouse Hollow Reservoir between elevation 569 and elevation 622 feet above mean sea level;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Brazos River Basin is issued to the Brazos River Authority, subject to the following terms and conditions:

1. IMPOUNDMENT

Owner is authorized to impound 235,700 acre-feet of water, between elevations 569 feet and 622 feet above mean sea level, in an existing reservoir on the Lampasas River (Stillhouse Hollow Reservoir) which is owned by the United States of America and operated by the U.S. Corps of Engineers. The dam is located in the Erasmus Brewer Survey, Abstract 61 and the Sterling C. Fitch Survey, Abstract 317, Bell County, Texas.

2. USE

A. Owner is authorized a priority right to divert and use not to exceed 67,768 acre-feet of water per annum from the aforesaid reservoir for municipal, industrial, irrigation and mining purposes. The amount of this priority right may be used in computing the sum of priority rights for the purpose of system operation as authorized by Commission Order of July 23, 1964, as amended and as modified, by the Commission's final determination of all claims of water rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by

Certificate of Adjudication 12-5161

the Brazos River Authority, the Fort Bend County W.C.I.D. No. One and the Galveston County Water Authority on June 26, 1985.

- B. For purposes of the system operation, the Authority is authorized to exceed the priority right and to annually divert and use from the aforesaid Stillhouse Hollow Reservoir not to exceed 74,000 acre-feet of water for municipal purposes; 74,000 acre-feet of water for industrial purposes; 73,700 acre-feet of water for irrigation purposes and 300 acre-feet of water for mining purposes. All diversions and use of water from Stillhouse Hollow Reservoir in excess of 67,768 acre-feet in any one calendar year shall be charged against the sum of the amounts designated as priority rights in the other reservoirs included in the System Operation Order.
- C. Owner is also authorized to use the water impounded in Stillhouse Hollow Reservoir for non-consumptive recreation purposes.

3. DIVERSION

- A. Location:  
At the perimeter of the aforesaid reservoir and releases through the dam.
- B. Maximum rate: Unspecified.

4. PRIORITY

The time priority of owner's right is December 16, 1963.

5. SPECIAL CONDITIONS

- A. Owner shall maintain facilities necessary to allow the free passage of water through the aforesaid dam that owner is not entitled to divert or impound.
- B. Owner is authorized to use the bed and banks of the Lampasas River, the Little River and the Brazos River, below the aforesaid dam, for the purpose of conveying all or part of the water to be appropriated hereunder to authorized points of diversion and use downstream, including points of diversion and use in the San Jacinto-Brazos Coastal Basin as authorized by Certificate of Adjudication 12-5167.
- C. Owner is authorized to make total diversions or releases from all system reservoirs in any calendar year in an amount not to exceed the sum of the amounts authorized as priority rights in the reservoirs included in the system operation.

Certificate of Adjudication 12-5161

- D. The total amount of water diverted or released from any one system reservoir for a particular purpose may exceed the authorization for that purpose under that reservoir's certificate of adjudication, but may not exceed the total authorized diversions for all purposes from that reservoir in any calendar year.
- E. Any diversion or release in any calendar year from any one system reservoir in excess of the amount stated in the certificate of adjudication for that reservoir as its priority right shall be charged against the sum of the amounts designated as priority rights for the other reservoirs included in the system operation.
- F. Any diversions or releases in excess of 67,768 acre-feet of water shall have no priority or status as a vested appropriative water right and are subject to the authority of the Texas Water Commission to order owner to cease such diversions or releases and/or to take other appropriate action.
- G. No diversion or release of water from one system reservoir shall perfect owner's rights in any other reservoir.
- H. To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which the Authority's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, the Authority may resume system operations until such time as any system reservoir refills to above 30 percent capacity.
- I. The Brazos River Authority's operation of Stillhouse Hollow Reservoir under the system operation order shall be subject to revocation or modification by the Commission with or without a hearing, without notice other than that provided to the Authority, or upon the Commission's own motion, upon application of the Executive Director, upon application by the Authority, or upon application by any party whose interests or rights are affected by the system operation order or by system operations.
- J. Owner shall store in the system reservoirs only appropriable waters of the Brazos River and its tributaries, subject to the rights of holders of other water rights. Subsequent to the

Certificate of Adjudication 12-5161

diversion or release of water from any system reservoir in excess of the amount authorized as a priority right for that reservoir, Owner's right to impound any additional water in that reservoir is subject to the rights of holders of downstream senior and junior water rights to require passage of inflows to which they would be entitled in the absence of this additional use under the system operations. Whenever the Commission determines that owner is storing any water to which holders of other water rights are entitled, the Authority shall release said water.

- K. All rights and privileges granted under the system operation order and the individual certificates, including but not limited to management and method of use of water, are subject to the continuing supervision of the Texas Water Commission, in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use or unreasonable method of diversion of said water.
- L. Owner shall keep a record on a monthly basis of the amount of water diverted or released from each system reservoir for each purpose authorized and shall report same annually on forms provided by the Commission.
- M. Owner shall, upon request of the Commission, provide information relative to daily reservoir levels, daily releases of water through the dam, daily inflows into the reservoir, sedimentation within the reservoir and the chemical quality of the stored water.

The locations of pertinent features related to this certificate are shown on Page 6 of the Lower Leon River Segment Certificates of Adjudication Maps, copies of which are located in the office of the Texas Water Commission, Austin, Texas.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.D.I.D. No. One and Galveston County Water Authority dated November 24, 1986 and supersedes all rights of the owner asserted in that cause.

This certificate of adjudication is issued subject to senior and superior water rights in the Brazos River Basin.

Certificate of Adjudication 12-5161

This certificate of adjudication is issued subject to the rules of the Texas Water Commission and its continuing right of supervision of State Water Resources consistent with the public policy of the State as set forth in the Texas Water Code.

TEXAS WATER COMMISSION

*Paul Hopkins*

Paul Hopkins, Chairman

DATE ISSUED:

DEC 14 1987

ATTEST:

*Karen A. Phillips*

Karen A. Phillips, Chief Clerk



CERTIFICATE OF ADJUDICATION

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CERTIFICATION OF ADJUDICATION: 12-5162

OWNER: Brazos River Authority  
P. O. Box 7555  
Waco, Texas 76714-7555

COUNTY: Williamson

PRIORITY DATE: February 12, 1968

WATERCOURSE: North Fork San Gabriel  
River, tributary of the  
San Gabriel River,  
tributary of the Little  
River, tributary of the  
Brazos River

BASIN: Brazos River

WHEREAS, by final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.C.I.D. No. One and Galveston County Water Authority dated November 24, 1986 a right was recognized under Permit 2367B authorizing the Brazos River Authority to appropriate waters of the State of Texas as set forth below:

WHEREAS, the Brazos River Authority entered into a contractual agreement with the United States of America for the storage of 37,100 acre-feet of water in Lake Georgetown between elevation 699 feet and 791 feet above mean sea level;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Brazos River Basin is issued to the Brazos River Authority, subject to the following terms and conditions:

1. IMPOUNDMENT

Owner is authorized to impound 37,100 acre-feet of water in an existing reservoir on the North Fork San Gabriel River (Lake Georgetown) which is owned by the United States of America and operated by the U.S. Corps of Engineers. The dam is located in the David Wright Grant, Abstract 13 and the Joseph Fish Survey, Abstract 232, Williamson County, Texas.

2. USE

A. Owner is authorized a priority right to divert and use not to exceed 13,610 acre-feet of water per annum from the aforesaid reservoir for municipal, industrial, irrigation and mining purposes. The amount of this priority right may be used in computing the sum of priority rights for the purpose of system operation as authorized by Commission Order of July 23, 1964, as amended and as modified, by the Commission's final

Certificate of Adjudication 12-5162

determination of all claims of water rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, the Fort Bend County W.C.I.D. No. One and the Galveston County Water Authority on June 26, 1985.

- B. For purposes of the system operation, the Authority is authorized to exceed the priority right and to annually divert and use from the aforesaid Lake Georgetown not to exceed 16,500 acre-feet of water for municipal purposes; 4,100 acre-feet of water for irrigation purposes; 16,400 acre-feet of water for industrial purposes and 100 acre-feet of water for mining purposes. All diversions and use of water from Lake Georgetown in excess of 13,610 acre-feet in any one calendar year shall be charged against the sum of the amounts designated as priority rights in the other reservoirs included in the System Operation Order.
- C. Owner is also authorized to use the water impounded in the aforesaid Lake Georgetown for non-consumptive recreation purposes.

