

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.

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. 2111, as amended, is issued to Brazos River Authority, subject to the following terms and conditions:

1. USE

Permittee is authorized an interbasin transfer of up to 2600 acre-feet of water per annum of the municipal authorization from Lake Granbury 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. 2111, as amended, 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.

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:

Mary Ann Hefner
Mary Ann Hefner, Chief Clerk

Ralph Roming
Ralph Roming, Commissioner

John O. Houchins
John O. Houchins, Commissioner

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.

BRAZOS RIVER AUTHORITY

P. O. BOX 7555
WACO, TEXAS 76714-7555

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:

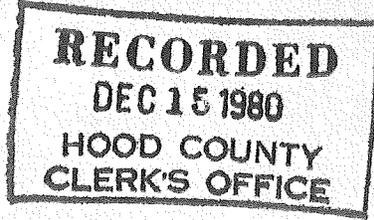
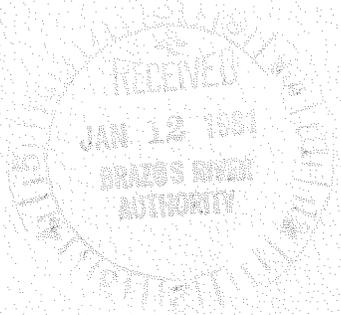
Mary Ann Hefner
Mary Ann Hefner, Chief Clerk

FILED FOR RECORD
AT 10:10 A.M.

DEC 08 1980

David Dyer
Clerk County Court, Hood County, Texas

7085



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 Volume and Page of the named RECORDS of Hood County, Texas, as stamped hereon by me.



Karin Dyer

County Clerk, Hood County, Texas

Vol. 330 Page 675

FILED FOR RECORD
AT 10 A.M.

DEC 08 1980

Karin Dyer
Clerk County Court, Hood County, Texas

12-23-80
5⁰⁰ pd

City Public
~~Colonel Walter Walls~~, General Manager
Brazos River Authority
P.O. Box 7555
Waco, Texas 76710

PERMIT TO
APPROPRIATE STATE WATER

APPLICATION NO. 2312B	PERMIT NO. 2111B	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	County : Hood	
Watercourse : Brazos River	Watershed: Brazos River Basin	

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

WHEREAS, Permit No. 2111, issued July 24, 1964, authorized the permittee to construct and maintain a dam and reservoir (Lake Granbury) on the Brazos River, to impound therein not to exceed 155,000 acre-feet of water and to divert and use therefrom not to exceed 10,000 acre-feet of water per annum for municipal purposes, 70,000 acre-feet per annum for industrial purposes, 20,000 acre-feet per annum for irrigation and 350,000 acre-feet per annum for hydroelectric power generation; and

WHEREAS, the Texas Water Rights Commission on September 28, 1966, amended Permit No. 2111 to delete authorization to divert and use not to exceed 350,000 acre-feet of water per annum for hydroelectric power generation from Lake Granbury; and

WHEREAS, the applicant has requested an amendment to Permit No. 2111, as amended, to authorize the use of Lake Granbury 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. 2111, as amended, 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 Granbury for nonconsumptive recreational purposes.

2. PRIORITY

The time priority of this amendment is February 13, 1964.

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

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:

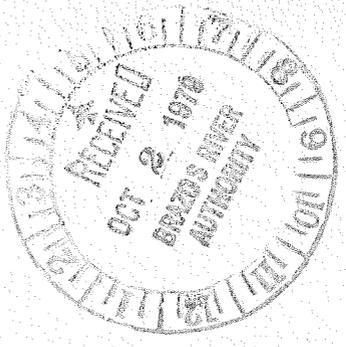
Mary Ann Hefner
Mary Ann Hefner, Chief Clerk

FILED FOR RECORD
AT 10: A M.

SEP 21 1979

David Byer
Clerk County Court, Hood County, Texas

5392



RECORDED
OCT 01 1979
HOOD COUNTY
CLERK'S OFFICE

FILED FOR RECORD
AT 12:00 P.M.

SEP 21 1979

David Ayer
Clerk County Court, Hood County, Texas

STATE OF TEXAS }
COUNTY OF HOOD }
I hereby certify that this instrument was FILED on the
"th" day of the month stamped hereon by me and was duly
RECORDED in the Volume and Page of the named RECORDS
of Hood County, Texas, as stamped hereon by me.



