

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

EXECUTIVE SUMMARY

TO: Commissioners **DATE:** November 27, 2012

THRU: Caroline Sweeney, Deputy
Office of Legal Services

Robert Martinez, Director
Environmental Law Division
Office of Legal Services

FROM: Robin Smith, Attorney
Environmental Law Division
Office of Legal Services

SUBJECT: Executive Summary
Docket No. 2012-2421-WR
Senior call from Dow Chemical Company
TWC §§ 11.053
Austin, Bastrop, Bell, Bosque, Brazoria, Brazos, Brown, Burleson, Burnet,
Callahan, Colorado, Comanche, Coryell, Eastland, Erath, Falls, Fayette, Fort
Bend, Freestone, Grimes, Hamilton, Harris, Hill, Hood, Jack, Johnson,
Lampasas, Lee, Leon, Limestone, Madison, McLennan, Milam, Mills, Palo Pinto,
Parker, Robertson, Somervell, Stephens, Travis, Waller, Washington, and
Williamson Counties.

Dow Chemical Company (Dow) made a senior call to the Executive Director on November 14, 2012. Under Tex. Water Code § 11.027, older water rights have priority over more recent water rights to state water ("first in time is first in right). Under Tex. Water Code § 11.053 and 30 Tex. Admin. Code Chapter 36, the Executive Director, during a time of drought or emergency shortage of water, may issue a temporary Order suspending or adjusting water rights based on a senior call for water. The Executive Director issued an Order on November 19, 2012, suspending water rights in the Brazos River Basin below Possum Kingdom Reservoir and with priority dates on or after February 14, 1942. Under 30 Tex. Admin. Code § 36.8(b), the Commission must hold a hearing to affirm, modify, or set aside this Order within 45 days.

Dow's Water Right: Dow is the owner of Certificate of Adjudication 12-5328, which authorizes the diversion of 20,000 acre-feet of water from the Brazos River for industrial purposes with a priority date of February 28, 1929, the diversion of 150,000 acre-feet per year for industrial and municipal purposes with a priority date of February 14, 1942, 65,000 acre-feet per year for industrial purposes with a priority date of April 4, 1960, and 3,136 acre-feet per year for municipal purposes with a priority date of March 8, 1976. Dow's certificate also includes additional authorizations for storage in off-channel reservoirs and diversions from the San Jacinto-Brazos Coastal Basin.

The junior water rights that are for municipal, power generation, or domestic use upstream of Dow are not suspended at this time by the Executive Director due to concerns about public health, safety and welfare. Under Chapter 36, these water rights holders have received questionnaires concerning their conservation efforts.

Attached to this Executive Summary are the following:

Attachment 1: ED Order issued November 19, 2012.

Attachment 2: ED's Evaluation of Dow's Call

Attachment 3: Letters to suspended water right holders.

Attachment 4: Letters and questionnaires to water right holders not suspended (municipal, domestic, and power generation use).

Attachment 5: Map of Affected Area.

Attachment 6: Draft Proposed Commission Order

ED Request: Modify the ED's suspension order to delete three junior water rights upstream of Possum Kingdom Lake from Appendix A of the order, and affirm the rest of the order.

Attachment 1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



ORDER suspending water rights on the Brazos River

The Executive Director of the Texas Commission on Environmental Quality received a senior priority call from Dow Chemical Company (Dow), on November 14, 2012. Dow is the owner of Certificate of Adjudication 12-5328, which authorizes the diversion of 20,000 acre-feet of water from the Brazos River for industrial purposes at a priority date of February 28, 1929, the diversion of 150,000 acre-feet per year for industrial and municipal purposes with a priority date of February 14, 1942, 65,000 acre-feet per year for industrial purposes with a priority date of April 4, 1960, and 3,136 acre-feet per year for municipal purposes with a priority date of March 8, 1976.