3. DIVERSION

- A. Location:  
At the perimeter of the aforesaid reservoir and releases through the dam.
- B. Maximum rate: Unspecified.

4. PRIORITY

The time priority of owner's right is February 12, 1968.

5. SPECIAL CONDITIONS

- A. Owner shall maintain facilities necessary to allow the free passage of water through the aforesaid dam that owner is not entitled to divert or impound.
- B. Owner is authorized to use the bed and banks of the North Fork San Gabriel River, the San Gabriel River, the Little River and the Brazos River, below the aforesaid dam, for the purpose of conveying all or part of the water to be appropriated hereunder to authorized points of diversion and use downstream, including points of diversion and use in the San Jacinto-Brazos Coastal Basin as authorized by Certificate of Adjudication 12-5167.

Certificate of Adjudication 12-5162

- C. Owner is authorized to make total diversions or releases from all system reservoirs in any calendar year in an amount not to exceed the sum of the amounts authorized as priority rights in the reservoirs included in the system operation.
- D. The total amount of water diverted or released from any one system reservoir for a particular purpose may exceed the authorization for that purpose under that reservoir's certificate of adjudication, but may not exceed the total authorized diversions for all purposes from that reservoir in any calendar year.
- E. Any diversion or release in any calendar year from any one system reservoir in excess of the amount stated in the certificate of adjudication for that reservoir as its priority right shall be charged against the sum of the amounts designated as priority rights for the other reservoirs included in the system operation.
- F. Any diversions or releases in excess of 13,610 acre-feet of water shall have no priority or status as a vested appropriative water right and are subject to the authority of the Texas Water Commission to order owner to cease such diversions or releases and/or to take other appropriate action.
- G. No diversion or release of water from one system reservoir shall perfect owner's rights in any other reservoir.
- H. To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which the Authority's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, the Authority may resume system operations until such time as any system reservoir refills to above 30 percent capacity.
- I. The Brazos River Authority's operation of Lake Georgetown under the system operation order shall be subject to revocation or modification by the Commission with or without a hearing, without notice other than that provided to the Authority, or upon the Commission's own motion, upon application of the Executive Director, upon application by the Authority, or upon application by any party whose interests or

Certificate of Adjudication 12-5162

rights are affected by the system operation order or by system operations.

- J. Owner shall store in the system reservoirs only appropriable waters of the Brazos River and its tributaries, subject to the rights of holders of other water rights. Subsequent to the diversion or release of water from any system reservoir in excess of the amount authorized as a priority right for that reservoir, Owner's right to impound any additional water in that reservoir is subject to the rights of holders of downstream senior and junior water rights to require passage of inflows to which they would be entitled in the absence of this additional use under the system operations. Whenever the Commission determines that owner is storing any water to which holders of other water rights are entitled, the Authority shall release said water.
- K. All rights and privileges granted under the system operation order and the individual certificates, including but not limited to management and method of use of water, are subject to the continuing supervision of the Texas Water Commission, in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use or unreasonable method of diversion of said water.
- L. Owner shall keep a record on a monthly basis of the amount of water diverted or released from each system reservoir for each purpose authorized and shall report same annually on forms provided by the Commission.
- M. Owner shall, upon request of the Commission, provide information relative to daily reservoir levels, daily releases of water through the dam, daily inflows into the reservoir, sedimentation within the reservoir and the chemical quality of the stored water.

The locations of pertinent features related to this certificate are shown on Page 5 of the Little River Certificates of Adjudication Maps, copies of which are located in the office of the Texas Water Commission, Austin, Texas.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.D.I.D. No. One and Galveston County Water Authority dated November 24, 1986 and supersedes all rights of the owner asserted in that cause.

Certificate of Adjudication 12-5162

This certificate of adjudication is issued subject to senior and superior water rights in the Brazos River Basin.

This certificate of adjudication is issued subject to the rules of the Texas Water Commission and its continuing right of supervision of State Water Resources consistent with the public policy of the State as set forth in the Texas Water Code.

TEXAS WATER COMMISSION

Paul Hopkins  
Paul Hopkins, Chairman

DATE ISSUED:

DEC 14 1987

ATTEST:

Karen A. Phillips  
Karen A. Phillips, Chief Clerk





Certificate of Adjudication 12-5163

the Brazos River Authority, the Fort Bend County W.C.I.D. No. One and the Galveston County Water Authority on June 26, 1985.

- B. For purposes of the system operation, the Authority is authorized to exceed the priority right and to annually divert and use from the aforesaid Lake Granger not to exceed 30,000 acre-feet of water for municipal purposes; 29,800 acre-feet of water for industrial purposes; 5,500 acre-feet of water for irrigation purposes and 200 acre-feet of water for mining purposes. All diversions and use of water from Lake Granger in excess of 19,840 acre-feet in any one calendar year shall be charged against the sum of the amounts designated as priority rights in the other reservoirs included in the System Operation Order.
- C. Owner is also authorized to use the water impounded in the aforesaid Lake Granger for non-consumptive recreation purposes.

3. DIVERSION

- A. Location:  
At the perimeter of the aforesaid reservoir and releases through the dam.
- B. Maximum rate: Unspecified.

3. PRIORITY

The time priority of owner's right is February 12, 1968.

4. SPECIAL CONDITIONS

- A. Owner shall maintain facilities necessary to allow the free passage of water through the aforesaid dam that owner is not entitled to divert or impound.
- B. Owner is authorized to use the bed and banks of the San Gabriel River, the Little River and the Brazos River, below the aforesaid dam, for the purpose of conveying all or part of the water to be appropriated hereunder to authorized points of diversion and use downstream, including points of diversion and use in the San Jacinto-Brazos Coastal Basin as authorized by Certificate of Adjudication 12-5167.
- C. Owner is authorized to make total diversions or releases from all system reservoirs in any calendar year in an amount not to exceed the sum of the amounts authorized as priority rights in the reservoirs included in the system operation.

Certificate of Adjudication 12-5163

- D. The total amount of water diverted or released from any one system reservoir for a particular purpose may exceed the authorization for that purpose under that reservoir's certificate of adjudication, but may not exceed the total authorized diversions for all purposes from that reservoir in any calendar year.
- E. Any diversion or release in any calendar year from any one system reservoir in excess of the amount stated in the certificate of adjudication for that reservoir as its priority right shall be charged against the sum of the amounts designated as priority rights for the other reservoirs included in the system operation.
- F. Any diversions or releases in excess of 19,840 acre-feet of water shall have no priority or status as a vested appropriative water right and are subject to the authority of the Texas Water Commission to order owner to cease such diversions or releases and/or to take other appropriate action.
- G. No diversion or release of water from one system reservoir shall perfect owner's rights in any other reservoir.
- H. To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which the Authority's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, the Authority may resume system operations until such time as any system reservoir refills to above 30 percent capacity.
- I. The Brazos River Authority's operation of Lake Granger under the system operation order shall be subject to revocation or modification by the Commission with or without a hearing, without notice other than that provided to the Authority, or upon the Commission's own motion, upon application of the Executive Director, upon application by the Authority, or upon application by any party whose interests or rights are affected by the system operation order or by system operations.
- J. Owner shall store in the system reservoirs only appropriate waters of the Brazos River and its tributaries, subject to the rights of holders of other water rights. Subsequent to the diversion or release of water from any system reservoir in

Certificate of Adjudication 12-5163

excess of the amount authorized as a priority right for that reservoir, Owner's right to impound any additional water in that reservoir is subject to the rights of holders of downstream senior and junior water rights to require passage of inflows to which they would be entitled in the absence of this additional use under the system operations. Whenever the Commission determines that owner is storing any water to which holders of other water rights are entitled, the Authority shall release said water.

- K. All rights and privileges granted under the system operation order and the individual certificates, including but not limited to management and method of use of water, are subject to the continuing supervision of the Texas Water Commission, in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use or unreasonable method of diversion of said water.
- L. Owner shall keep a record on a monthly basis of the amount of water diverted or released from each system reservoir for each purpose authorized and shall report same annually on forms provided by the Commission.
- M. Owner shall, upon request of the Commission, provide information relative to daily reservoir levels, daily releases of water through the dam, daily inflows into the reservoir, sedimentation within the reservoir and the chemical quality of the stored water.

The locations of pertinent features related to this certificate are shown on Page 9 of the Little River Certificates of Adjudication Maps, copies of which are located in the office of the Texas Water Commission, Austin, Texas.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.D.I.D. No. One and Galveston County Water Authority dated November 24, 1986 and supersedes all rights of the owner asserted in that cause.