David Ayer

County Clerk, Hood County, Texas
Vol. 308 Page 323

Col. Walter J. Wells
Gen Mgr.
Brazos River Authority
P.O. Box 7555
Waco, Tex 76710

Chg Pd
5.00

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.

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 28, 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 appurtances 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.

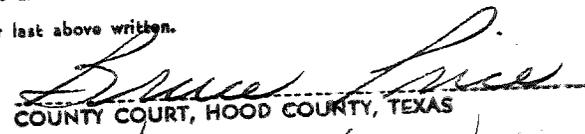
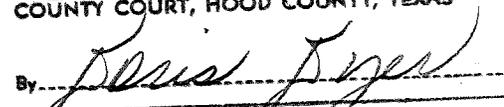
This Order of the Texas Water Rights Commission shall be in force and effect from September 28, 1966, the date of its passage, and it is so ordered.

SIGNED IN THE PRESENCE OF THE
TEXAS WATER RIGHTS COMMISSION


Joe D. Carter, Chairman

ATTEST:


Audrey Strandtman, Secretary

THE STATE OF TEXAS COUNTY OF HOOD	I, BRUCE PRICE, Clerk of the County Court of said
County, do hereby certify that the foregoing instrument, of writing dated the <u>28</u>	
day of <u>Sept</u> , A. D. 19 <u>66</u> , with its certificate of Authentication,	
was filed for record in my office on the <u>3</u> day of <u>Oct</u>	
A. D. 19 <u>66</u> , at <u>1:00</u> o'clock <u>P.</u> M., and duly recorded this <u>3</u> day of	
<u>Oct</u> , A. D. 19 <u>66</u> at <u>1:30</u> o'clock <u>P.</u> M., in the	
Records of said County, in Volume <u>136</u> , Page <u>396</u>	
Witness my hand and the seal of the County Court of said County, at office in Granbury, Texas, the day and year last above written.	
	CLERK
COUNTY COURT, HOOD COUNTY, TEXAS	
By 	DEPUTY

798

FILED

SEP 3 1966

Bruce Price

Clerk Dist. County Court, Hood County, Texas

11:00 AM.

1.50

TEXAS WATER RIGHTS COMMISSION



AN ORDER extending the time for the Brazos River Authority to commence construction of the project authorized by Permit No. 2111.

On July 24, 1964, the Commission granted Permit No. 2111 to the Brazos River Authority which permit required that construction of the project authorized therein would be commenced by July 24, 1966.

By application dated May 20, 1966, the Brazos River Authority has requested a twelve month extension of time to commence construction of said project, and the Texas Water Rights Commission duly considered all the facts and evidence relating to said request at its regular meeting of the Agenda on May 24, 1966, at which time the following order was issued:

THE TEXAS WATER RIGHTS COMMISSION DOES HEREBY GRANT unto said Brazos River Authority a 12 month extension of time, same being until July 24, 1967, in which to commence construction of the project authorized under Permit No. 2111.

This order of the Commission shall take effect and be in force on and after May 24, 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 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 26th day of May, A.D. 1966.

Audrey Strandtman
Audrey Strandtman, Secretary

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.

*Amended
by Board Order
for 1 year
6/24/66*

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

I, BRUCE PRICE, Clerk of the County Court of said
 COUNTY OF HOOD
 County, do hereby certify that the foregoing instrument of writing dated the 24
 day of July, A. D. 1904, with its certificate of Authentication,
 was filed for record in my office on the 1 day of Aug,
 A. D. 1904, at 11:00 o'clock A. M., and duly recorded this 30 day of
Aug, A. D. 1904 at 4:00 o'clock P. M., in the
 Records of said County, in Volume 132, Page 43.
 Witness my hand and the seal of the County Court of said County, at office in Granbury,
 Texas, the day and year last above written.
 _____ CLERK
 COUNTY COURT, HOOD COUNTY, TEXAS
 By Paris Peyer DEPUTY

510

FILED FOR RECORD
AT 11:00 A-M.

AUG 1, 1964

Bruce Price
Clerk County Court, Hood County, Texas

4.50

8/1/64