FINDINGS OF FACT

Having considered the facts provided by Dow, staff investigations and review, and public information, the Executive Director makes the following Findings of Fact and Conclusions of Law:

1. Dow is the owner of Certificate of Adjudication 12-5328, which authorizes the diversion of 20,000 acre-feet of water from the Brazos River for industrial purposes at a priority date of February 28, 1929, the diversion of 150,000 acre-feet per year for industrial and municipal purposes with a priority date of February 14, 1942, 65,000 acre-feet per year for industrial purposes with a priority date of April 4, 1960, and 3,136 acre-feet per year for municipal purposes with a priority date of March 8, 1976. Dow's certificate also includes additional authorizations for storage in off-channel reservoirs and diversions from the San Jacinto-Brazos Coastal Basin.
2. Dow is currently unable to divert the amount of water it needs and that is authorized under its water rights due to low flow in the river.
3. Dow has a need for and can beneficially use increased amounts of water in the river that result from suspending upstream junior water rights.
4. Seventy-five percent of the watershed at or above the senior call location is in at least moderate drought as classified by the National Drought Mitigation Center. The 33rd percentile flow at U. S. Geological Survey gaging station 08116650, Brazos River near Rosharon, Texas, based on a period of record from April 1, 1967 to present is 1,610 cfs. Average streamflow for the period October 12, 2012 to November 12, 2012 was 535 cfs. Average streamflow for the week of November

- 5, 2012 to November 11, 2012 was 264 cfs. Therefore, the watershed at Dow's diversion point is in a "drought" as defined in 30 Tex. Admin. Code § 36.2(3).
5. Under 30 TAC 297.58(b), if a water right has appropriations with different priority dates, water shall be credited against the oldest priority date first.
 6. Based on water use information submitted by Dow and Brazosport Water Authority, Dow has used 84,898 acre feet of its authorized water. Therefore, the priority date of Dow's call is February 14, 1942. Dow indicates its current consumptive demand is 225 cfs and it has 41 days of reservoir storage.
 7. There are several water rights, excluding those for municipal use or power generation, upstream of Dow's Permit that are junior in priority to February 14, 1942. These rights are listed in Appendix A of this Order, which is incorporated in this Order and is part of this Order.
 8. Appendix B, which is incorporated into this Order and is part of this Order, lists the counties that are covered by the junior water rights being suspended.
 9. There are several junior water rights that are for municipal use or power generation upstream of Dow. The Executive Director has determined that these rights should not be suspended at this time due to concerns about public health, safety and welfare. These water rights are listed in Appendix C, which is incorporated into this Order and is part of this Order.
 10. Attachment D lists those water right holders with authorizations for non-exempt domestic use. These water rights are not being suspended for the same reasons described in Finding of Fact No. 9. This Appendix is incorporated in this Order and is part of this Order.
 11. If the water rights in Finding of Fact No. 7 are suspended as described above, the resulting change in streamflow conditions should allow Dow to divert some of the water that these water rights do not take. This is an amount that could be beneficially used by Dow for municipal and industrial purposes.
 12. This suspension order maximizes the beneficial use of water, minimizes the impact on water rights holders, prevents the waste of water, conforms to the order of preferences established by the Texas Water Code § 11.024 to the greatest extent practicable, considers the efforts of the affected water right holders to develop and implement the water conservation plans and drought contingency plans required by Tex. Water Code Chapter 11, and does not require the release of water that is lawfully stored in a reservoir under a valid water right.

CONCLUSIONS OF LAW

1. Based on the priority doctrine in Tex. Water Code § 11.027, Dow has a right to call on water rights that are junior to it if the call is not futile.
2. Based on Findings of Fact Nos. 2, 3, 6, and 11, due to low flows Dow is unable to take water it is authorized to take under its permit, and suspending the water rights in this order may result in water Dow can beneficially use.