This certificate of adjudication is issued subject to senior and superior water rights in the Brazos River Basin.

Certificate of Adjudication 12-5163

This certificate of adjudication is issued subject to the rules of the Texas Water Commission and its continuing right of supervision of State Water Resources consistent with the public policy of the State as set forth in the Texas Water Code.

TEXAS WATER COMMISSION

Paul Hopkins  
Paul Hopkins, Chairman

DATE ISSUED:

DEC 14 1987

ATTEST:

Karen A. Phillips  
Karen A. Phillips, Chief Clerk





Certificate of Adjudication 12-5164

the Brazos River Authority, the Fort Bend County W.C.I.D. No. One and the Galveston County Water Authority on June 26, 1985.

- B. For purposes of the system operation, the Authority is authorized to exceed the priority right and to annually divert and use from the aforesaid Somerville Reservoir not to exceed 49,500 acre-feet of water for municipal purposes; 50,000 acre-feet of water for industrial purposes; 50,000 acre-feet of water for irrigation purposes and 500 acre-feet of water for mining purposes. All diversions and use of water from Somerville Reservoir in excess of 48,000 acre-feet in any one calendar year shall be charged against the sum of the amounts designated as priority rights in the other reservoirs included in the System Operation Order.
- C. Owner is also authorized to use the water impounded in Somerville Reservoir for non-consumptive recreation purposes.

3. DIVERSION

- A. Location:  
At the perimeter of the aforesaid reservoir reservoir and releases through the dam.
- B. Maximum rate: Unspecified.

4. PRIORITY

The time priority of owner's right is December 16, 1963.

5. SPECIAL CONDITIONS

- A. Owner shall maintain facilities necessary to allow the free passage of water through the aforesaid dam that owner is not entitled to divert or impound.
- B. Owner is authorized to use the bed and banks of the Yegua Creek and the Brazos River, below the aforesaid dam, for the purpose of conveying all or part of the water to be appropriated hereunder to authorized points of diversion and use downstream, including points of diversion and use in the San Jacinto-Brazos Coastal Basin as authorized by Certificate of Adjudication 12-5167.
- C. Owner is authorized to make total diversions or releases from all system reservoirs in any calendar year in an amount not to exceed the sum of the amounts authorized as priority rights in the reservoirs included in the system operation.

## Certificate of Adjudication 12-5164

- D. The total amount of water diverted or released from any one system reservoir for a particular purpose may exceed the authorization for that purpose under that reservoir's certificate of adjudication, but may not exceed the total authorized diversions for all purposes from that reservoir in any calendar year.
- E. Any diversion or release in any calendar year from any one system reservoir in excess of the amount stated in the certificate of adjudication for that reservoir as its priority right shall be charged against the sum of the amounts designated as priority rights for the other reservoirs included in the system operation.
- F. Any diversions or releases in excess of 48,000 acre-feet of water shall have no priority or status as a vested appropriative water right and are subject to the authority of the Texas Water Commission to order owner to cease such diversions or releases and/or to take other appropriate action.
- G. No diversion or release of water from one system reservoir shall perfect owner's rights in any other reservoir.
- H. To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which the Authority's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, the Authority may resume system operations until such time as any system reservoir refills to above 30 percent capacity.
- I. The Brazos River Authority's operation of Somerville Reservoir under the system operation order shall be subject to revocation or modification by the Commission with or without a hearing, without notice other than that provided to the Authority, or upon the Commission's own motion, upon application of the Executive Director, upon application by the Authority, or upon application by any party whose interests or

## Certificate of Adjudication 12-5164

rights are affected by the system operation order or by system operations.

- J. Owner shall store in the system reservoirs only appropriable waters of the Brazos River and its tributaries, subject to the rights of holders of other water rights. Subsequent to the diversion or release of water from any system reservoir in excess of the amount authorized as a priority right for that reservoir, Owner's right to impound any additional water in that reservoir is subject to the rights of holders of downstream senior and junior water rights to require passage of inflows to which they would be entitled in the absence of this additional use under the system operations. Whenever the Commission determines that owner is storing any water to which holders of other water rights are entitled, the Authority shall release said water.
- K. All rights and privileges granted under the system operation order and the individual certificates, including but not limited to management and method of use of water, are subject to the continuing supervision of the Texas Water Commission, in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use or unreasonable method of diversion of said water.
- L. Owner shall keep a record on a monthly basis of the amount of water diverted or released from each system reservoir for each purpose authorized and shall report same annually on forms provided by the Commission.
- M. Owner shall, upon request of the Commission, provide information relative to daily reservoir levels, daily releases of water through the dam, daily inflows into the reservoir, sedimentation within the reservoir and the chemical quality of the stored water.

The locations of pertinent features related to this certificate are shown on Page 5 of the Brazos IV River Segment Certificates of Adjudication Maps, copies of which are located in the office of the Texas Water Commission, Austin, Texas.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.D.I.D. No. One and Galveston County Water Authority dated November 24, 1986 and supersedes all rights of the owner asserted in that cause.

Certificate of Adjudication 12-5164

This certificate of adjudication is issued subject to senior and superior water rights in the Brazos River Basin.

This certificate of adjudication is issued subject to the rules of the Texas Water Commission and its continuing right of supervision of State Water Resources consistent with the public policy of the State as set forth in the Texas Water Code.

TEXAS WATER COMMISSION

*Paul Hopkins*  
Paul Hopkins, Chairman

DATE ISSUED:

DEC 14 1987

ATTEST:

*Karen A. Phillips*  
Karen A. Phillips, Chief Clerk

**FILED**  
AT 12:55 P.M.  
DEC 16 1987  
*Gertrude Lehmann*  
GERTRUDE LEHRMANN  
COUNTY CLERK, WASHINGTON COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF WASHINGTON

I hereby certify that this instrument was FILED on the date and at the time affixed hereon by me and was duly RECORDED in the volume and page of the OFFICIAL RECORDS of Washington County, Texas, as stamped hereon by me on



DEC 23 1987  
*Gertrude Lehmann*  
Gertrude Lehmann, County Clerk  
Washington County, Texas

THE STATE OF TEXAS  
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a Texas Water Commission document, the original of which is filed in the permanent records of the Commission.

Given under my hand and seal of office this the 14 day of Dec 19 87.

*Karen A. Phillips*  
Karen A. Phillips, Chief Clerk  
Texas Water Commission



201723

CERTIFICATE OF ADJUDICATION

CERTIFICATION OF ADJUDICATION: 12-5165      OWNER: Brazos River Authority  
P. O. Box 7555  
Waco, Texas 76714-7555

COUNTIES: Leon, Limestone and      PRIORITY DATES: May 6, 1974 and  
Robertson      September 4, 1979

WATERCOURSE: Navasota River, tributary      BASIN: Brazos River  
of the Brazos River

WHEREAS, by final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.C.I.D. No. One and Galveston County Water Authority dated November 24, 1986 a right was recognized under Permit 2950C authorizing the Brazos River Authority to appropriate waters of the State of Texas as set forth below:

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Brazos River Basin is issued to the Brazos River Authority, subject to the following terms and conditions:

1. IMPOUNDMENT

Owner is authorized to maintain an existing dam and reservoir on the Navasota River (Lake Limestone) and impound therein not to exceed 225,400 acre-feet of water at elevation 363 feet above mean sea level. The dam is located in the Manuel Cresencio Rejon Grant, Abstract 37, Robertson County and Abstract 19, Leon County; the Maria De la Concepcion Marquez Grant, Abstract 25, Robertson County and Abstract 12, Leon County and the Hugh L. White Survey, Abstract 908, Leon County, Texas.

2. USE

A. Owner is authorized a priority right to divert and use not to exceed 65,074 acre-feet of water per annum from the aforesaid reservoir for municipal, industrial irrigation and mining purposes. The amount of this priority right may be used in computing the sum of priority rights for the purpose of system operation as authorized by Commission Order of July 23, 1964, as amended and as modified, by the Commission's final determination of all claims of water rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, the Fort Bend County W.C.I.D. No. One and the Galveston County Water Authority on June 26, 1985.

Certificate of Adjudication 12-5165

- B. For purposes of the system operation, the Authority is authorized to exceed the priority right and to annually divert and use from the aforesaid Lake Limestone not to exceed 69,500 acre-feet of water per annum for municipal purposes; 77,500 acre-feet of water per annum for industrial purposes, 70,000 acre-feet of water per annum for irrigation purposes and 500 acre-feet of water per annum for mining purposes. All diversions and use of water from Lake Limestone in excess of 65,074 acre-feet in any one calendar year shall be charged against the sum of the amounts designated as priority rights in the other reservoirs included in the System Operation Order.
- C. Owner is also authorized to use the water impounded in Lake Limestone for non-consumptive recreation purposes.