3. Based on Finding of Fact No. 4, the Brazos River in the watershed above Dow's diversion point is in a drought as defined by 30 Tex. Admin. Code § 36.2(3).
4. This Suspension Order meets the requirements of Tex. Water Code § 11.053.
5. The junior water rights in Appendix A should be suspended.
6. The junior water rights in Appendix C, are municipal and power generation water rights that the Executive Director has determined should not be suspended at this time due to concerns about public health, safety and welfare.
7. The junior water rights in Appendix D authorize non-exempt domestic use and should not be suspended at this time due to concerns about public health, safety and welfare.
8. This Order constitutes notice of the hearing to affected water right holders required by 30 Tex. Admin. Code § 36.8.

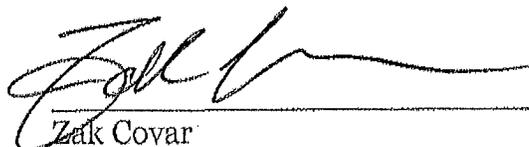
Now, therefore, be it ordered by the Executive Director of the Texas Commission on Environmental Quality that:

1. The water rights listed in Appendix A are suspended for 180 days.
2. This order shall be in effect for 180 days from the date of issuance.
3. This order may be extended once for 90 days.
4. This order is subject to modification or termination by the Executive Director based on changed conditions. Changed conditions include, but are not limited to, notification by Dow that Dow is rescinding or withdrawing its call, or the Executive Director has information that the call is no longer needed due to higher streamflow, or conditions in the watershed no longer meet the definition of "drought."
5. Dow shall notify the Executive Director immediately if its need for water can be met without the suspensions. If Dow notifies the Executive Director in writing that it rescinds or withdraws its call, this Order automatically terminates upon receipt by the Executive Director.
6. The commission will hold a hearing to determine whether to affirm, modify, or set aside this Executive Director order on December 5, 2012 at the Texas Commission Environmental Quality, 12100 Park 35 Circle, Building E, Room 201S, Austin, Texas.

Issue Date:

11/19/12

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY



Zak Covar
Executive Director

APPENDIX A

Appendix A: Junior Water Rights Suspended by this Order

Water Right Type	Water Right	Owner
Certificate of Adjudication	2201	A B COPELAND JR
Certificate of Adjudication	2205	JACK BERRY
Certificate of Adjudication	2206	RONNIE DUANE BRANCH ET UX
Certificate of Adjudication	2207	ELVIS RAY STONE SR ET AL
Certificate of Adjudication	2208	B R FANNING
Certificate of Adjudication	2208	JOHN MOCEK ET UX
Certificate of Adjudication	2209	H B LANE
Certificate of Adjudication	2210	RAYMOND L JARRATT
Certificate of Adjudication	2211	J T HICKS
Certificate of Adjudication	2215	GREAT SOUTHERN RANCH INC
Certificate of Adjudication	2216	CRAIG W RAY
Certificate of Adjudication	2219	JAMES F JOHNSON ET UX
Certificate of Adjudication	2220	HAROLD PACK
Certificate of Adjudication	2221	KENNETH & BETTY YVON LESLEY
Certificate of Adjudication	2222	HARM & ZWAANTINA TE VELDE TRST
Certificate of Adjudication	2223	JEFF BUSBY
Certificate of Adjudication	2224	VALERIE JANE HICKIE
Certificate of Adjudication	2225	TY MURRAY
Certificate of Adjudication	2226	T T FAIR ET UX
Certificate of Adjudication	2227	CHARLIE S EVERETT & WIFE
Certificate of Adjudication	2228	ERMA GAYNELLE RICHARDSON
Certificate of Adjudication	2229	W T CRUMLEY ET UX
Certificate of Adjudication	2230	TY MURRAY
Certificate of Adjudication	2231	ESTATE OF C C WINTERS
Certificate of Adjudication	2232	CHARLES A & ROBERT S ELLIOTT
Certificate of Adjudication	2233	J W OGLE ET AL
Certificate of Adjudication	2234	BRUCE E TODD
Certificate of Adjudication	2235	7 M RANCH TRUST
Certificate of Adjudication	2236	BRUCE E TODD
Certificate of Adjudication	2237	MAX L GORDON & ELOISE GORDON
Certificate of Adjudication	2238	JON DAVID MAYFIELD TRUST
Certificate of Adjudication	2238	LYNDA KIKER MAYFIELD
Certificate of Adjudication	2239	A H LINNE
Certificate of Adjudication	2240	A DWAIN MAYFIELD ET AL
Certificate of Adjudication	2241	WAYNE PITTMAN ET AL
Certificate of Adjudication	2242	MRS W K RICHARDSON
Certificate of Adjudication	2243	BETTY E ROBBINS ET AL
Certificate of Adjudication	2244	DONALD MCLEAN

Appendix A: Junior Water Rights Suspended by this Order

Water Right Type	Water Right	Owner
Certificate of Adjudication	2245	DORIS S HEIZER
Certificate of Adjudication	2246	DON MITCHELL ET AL
Certificate of Adjudication	2247	BAR-TO-LO CORPORATION
Certificate of Adjudication	2248	ALWINA LUINE HEIZER HANCOCK
Certificate of Adjudication	2249	THOMAS H & DOLORES C BENSON
Certificate of Adjudication	2250	JAMES ALLEN SHADDEN
Certificate of Adjudication	2251	TOMMY W TRIMBLE JR
Certificate of Adjudication	2252	J B PUTTY TRUSTEE
Certificate of Adjudication	2254	W E PUTTY
Certificate of Adjudication	2255	GARY W DUNCAN ET AL
Certificate of Adjudication	2255	WAYNE V DUNCAN ET UX
Certificate of Adjudication	2255	ROBERT L BOYKIN ET AL
Certificate of Adjudication	2258	ROBERT E SPOLEC ET UX
Certificate of Adjudication	2259	F MELVIN JOHNSON
Certificate of Adjudication	2260	F MELVIN & HELENE JOHNSON
Certificate of Adjudication	2261	CECIL PARKS
Certificate of Adjudication	2262	VERNON CLARK BEAIRD
Certificate of Adjudication	2263	WILLIAM VAN ZANDT SLOAN & WIFE
Certificate of Adjudication	2264	WILLIAM VAN ZANDT SLOAN & WIFE
Certificate of Adjudication	2265	DEREL FILLINGIM
Certificate of Adjudication	2266	KARL T BUTZ JR
Certificate of Adjudication	2267	MARGO JOY PARTAIN BATTERSHELL
Certificate of Adjudication	2267	RONNIE W PARTAIN
Certificate of Adjudication	2268	BARRY L POLK ET UX
Certificate of Adjudication	2269	MICHAEL J LOTT ET UX
Certificate of Adjudication	2270	J N BURNS
Certificate of Adjudication	2271	ALBERT N PIKE, EUGENIA PIKE GOODMAN
Certificate of Adjudication	2272	KKW2 LTD
Certificate of Adjudication	2273	W F LONG
Certificate of Adjudication	2276	LOUIS A BEECHERL JR
Certificate of Adjudication	2277	THOMAS G PETERS ET UX
Certificate of Adjudication	2278	WILLIAM E GIPSON
Certificate of Adjudication	2279	JOHN DAVID BELL ET UX
Certificate of Adjudication	2280	JOHN DAVID BELL ET UX
Certificate of Adjudication	2281	RAY J MILLER
Certificate of Adjudication	2282	LESTER M ALBERTHAL JR
Certificate of Adjudication	2283	MARGARET D WHITE
Certificate of Adjudication	2285	LEONARD C RADDE