3. DIVERSION

- A. Location:  
At the perimeter of the aforesaid reservoir and releases through the dam.
- B. Maximum rate: Unspecified.

4. PRIORITY

- A. The time priority of owner's right is May 6, 1974 for the impoundment of 217,494 acre-feet of water in the aforesaid reservoir and for all uses authorized herein.
- B. The time priority of owner's right is September 4, 1979 for the impoundment of the additional 7906 acre-feet of water.

5. SPECIAL CONDITIONS

- A. Owner shall maintain facilities necessary to allow the free passage of water through the aforesaid dam that owner is not entitled to divert or impound.
- B. Owner is authorized to use the bed and banks of the Navasota River and the Brazos River, below the aforesaid dam, for the purpose of conveying all or part of the water to be appropriated hereunder to authorized points of diversion and use downstream, including points of diversion and use in the San Jacinto-Brazos Coastal Basin as authorized by Certificate of Adjudication 12-5167.
- C. Owner is authorized to make total diversions or releases from all system reservoirs in any calendar year in an amount not to

Certificate of Adjudication 12-5165

exceed the sum of the amounts authorized as priority rights in the reservoirs included in the system operation.

- D. The total amount of water diverted or released from any one system reservoir for a particular purpose may exceed the authorization for that purpose under that reservoir's certificate of adjudication, but may not exceed the total authorized diversions for all purposes from that reservoir in any calendar year.
- E. Any diversion or release in any calendar year from any one system reservoir in excess of the amount stated in the certificate of adjudication for that reservoir as its priority right shall be charged against the sum of the amounts designated as priority rights for the other reservoirs included in the system operation.
- F. Any diversions or releases in excess of 65,074 acre-feet of water shall have no priority or status as a vested appropriative water right and are subject to the authority of the Texas Water Commission to order owner to cease such diversions or releases and/or to take other appropriate action.
- G. No diversion or release of water from one system reservoir shall perfect owner's rights in any other reservoir.
- H. To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which the Authority's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, the Authority may resume system operations until such time as any system reservoir refills to above 30 percent capacity.
- I. The Brazos River Authority's operation of Lake Limestone under the system operation order shall be subject to revocation or modification by the Commission with or without a hearing, without notice other than that provided to the Authority, or upon the Commission's own motion, upon application of the Executive Director, upon application by the Authority, or upon application by any party whose interests or rights are affected by the system operation order or by system operations.

Certificate of Adjudication 12-5165

- J. Owner shall store in the system reservoirs only appropriable waters of the Brazos River and its tributaries, subject to the rights of holders of other water rights. Subsequent to the diversion or release of water from any system reservoir in excess of the amount authorized as a priority right for that reservoir, Owner's right to impound any additional water in that reservoir is subject to the rights of holders of downstream senior and junior water rights to require passage of inflows to which they would be entitled in the absence of this additional use under the system operations. Whenever the Commission determines that owner is storing any water to which holders of other water rights are entitled, the Authority shall release said water.
- K. All rights and privileges granted under the system operation order and the individual certificates, including but not limited to management and method of use of water, are subject to the continuing supervision of the Texas Water Commission, in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use or unreasonable method of diversion of said water.
- L. Owner will pass through the dam all low flow up to 6 cubic feet per second (low flow greater than 6 cfs will be passed through to serve superior downstream water rights as deemed necessary by the Commission) and will supplement low flow by making releases from reservoir storage to maintain a minimum release at the dam of 2 cubic feet per second until such time that low flow has ceased. Daily readings of the required upstream gaging station will be made whenever reservoir releases are less than 6 cfs.
- M. Owner shall keep a record on a monthly basis of the amount of water diverted or released from each system reservoir for each purpose authorized and shall report same annually on forms provided by the Commission.
- N. Owner shall, upon request of the Commission, provide information relative to daily reservoir levels, daily releases of water through the dam, daily inflows into the reservoir, sedimentation within the reservoir and the chemical quality of the stored water.
- O. Owner shall conduct and submit to the Commission revised elevation-area-capacity tables based on new sediment surveys at not greater than 15 year intervals following the initial filling of the reservoir.

The locations of pertinent features related to this certificate are shown on Page 17 of the Brazos IV River Segment Certificates of Adjudication

Certificate of Adjudication 12-5165

Maps, copies of which are located in the office of the Texas Water Commission, Austin, Texas.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.D.I.D. No. One and Galveston County Water Authority dated November 24, 1986 and supersedes all rights of the owner asserted in that cause.

This certificate of adjudication is issued subject to senior and superior water rights in the Brazos River Basin.

This certificate of adjudication is issued subject to the rules of the Texas Water Commission and its continuing right of supervision of State Water Resources consistent with the public policy of the State as set forth in the Texas Water Code.

TEXAS WATER COMMISSION

Paul Hopkins  
Paul Hopkins, Chairman

DATE ISSUED:

DEC 14 1987

ATTEST:

Karen A. Phillips  
Karen A. Phillips, Chief Clerk

THE STATE OF TEXAS }  
COUNTY OF LEON }

I HEREBY CERTIFY that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the 4 day of February, A.D. 1988, at 11:45 o'clock A M., and was duly recorded by me on the 4 day of February, A.D. 1988 in Vol. 1 page 76, of the Water Rights Comm Records of said County.

WITNESS MY HAND and the seal of the County Court of said County, at my office in Centerville, Texas, the day and year last above written.

By Charlotte Walker, Deputy

FONSEIN GRESHAM  
County Clerk Leon County, Texas



CERTIFICATE OF ADJUDICATION

CERTIFICATION OF ADJUDICATION: 12-5166      OWNER: Brazos River Authority  
P. O. Box 7555  
Waco, Texas 76714-7555

COUNTIES: Austin, Brazoria, Fort      PRIORITY DATE: None  
Bend, Galveston and Harris

WATERCOURSE: Brazos River      BASIN: Brazos River

WHEREAS, by final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.C.I.D. No. One and Galveston County Water Authority dated November 24, 1986 a right was recognized under Permit 2947C authorizing the Brazos River Authority to appropriate waters of the State of Texas as set forth below:

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Brazos River Basin is issued to the Brazos River Authority, subject to the following terms and conditions:

1. USE

- A. Owner is authorized to divert and use not to exceed 100,000 acre-feet of water per annum from the Brazos River for municipal purposes.
- B. Owner is also authorized to divert and use not to exceed 450,000 acre-feet of water per annum from the Brazos River for industrial purposes.
- C. Owner is further authorized to divert and use not to exceed 100,000 acre-feet of water per annum from the Brazos River to irrigate 119,077.8 acres of land located within those tracts of land authorized under Certificates of Adjudication 12-5168, 12-5170 and 12-5171.

2. DIVERSION

- A. Location:
  - (1) At a point on the west bank of the Brazos River in the R. M. Williamson Grant, Abstract 105, Austin County, Texas.

Certificate of Adjudication 12-5166

(2) At three points on the east bank of the Brazos River in the John T. Edwards Grant, Abstract 23; the Thomas Barnett Grant, Abstract 7 and the William Pettus Grant, Abstract 68, Fort Bend County, Texas. The diversion point located in the Thomas Barnett Grant is also authorized under Certificates of Adjudication 12-5167, 12-5168 and 12-5171.

B. Maximum combined rate: 3200.00 cfs (1,440,000 gpm).

3. PRIORITY:

See Special Conditions contained herein.

4. SPECIAL CONDITIONS

- A. All water diverted and used under this Certificate of Adjudication must be allocated to the reservoir operated under the Brazos River Authority's System Operation Order which has the most senior water right and which still has priority right water unused for that calendar year. Water so allocated must be subtracted from that reservoir's available priority water right.
- B. Nothing contained herein shall be construed as authorizing an additional appropriative right in excess of the appropriative rights heretofore held by the Brazos River Authority.
- C. The excess flow authorized herein shall be diverted only when flows in the Brazos River, as measured at the USGS gaging station near Richmond, Texas, exceed 1100 cfs, or some lesser rate of not less than 650 cfs, during periods when all holders of appropriative rights to divert water downstream of the Richmond Gage agree in writing upon any such lesser rate. It is further provided that in the case of diversions made below the Richmond Gage, if any, the rate of flow required at the Richmond Gage in order for diversions of excess flow to be permissible shall be the rate specified above, plus the rates at which the excess flow is being diverted at points below the Richmond Gage. It is expressly provided that the Commission retains the right to adjust the foregoing limitations, from time to time, as it deems appropriate.
- D. In order to monitor the flows of the Brazos River and excess flow diversions, owner shall maintain daily records of such diversions and flow of the river at points near the excess flow diversions. All records shall be compiled monthly and reported to the Commission annually and at other times as required.

Certificate of Adjudication 12-5166

- E. The Brazos River Authority agrees that no right of priority or title, by limitation or otherwise, shall ever vest in the owner by virtue of the issuance of this certificate of adjudication or the use of excess flow authorized by the certificate. The Authority further agrees that there being no priority right under this certificate, all rights hereafter granted by the Commission shall always be considered prior and superior rights for the purpose of determining the amount of excess flows available for use under this certificate.
- F. No impoundment or diversion of water by any party under any water right heretofore or hereafter granted or recognized will constitute an infringement of this certificate of adjudication. The Commission shall not be under duty or obligation to consider this certificate in determining the availability of water sought to be appropriated in any subsequent application made to the Commission or to include in any subsequently granted permits provisions for honoring the rights contained in this certificate.
- G. The Authority agrees that the Commission, after notice to the Authority and hearing, may revoke all or any part of this certificate upon finding that the certificate no longer effectuates conservation of water.

The locations of pertinent features related to this certificate are shown on Pages 27, 28, 29 and 31 of the Brazos IV River Segment Certificates of Adjudication Maps, copies of which are located in the office of the Texas Water Commission, Austin, Texas.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.D.I.D. No. One and Galveston County Water Authority dated November 24, 1986 and supersedes all rights of the owner asserted in that cause.

This certificate of adjudication is issued subject to senior and superior water rights in the Brazos River Basin.

Certificate of Adjudication 12-5166

This certificate of adjudication is issued subject to the rules of the Texas Water Commission and its continuing right of supervision of State Water Resources consistent with the public policy of the State as set forth in the Texas Water Code.

TEXAS WATER COMMISSION

*Paul Hopkins*  
\_\_\_\_\_  
Paul Hopkins, Chairman

DATE ISSUED:

DEC 14 1987

ATTEST:

*Karen A. Phillips*  
\_\_\_\_\_  
Karen A. Phillips, Chief Clerk

# 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 of the Commission. Given under my hand and the seal of office on

*Bridget C. Bohac* FEB 20 2013

Bridget C. Bohac, Chief Clerk  
Texas Commission on Environmental Quality

## AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-5166A

TYPE § 11.122

Owner: Brazos River Authority

Address: P.O. Box 7555  
Waco, Texas 76714

Filed: September 20, 2012

Granted: February 14, 2013

Purpose: Industrial, Municipal, Agricultural

County: Austin

Watercourse: Brazos River

Watershed: Brazos River Basin

WHEREAS, Certificate of Adjudication No. 12-5166 authorizes the Brazos River Authority (Owner) to divert and use not to exceed 100,000 acre-feet of water per year from the Brazos River for municipal purposes; and

WHEREAS, Owner is also authorized to divert and use not to exceed 450,000 acre-feet of water per year for industrial purposes; and

WHEREAS, Owner is further authorized to divert and use not to exceed 100,000 acre-feet of water per year from the Brazos River to irrigate 119,077.80 acres of land located within those tracts of land authorized under Certificates of Adjudication 12-5168, 12-5170 and 12-5171; and

WHEREAS, Owner is authorized to divert from four points on the Brazos River in Austin and Fort Bend counties at a maximum combined rate of 3,200.00 cfs (1,440,000 gpm); and

WHEREAS, Special Condition A of the certificate states, all water diverted and used under this Certificate of Adjudication must be allocated to the reservoir operated under the Brazos River Authority's System Operation Order which has the most senior water right and which still has priority right water unused for that calendar year. Water so allocated must be subtracted from that reservoir's available priority water right; and

WHEREAS, Special Condition B of the certificate states, nothing contained herein shall be construed as authorizing an additional appropriative right in excess of the appropriative rights heretofore held by the Brazos River Authority; and

WHEREAS, Special Condition C of the certificate states, the excess flow authorized

herein shall be diverted only when flows in the Brazos River, as measured at the USGS gaging station near Richmond, Texas, exceed 1100 cfs, or some lesser rate of not less than 650 cfs, during periods when all holders of appropriative rights to divert water downstream of the Richmond Gage agree in writing upon any such lesser rate. It is further provided that in the case of diversions made below the Richmond Gage, if any, the rate of flow required at the Richmond Gage in order for diversions of excess flow to be permissible shall be the rate specified above, plus the rates at which the excess flow is being diverted at points below the Richmond Gage. It is expressly provided that the Commission retains the right to adjust the foregoing limitations, from time to time, as it deems appropriate; and

WHEREAS, Special Condition E of the certificate states, the Brazos River Authority agrees that no right of priority or title, by limitation or otherwise, shall ever vest in the owner by virtue of the issuance of this certificate of adjudication or the use of excess flow authorized by the certificate. The Authority further agrees that there being no priority right under this certificate, all rights hereafter granted by the Commission shall always be considered prior and superior rights for the purpose of determining the amount of excess flows available for use under this certificate; and

WHEREAS, the Applicant seeks to amend Certificate of Adjudication No. 12-5166 to add two diversion points on the Brazos River in Austin County also authorized by Water Use Permit No. 2925B; and

WHEREAS, proposed Diversion Point No. 5 is located at a point bearing N 44.217° E, 13,300 feet from the southernmost corner of the Milburn Davis Survey, Abstract No. 71 at Latitude 29.650698°N, Longitude 96.026250°W; and

WHEREAS, proposed Diversion Point No. 6 is located at a point bearing N 2.00° E, 16,600 feet from the southernmost corner of the Milburn Davis Survey, Abstract No. 71 at Latitude 29.670259°N, Longitude 96.052777° W; and

WHEREAS, the Applicant indicates that no increase in appropriation and no increase in maximum rate of diversion is being requested; and

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

WHEREAS, the Executive Director recommends a special condition be included in the amendment; and

WHEREAS, no requests for a contested case hearing were received for this application; 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. 12-5166, designated Certificate of Adjudication No. 12-5166A, is issued to the Brazos River Authority subject to the following terms and conditions:

1. DIVERSION

In addition to the previous authorizations, Owner is also authorized to divert at two additional diversion points authorized by Water Use Permit No. 2925 on the Brazos River, Brazos River Basin in Austin County.

- A. A point at Latitude 29.650698°N, Longitude 96.026250° W, also bearing N 44.217° E, 13,300 feet from the southernmost corner of the Milburn Davis Survey, Abstract No. 71.
- B. A point at Latitude 29.670259°N, Longitude 96.052777° W, also bearing N 2.00° E, 16,600 feet from the southernmost corner of the Milburn Davis Survey, Abstract No. 71.
- C. The maximum combined diversion rate is 3,200.00 cfs (1,440,000 gpm).

2. SPECIAL CONDITION

In order to minimize entrainment and impingement of aquatic organisms, Owner shall install screens on any new or modified diversion structures with a mesh size no greater than 1.0 inch and a maximum flow-through screen velocity of 0.5 feet per second.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-5166, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos 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.

  
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For the Commission

DATE ISSUED: **February 14, 2013**

CERTIFICATE OF ADJUDICATION

CERTIFICATION OF ADJUDICATION: 12-5167      OWNER: Brazos River Authority  
P. O. Box 7555  
Waco, Texas 76714-7555

COUNTY: Fort Bend      PRIORITY DATE: None

WATERCOURSE: tributaries of the Brazos      BASIN: Brazos River  
River and the Brazos River

WHEREAS, by final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.C.I.D. No. One and Galveston County Water Authority dated November 24, 1986 a right was recognized under Permit 2661B authorizing the Brazos River Authority to appropriate waters of the State of Texas as set forth below:

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Brazos River Basin is issued to the Brazos River Authority, subject to the following terms and conditions:

1. USE

- A. Owner is authorized to divert and use not to exceed 30,000 acre-feet of water per annum from the reservoirs authorized under Certificates of Adjudication 12-5155 (Possum Kingdom Reservoir), 12-5156 (Lake Granbury), 12-5157 (Lake Whitney), 12-5158 (Lake Aquilla), 12-5159 (Lake Proctor), 12-5160 (Lake Belton), 12-5161 (Stillhouse Hollow Reservoir), 12-5162 (Lake Georgetown), 12-5163 (Lake Granger), 12-5164 (Somerville Reservoir) and 12-5165 (Lake Limestone) for municipal purposes in the San Jacinto-Brazos Coastal Basin.
- B. Owner is also authorized to divert and use not to exceed 170,000 acre-feet per annum of water released from the afore-said reservoirs for industrial purposes in the San Jacinto-Brazos Coastal Basin.