Appendix A: Junior Water Rights Suspended by this Order

Water Right Type	Water Right	Owner
Certificate of Adjudication	2287	BILLY G AND IRIS S HODGES
Certificate of Adjudication	2288	SHANNON LAIRD HODGES ET AL
Certificate of Adjudication	2289	TEXAS PARKS & WILDLIFE DEPT
Certificate of Adjudication	2290	LINNIE B CROSLLEY ET VIR
Certificate of Adjudication	2290	J L JENSON
Certificate of Adjudication	2291	CITY OF CLIFTON
Certificate of Adjudication	2292	W O GLOFF
Certificate of Adjudication	2294	RD JL & ML LUNDBERG
Certificate of Adjudication	2295	REGINALD & NALLIE LINDBERG
Certificate of Adjudication	2298	CHARLES E STEVENS
Certificate of Adjudication	2299	D I BULLION
Certificate of Adjudication	2300	WILLIAM J HIX ET AL
Certificate of Adjudication	2301	ABIGAIL HALBERT KAMM
Certificate of Adjudication	2302	STEVEN K CAPERTON ET UX
Certificate of Adjudication	2303	THEODORE A NUGENT ET UX
Certificate of Adjudication	2304	THEODORE A NUGENT ET UX
Certificate of Adjudication	2304	HUGH WHITFIELD DAVIS
Certificate of Adjudication	2305	TALBERT FARMS LLC
Certificate of Adjudication	2307	SAMUEL N & TESSIE B CARROLL
Certificate of Adjudication	2308	IRA H WESTERFIELD
Certificate of Adjudication	2309	JERRY AND JOY CLEMMONS
Certificate of Adjudication	2310	JIM HERING
Certificate of Adjudication	2312	ROBERT HALL
Certificate of Adjudication	2313	IRA H WESTERFIELD
Certificate of Adjudication	2316	C L SLIGH FARMS
Certificate of Adjudication	2318	CONFLUENCE PARTNERS LTD
Certificate of Adjudication	2813	RUDOLPH CARL DROSCHKE JR
Certificate of Adjudication	2814	LARRY WAYNE ADAMS
Certificate of Adjudication	2814	CHARLIE THOMAS
Certificate of Adjudication	2814	GRACE OLENA ADAMS
Certificate of Adjudication	2815	NANCY PAGE ALLEN ET VIR
Certificate of Adjudication	2816	JOE B COOPER III ET UX
Certificate of Adjudication	2818	P D GUNTER
Certificate of Adjudication	2819	J B GUNTER
Certificate of Adjudication	2820	WILLIAM R & CAROLINE MILLER
Certificate of Adjudication	2821	JUANITA M ANDERS ET VIR
Certificate of Adjudication	2822	MCMINN RANCHES LTD
Certificate of Adjudication	2823	J E TATUM

Appendix A: Junior Water Rights Suspended by this Order

Water Right Type	Water Right	Owner
Certificate of Adjudication	2824	CHARLES S THOMAS ET UX
Certificate of Adjudication	2824	MAX DERDEN
Certificate of Adjudication	2825	MONTE CARMICHAEL ET AL
Certificate of Adjudication	2826	TRENT DENMAN
Certificate of Adjudication	2827	J A DENMAN
Certificate of Adjudication	2828	J A DENMAN
Certificate of Adjudication	2829	MARTIN L GEYER ET AL
Certificate of Adjudication	2830	O J BLAKEY
Certificate of Adjudication	2830	DON GROMATZKY
Certificate of Adjudication	2831	GARY CROW
Certificate of Adjudication	2832	ANN WEAVER ADAIR
Certificate of Adjudication	2833	JOANNA HOFER
Certificate of Adjudication	2834	WILLIE EYVONNE MANNING RAY
Certificate of Adjudication	2835	WILLIAM MILTON NORTH
Certificate of Adjudication	2836	NELSON SHAVE
Certificate of Adjudication	2837	WADE N CARAWAY
Certificate of Adjudication	2838	ED A ROSS ET AL
Certificate of Adjudication	2839	ED A ROSS ET AL
certificate of adjudication	2840	ED A ROSS ET AL
Certificate of Adjudication	2841	WALTER E SWINDLE ET UX
Certificate of Adjudication	2842	BILLY JACK & PATSY TYUS
Certificate of Adjudication	2843	WINDY HILL RANCH LTD
Certificate of Adjudication	2844	WINDY HILL RANCH LTD
Certificate of Adjudication	2845	WINDY HILL RANCH LTD
Certificate of Adjudication	2846	GUY G HALL
Certificate of Adjudication	2847	G G HALL
Certificate of Adjudication	2848	M D STEPHEN
Certificate of Adjudication	2849	J & J DAIRY
Certificate of Adjudication	2849	BYRON JONES ET AL
Certificate of Adjudication	2850	J A HULSEY
Certificate of Adjudication	2851	J W BARBEE
Certificate of Adjudication	2852	DEAN H BOTTLINGER ET UX
Certificate of Adjudication	2853	GAYLON D & CLARA JONES
Certificate of Adjudication	2854	ROY L NEWSOM, VERNON N NEWSOM
Certificate of Adjudication	2854	CLETA J STAPP
Certificate of Adjudication	2855	CHARLES S THOMAS ET UX
Certificate of Adjudication	2856	JACK D GRAHAM
Certificate of Adjudication	2857	J RALPH LEE