2. DIVERSION

A. Location:

- (1) At a point on the east bank of the Brazos River in the Churchill Fulcher Grant, Abstract 29, Fort Bend County, Texas. This diversion is also authorized under Certificates of Adjudication 12-5168 and 12-5171.

Certificate of Adjudication 12-5167

(2) At a point on the east bank of the Brazos River in the Thomas Barnett Grant, Abstract 7, Fort Bend County, Texas. This diversion point is also authorized under Certificates of Adjudication 12-5166, 12-5168 and 12-5171.

B. Maximum rate:

(1) 444.00 cfs (199,800 gpm) at the diversion point in the Churchill Fulcher Grant.

(2) 467.00 cfs (210,150 gpm) at the diversion point in the Thomas Barnett Grant.

3. PRIORITY

None

4. SPECIAL CONDITIONS

A. Owner is authorized to use the beds and banks of the Lampasas River, the Leon River, the Little River, the North Fork San Gabriel River, the San Gabriel River, Aquilla Creek, Yegua Creek, Navasota River and the Brazos River for the purpose of transporting stored water from the place of storage to the points of diversion on the Brazos River.

B. Nothing in this certificate of adjudication shall be construed as authorizing an appropriative right in excess of those presently held by the Brazos River Authority. Those public waters diverted pursuant to this certificate shall consist wholly of waters previously authorized to be diverted by the Authority, which waters shall be released from upstream storage and transported to the points of diversion as herein specified.

C. The Authority shall measure and keep records of daily releases made from reservoirs and daily diversions made from each authorized point of diversion for each authorized purpose under this certificate, and shall report to the Commission annually in such form and manner as the Commission may prescribe.

The locations of pertinent features related to this certificate are shown on Pages 27 and 29 of the Brazos IV River Segment Certificates of Adjudication Maps, copies of which are located in the office of the Texas Water Commission, Austin, Texas.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The

Certificate of Adjudication 12-5167

Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.D.I.D. No. One and Galveston County Water Authority dated November 24, 1986 and supersedes all rights of the owner asserted in that cause.

This certificate of adjudication is issued subject to senior and superior water rights in the Brazos River Basin.

This certificate of adjudication is issued subject to the rules of the Texas Water Commission and its continuing right of supervision of State Water Resources consistent with the public policy of the State as set forth in the Texas Water Code.

TEXAS WATER COMMISSION



Paul Hopkins, Chairman

DATE ISSUED:

DEC 14 1987

ATTEST:



Karen A. Phillips, Chief Clerk



Conformed WMP Supplement to WMP  
Technical Appendix A-1

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BRA Reservoir Water Rights, as Amended

## **Supplement to WMP Technical Appendix A-1 – BRA Reservoir Water Rights, as Amended**

- 1. Certificate No. 12-5155A - (Possum Kingdom Reservoir)(May 3, 2017)**
- 2. Certificate No. 12-5156B - (Lake Granbury Reservoir) (May 3, 2017)**
- 3. Certificate No. 12-5157A – (Lake Whitney Reservoir) (May 3, 2017)**
- 4. Certificate No. 12-5158A – (Lake Aquilla Reservoir) (May 3, 2017)**
- 5. Certificate No. 12-5159A – (Lake Proctor Reservoir) (May 3, 2017)**
- 6. Certificate No. 12-5160A – (Belton Reservoir) (May 3, 2017)**
- 7. Certificate No. 12-5161A – (Stillhouse Hollow Reservoir) (May 3, 2017)**
- 8. Certificate No. 12-5162A – (Lake Georgetown Reservoir) (May 3, 2017)**
- 9. Certificate No. 12-5163A – (Lake Granger Reservoir) (May 3, 2017)**
- 10. Certificate No. 12-5164A – (Somerville Reservoir) (May 3, 2017)**
- 11. Certificate No. 12-5165A – (Lake Limestone Reservoir) (May 3, 2017)**

AMENDMENT TO CERTIFICATE OF  
ADJUDICATION

CERTIFICATE NO. 12-5155A



reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity;" and

WHEREAS, as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), BRA seeks a conforming amendment to Certificate of Adjudication No. 12-5155 to amend Special Condition 5.H. BRA requests to add the following language: "Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs, the system reservoirs shall be operated according to the provisions of the Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851;" 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 the requirements and orders of the Brazos Watermaster; and

WHEREAS, the Executive Director recommends that special conditions should be included in this 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. 12-5155, designated Certificate of Adjudication No. 12-5155A, is issued to Brazos River Authority, subject to the following terms and conditions:

1. SPECIAL CONDITIONS

- A. In lieu of the existing Special Condition 5.H. of the Certificate and as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), the Special Condition now reads:

To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which BRA's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity. Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs,

the system reservoirs shall be operated according to the provisions of the Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-5155, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos 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.

  
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For the Commission

DATE ISSUED: **May 3, 2017**

AMENDMENT TO CERTIFICATE OF  
ADJUDICATION

CERTIFICATE NO. 12-5156B

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

MAY 05 2017

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

*Bridget C. Bohac*  
BRIDGET C. BOHAC, CHIEF CLERK  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A  
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-5156B

TYPE § 11.122

Owner: Brazos River Authority

Address: P.O. Box 7555  
Waco, Texas 76714

Filed: January 18, 2017

Granted: May 3, 2017

Purpose: Municipal, Industrial,  
Agricultural, Mining,  
and Recreation

County: Hood and Johnson

Watercourse: Brazos River

Watershed: Brazos River Basin

WHEREAS, Brazos River Authority (BRA or Owner) is authorized, pursuant to the 1964 System Operation Order (System Order), as amended, to manage and operate its tributary reservoirs as elements of a system, coordinating releases and diversions from the tributary reservoirs with releases and diversions from BRA's mainstem reservoirs to minimize waste, and to conserve water in reservoirs in which the supply is short by making releases from tributary reservoirs in which the supply is more abundant; and

WHEREAS, Certificate of Adjudication No. 12-5156, as amended, authorizes BRA to maintain an existing dam and to impound 155,000 acre-feet of water in the reservoir (Lake Granbury) on the Brazos River, Brazos River Basin in Hood County. BRA is also authorized to divert water from the perimeter of the reservoir and to release water through the dam, at an unspecified rate for downstream diversions and use for municipal, industrial, agricultural, and mining purposes, and is authorized to use the water impounded in Lake Granbury for non-consumptive recreation purposes. An interbasin transfer is also authorized by Certificate No. 12-5156 and 12-5167. Multiple priority dates and special conditions apply; and

WHEREAS, Special Condition 5.H. states "to assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which BRA's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are

below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity;" and

WHEREAS, as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), BRA seeks a conforming amendment to Certificate of Adjudication No. 12-5156, as amended, to amend Special Condition 5.H. BRA requests to add the following language: "Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs, the system reservoirs shall be operated according to the provisions of the Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851;" 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 the requirements and orders of the Brazos Watermaster; and

WHEREAS, the Executive Director recommends that special conditions should be included in this 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. 12-5156, designated Certificate of Adjudication No. 12-5156B, is issued to Brazos River Authority, subject to the following terms and conditions:

1. SPECIAL CONDITIONS

- A. In lieu of the existing Special Condition 5.H. of the original Certificate and as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), the Special Condition now reads:

To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which BRA's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity. Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs, the system reservoirs shall be operated according to the provisions of the Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-5156, as amended, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos 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.

  
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For the Commission

DATE ISSUED: **May 3, 2017**

AMENDMENT TO CERTIFICATE OF  
ADJUDICATION

CERTIFICATE NO. 12-5157A



below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity;" and

WHEREAS, as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), BRA seeks a conforming amendment to Certificate of Adjudication No. 12-5157 to amend Special Condition 5.H. BRA requests to add the following language: "Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs, the system reservoirs shall be operated according to the provisions of the Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851;" 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 the requirements and orders of the Brazos Watermaster; and

WHEREAS, the Executive Director recommends that special conditions should be included in this 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. 12-5157, designated Certificate of Adjudication No. 12-5157A, is issued to Brazos River Authority, subject to the following terms and conditions:

1. SPECIAL CONDITIONS

- A. In lieu of Special Condition 5.H. of the Certificate and as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), the Special Condition now reads:

To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which BRA's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity. Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs, the system reservoirs shall be operated according to the provisions of the Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-5157, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos 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.

  
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For the Commission

DATE ISSUED: **May 3, 2017**

AMENDMENT TO CERTIFICATE OF  
ADJUDICATION

CERTIFICATE NO. 12-5158A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY **MAY 05 2017**

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. 12-5158A

TYPE § 11.122

Owner:	Brazos River Authority	Address:	P.O. Box 7555 Waco, Texas 76714
Filed:	January 18, 2017	Granted:	May 3, 2017
Purpose:	Municipal, Industrial, Mining, and Recreation	County:	Hill
Watercourse:	Aquilla Creek, tributary of The Brazos River	Watershed:	Brazos River Basin

WHEREAS, Brazos River Authority (BRA or Owner) is authorized, pursuant to the 1964 System Operation Order (System Order), as amended, to manage and operate its tributary reservoirs as elements of a system, coordinating releases and diversions from the tributary reservoirs with releases and diversions from BRA's mainstem reservoirs to minimize waste, and to conserve water in reservoirs in which the supply is short by making releases from tributary reservoirs in which the supply is more abundant; and

WHEREAS, Certificate of Adjudication No. 12-5158 authorizes BRA to impound 52,400 acre-feet of water in an existing reservoir (Lake Aquilla) on Aquilla Creek, tributary of the Brazos River, Brazos River Basin in Hill County. BRA is also authorized to divert water from points on the perimeter of the reservoir at a maximum diversion rate of 90 cfs (40,500 gpm), and to release water through the dam at a maximum rate of 2,100 cfs (945,000 gpm) for downstream diversions for municipal, industrial, and mining purposes, and is authorized to use the water impounded in Lake Aquilla for non-consumptive recreation purposes. An interbasin transfer is authorized by Certificate of Adjudication No. 1-5167, the priority date for this right is October 25, 1976 and multiple special conditions apply; and

WHEREAS, Special Condition 5.H. states "to assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which BRA's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can

meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity;" and

WHEREAS, as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), BRA seeks a conforming amendment to Certificate of Adjudication No. 12-5158 to amend Special Condition 5.H. BRA requests to add the following language: "Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs, the system reservoirs shall be operated according to the provisions of the Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851;" 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 the requirements and orders of the Brazos Watermaster; and

WHEREAS, the Executive Director recommends that special conditions should be included in this 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. 12-5158, designated Certificate of Adjudication No. 12-5158A, is issued to Brazos River Authority, subject to the following terms and conditions:

1. SPECIAL CONDITIONS

- A. In lieu of the existing Special Condition 5.H. of the Certificate and as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), the Special Condition now reads:

To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which BRA's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity. Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs, the system reservoirs shall be operated according to the provisions of the

Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-5158, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos 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.

  
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For the Commission

DATE ISSUED: **May 3, 2017**

AMENDMENT TO CERTIFICATE OF  
ADJUDICATION

CERTIFICATE NO. 12-5159A

MAY 05 2017

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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. 12-5159A

TYPE § 11.122

Owner:	Brazos River Authority	Address:	P.O. Box 7555 Waco, Texas 76714
Filed:	January 18, 2017	Granted:	May 3, 2017
Purpose:	Municipal, Industrial, Agricultural, Mining, and Recreation	County:	Comanche
Watercourse:	Leon River, tributary of The Little River, tributary of The Brazos River	Watershed:	Brazos River Basin

WHEREAS, Brazos River Authority (BRA or Owner) is authorized, pursuant to the 1964 System Operation Order (System Order), as amended, to manage and operate its tributary reservoirs as elements of a system, coordinating releases and diversions from the tributary reservoirs with releases and diversions from BRA's mainstem reservoirs to minimize waste, and to conserve water in reservoirs in which the supply is short by making releases from tributary reservoirs in which the supply is more abundant; and

WHEREAS, Certificate of Adjudication No. 12-5159 authorizes BRA to impound 59,400 acre-feet of water in an existing reservoir (Lake Proctor) on the Leon River, tributary of the Little River, tributary of the Brazos River, Brazos River Basin in Comanche County. BRA is also authorized to divert water from the perimeter of the reservoir, and to release water through the dam at an unspecified rate for downstream diversions and use for municipal, industrial, agricultural, and mining purposes, and is authorized to use the water impounded in Lake Proctor for non-consumptive recreation purposes. An interbasin transfer is authorized by Certificate of Adjudication No. 12-5167. The priority date of this right is December 16, 1963 and multiple special conditions apply; and

WHEREAS, Special Condition 5.H. states "to assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which BRA's authorized storage space in such

reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity;" and

WHEREAS, as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), BRA seeks a conforming amendment to Certificate of Adjudication No. 12-5159 to amend Special Condition 5.H. BRA requests to add the following language: "Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs, the system reservoirs shall be operated according to the provisions of the Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851;" 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 the requirements and orders of the Brazos Watermaster; and

WHEREAS, the Executive Director recommends that special conditions should be included in this 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. 12-5159, designated Certificate of Adjudication No. 12-5159A, is issued to Brazos River Authority, subject to the following terms and conditions:

1. SPECIAL CONDITIONS

- A. In lieu of the existing Special Condition 5.H. of the Certificate and as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), the Special Condition now reads:

To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which BRA's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity. Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs,

the system reservoirs shall be operated according to the provisions of the Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851.

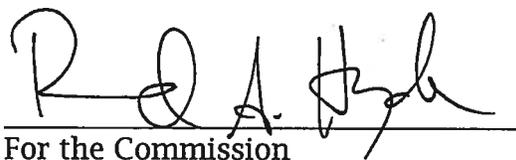
This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-5159, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos 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: **May 3, 2017**

AMENDMENT TO CERTIFICATE OF  
ADJUDICATION

CERTIFICATE NO. 12-5160A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY **MAY 05 2017**

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. 12-5160A

TYPE § 11.122

Owner:	Brazos River Authority	Address:	P.O. Box 7555 Waco, Texas 76714
Filed:	January 18, 2017	Granted:	May 3, 2017
Purpose:	Municipal, Industrial, Agricultural, Mining, and Recreation	County:	Bell
Watercourse:	Leon River, tributary of The Little River, tributary of The Brazos River	Watershed:	Brazos River Basin

WHEREAS, Brazos River Authority (BRA or Owner) is authorized, pursuant to the 1964 System Operation Order (System Order), as amended, to manage and operate its tributary reservoirs as elements of a system, coordinating releases and diversions from the tributary reservoirs with releases and diversions from BRA's mainstem reservoirs to minimize waste, and to conserve water in reservoirs in which the supply is short by making releases from tributary reservoirs in which the supply is more abundant; and

WHEREAS, Certificate of Adjudication No. 12-5160 authorizes BRA to impound 457,600 acre-feet of water in an existing reservoir (Belton Reservoir) on the Leon River, tributary of the Little River, tributary of the Brazos River, Brazos River Basin in Bell County. BRA is also authorized to divert water from the perimeter of the reservoir, and to release water through the dam at an unspecified rate for downstream diversions and use for municipal, industrial, agricultural, and mining purposes, and is authorized to use the water impounded in Lake Belton for non-consumptive recreation purposes. An interbasin transfer is authorized by Certificate of Adjudication No. 12-5167. The priority date of this right is December 16, 1963 and multiple special conditions apply; and

WHEREAS, Special Condition 5.H. states "to assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which BRA's authorized storage space in such

reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity;" and

WHEREAS, as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), BRA seeks a conforming amendment to Certificate of Adjudication No. 12-5160 to amend Special Condition 5.H. BRA requests to add the following language: "Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs, the system reservoirs shall be operated according to the provisions of the Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851;" 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 the requirements and orders of the Brazos Watermaster; and

WHEREAS, the Executive Director recommends that special conditions should be included in this 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. 12-5160, designated Certificate of Adjudication No. 12-5160A, is issued to Brazos River Authority, subject to the following terms and conditions:

#### 1. SPECIAL CONDITIONS

- A. In lieu of the existing Special Condition 5.H. of the Certificate and as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), the Special Condition now reads:

To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which BRA's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity. Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs,

the system reservoirs shall be operated according to the provisions of the Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-5160, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos 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.

  
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For the Commission

DATE ISSUED: **May 3, 2017**

AMENDMENT TO CERTIFICATE OF  
ADJUDICATION

CERTIFICATE NO. 12-5161A

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

MAY 09 2017

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. 12-5161A

TYPE § 11.122

Owner:	Brazos River Authority	Address:	P.O. Box 7555 Waco, Texas 76714
Filed:	January 18, 2017	Granted:	May 3, 2017
Purpose:	Municipal, Industrial, Agricultural, Mining, and Recreation	County:	Bell
Watercourse:	Lampasas River, tributary of The Little River, tributary of The Brazos River	Watershed:	Brazos River Basin

WHEREAS, Brazos River Authority (BRA or Owner) is authorized, pursuant to the 1964 System Operation Order (System Order), as amended, to manage and operate its tributary reservoirs as elements of a system, coordinating releases and diversions from the tributary reservoirs with releases and diversions from BRA's mainstem reservoirs to minimize waste, and to conserve water in reservoirs in which the supply is short by making releases from tributary reservoirs in which the supply is more abundant; and

WHEREAS, Certificate of Adjudication No. 12-5161 authorizes BRA to impound 235,700 acre-feet of water in an existing reservoir (Stillhouse Hollow Reservoir) on the Lampasas River, tributary of the Little River, tributary of the Brazos River, Brazos River Basin in Bell County. BRA is also authorized to divert water from the perimeter of the reservoir and to release water through the dam at an unspecified rate for downstream diversions and use for municipal, industrial, agricultural, and mining purposes, and is authorized to use the water impounded in Stillhouse Hollow Reservoir for non-consumptive recreation purposes. An interbasin transfer is authorized by Certificate of Adjudication No. 12-5167. The priority date of this right is December 16, 1963 and multiple special conditions apply; and

WHEREAS, Special Condition 5.H. states "to assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which BRA's authorized storage space in such

reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity;" and

WHEREAS, as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), BRA seeks a conforming amendment to Certificate of Adjudication No. 12-5161 to amend Special Condition 5.H. BRA requests to add the following language: "Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs, the system reservoirs shall be operated according to the provisions of the Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851;" 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 the requirements and orders of the Brazos Watermaster; and

WHEREAS, the Executive Director recommends that special conditions should be included in this 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. 12-5161, designated Certificate of Adjudication No. 12-5161A, is issued to Brazos River Authority, subject to the following terms and conditions:

1. SPECIAL CONDITIONS

- A. In lieu of the existing Special Condition 5.H. of the Certificate and as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), the Special Condition now reads:

To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which BRA's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity. Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs,

the system reservoirs shall be operated according to the provisions of the Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-5161, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos 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: **May 3, 2017**

AMENDMENT TO CERTIFICATE OF  
ADJUDICATION

CERTIFICATE NO. 12-5162A



WHEREAS, Special Condition 5.H. states "to assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which BRA's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity;" and

WHEREAS, as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), BRA seeks a conforming amendment to Certificate of Adjudication No. 12-5162 to amend Special Condition 5.H. BRA requests to add the following language: "Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs, the system reservoirs shall be operated according to the provisions of the Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851;" 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 the requirements and orders of the Brazos Watermaster; and

WHEREAS, the Executive Director recommends that special conditions should be included in this 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. 12-5162, designated Certificate of Adjudication No. 12-5162A, is issued to Brazos River Authority, subject to the following terms and conditions:

#### 1. SPECIAL CONDITIONS

- A. In lieu of the existing Special Condition 5.H. of the Certificate and as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), the Special Condition now reads:

To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which BRA's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system

reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity. Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs, the system reservoirs shall be operated according to the provisions of the Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-5162, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos 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.

  
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For the Commission

DATE ISSUED: **May 3, 2017**

AMENDMENT TO CERTIFICATE OF  
ADJUDICATION

CERTIFICATE NO. 12-5163A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY **MAY 09 2017**

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

*Bridget C. Bohac*  
BRIDGET C. BOHAC, CHIEF CLERK

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A  
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 12-5163A

TYPE § 11.122

Owner:	Brazos River Authority	Address:	P.O. Box 7555 Waco, Texas 76714
Filed:	January 18, 2017	Granted:	May 3, 2017
Purpose:	Municipal, Industrial, Agricultural, Mining, and Recreation	County:	Williamson
Watercourse:	San Gabriel River, tributary of the Little River, tributary of the Brazos River	Watershed:	Brazos River Basin

WHEREAS, Brazos River Authority (BRA or Owner) is authorized, pursuant to the 1964 System Operation Order (System Order), as amended, to manage and operate its tributary reservoirs as elements of a system, coordinating releases and diversions from the tributary reservoirs with releases and diversions from BRA's mainstem reservoirs to minimize waste, and to conserve water in reservoirs in which the supply is short by making releases from tributary reservoirs in which the supply is more abundant; and

WHEREAS, Certificate of Adjudication No. 12-5163 authorizes BRA to impound 65,500 acre-feet of water in an existing reservoir (Lake Granger) on the San Gabriel River, tributary of the Little River, tributary of the Brazos River, Brazos River Basin in Williamson County. BRA is also authorized to divert water from the perimeter of the reservoir, and to release water through the dam, at an unspecified rate for downstream diversions and use for municipal, industrial, agricultural, and mining purposes, and is authorized to use the water impounded in Lake Granger for non-consumptive recreation purposes. An interbasin transfer is authorized by Certificate of Adjudication No. 12-5167. The priority date of this right is February 12, 1968, and multiple special conditions apply; and

WHEREAS, Special Condition 5.H. states "to assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which BRA's authorized storage space in such

reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity;" and

WHEREAS, as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), BRA seeks a conforming amendment to Certificate of Adjudication No. 12-5163 to amend Special Condition 5.H. BRA requests to add the following language: "Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs, the system reservoirs shall be operated according to the provisions of the Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851;" 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 the requirements and orders of the Brazos Watermaster; and

WHEREAS, the Executive Director recommends that special conditions should be included in this 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. 12-5163, designated Certificate of Adjudication No. 12-5163A, is issued to Brazos River Authority, subject to the following terms and conditions:

1. SPECIAL CONDITIONS

- A. In lieu of the existing Special Condition 5.H. of the Certificate and as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), the Special Condition now reads:

To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which BRA's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity. Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs,

the system reservoirs shall be operated according to the provisions of the Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-5163, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos 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.

  
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For the Commission

DATE ISSUED: **May 3, 2017**

AMENDMENT TO CERTIFICATE OF  
ADJUDICATION

CERTIFICATE NO. 12-5164A



such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity;" and

WHEREAS, as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), BRA seeks a conforming amendment to Certificate of Adjudication No. 12-5164 to amend Special Condition 5.H. BRA requests to add the following language: "Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs, the system reservoirs shall be operated according to the provisions of the Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851.;" 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 the requirements and orders of the Brazos Watermaster; and

WHEREAS, the Executive Director recommends that special conditions should be included in this 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. 12-5164, designated Certificate of Adjudication No. 12-5164A, is issued to Brazos River Authority, subject to the following terms and conditions:

#### 1. SPECIAL CONDITIONS

- A. In lieu of the existing Special Condition 5.H. of the Certificate and as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), the Special Condition now reads:

To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which BRA's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity. Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs, the system reservoirs shall be operated according to the provisions of the

Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-5164, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos 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: **May 3, 2017**

AMENDMENT TO CERTIFICATE OF  
ADJUDICATION

CERTIFICATE NO. 12-5165A



such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity;" and

WHEREAS, as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), BRA seeks a conforming amendment to Certificate of Adjudication No. 12-5165 to amend Special Condition 5.H. BRA requests to add the following language: "Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs, the system reservoirs shall be operated according to the provisions of the Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851;" 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 the requirements and orders of the Brazos Watermaster; and

WHEREAS, the Executive Director recommends that special conditions should be included in this 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. 12-5165, designated Certificate of Adjudication No. 12-5165A, is issued to Brazos River Authority, subject to the following terms and conditions:

#### 1. SPECIAL CONDITIONS

- A. In lieu of the existing Special Condition 5.H. of the Certificate and as required by the Water Management Plan that is part of and incorporated into BRA's Water Use Permit No. 5851 (System Operation Permit), the Special Condition now reads:

To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which BRA's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, BRA may resume system operations until such time as any system reservoir refills to above 30 percent capacity. Notwithstanding the foregoing, to assure that system operations will not impair the ability of each system reservoir to supply water for local needs, the system reservoirs shall be operated according to the provisions of the

Owner's Water Management Plan that is part of and incorporated into the Owner's Water Use Permit No. 5851.

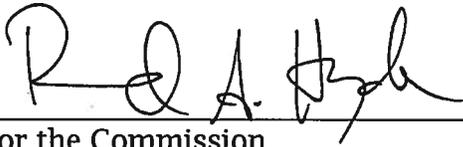
This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 12-5165, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Brazos 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.

  
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For the Commission

DATE ISSUED: **May 3, 2017**