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Water Right Type	Water Right	Owner
Certificate of Adjudication	2857	J L ROBERSON JR ET AL
Certificate of Adjudication	2858	J RALPH LEE ET UX
Certificate of Adjudication	2859	LARRY A DUNN ET UX
Certificate of Adjudication	2861	ACY L WATSON
Certificate of Adjudication	2862	MEL ANDERS ET UX
Certificate of Adjudication	2863	RIVERSIDE RANCH LP
Certificate of Adjudication	2869	BETTY JEAN HARRIS TOOLEY
Certificate of Adjudication	2871	TRUST FOR SETH THOMAS MOORE JR
Certificate of Adjudication	2872	TRUST FOR SETH THOMAS MOORE JR
Certificate of Adjudication	2873	R F MANNING
Certificate of Adjudication	2874	PAULA MEADE KUNETKA ET AL
Certificate of Adjudication	2875	LEONARD T WARLICK ET UX
Certificate of Adjudication	2876	CHARLES CRAIG JR
Certificate of Adjudication	2877	JOHNNY O HARPER ET UX
Certificate of Adjudication	2877	JAMES CHESEBROUGH ET UX
Certificate of Adjudication	2877	JOSEPH H MCGOWEN ET UX
Certificate of Adjudication	2878	O C & WILLIE NADINE MARSHALL
Certificate of Adjudication	2879	PAUL F MCCLINTON
Certificate of Adjudication	2880	TEXAS STARDANCE HOLDINGS LP
Certificate of Adjudication	2881	MOODY E COURTNEY
Certificate of Adjudication	2882	TEXAS STARDANCE HOLDINGS LP
Certificate of Adjudication	2883	DAVID C COURTNEY
Certificate of Adjudication	2884	TEXAS STARDANCE HOLDINGS LP
Certificate of Adjudication	2885	MOODY E COURTNEY
Certificate of Adjudication	2886	W J ALEXANDER
Certificate of Adjudication	2887	JOHN F TAYLOR ET AL
Certificate of Adjudication	2890	DON THOMAS ROGERS
Certificate of Adjudication	2891	W F MORELAND BY PASS TRUST
Certificate of Adjudication	2892	W N & MARY JANE WHISENHUNT
Certificate of Adjudication	2894	SAN PABLO CORPORATION
Certificate of Adjudication	2895	WILLIAM TRAVIS LAXSON
Certificate of Adjudication	2896	MARGARET CALLAWAY
Certificate of Adjudication	2897	R H MELTON
Certificate of Adjudication	2900	CHARLES C POWELL
Certificate of Adjudication	2901	MORSE FAMILY PARTNERSHIP LTD
Certificate of Adjudication	2902	QUENTIN G MCCORKLE ET UX
Certificate of Adjudication	2905	DAN G DAVIDSON ESTATE
Certificate of Adjudication	2907	LEO LUEDTKE ET UX

Appendix A: Junior Water Rights Suspended by this Order

Water Right Type	Water Right	Owner
Certificate of Adjudication	2907	DENNIS CHARLES LUEDTKE ET AL
Certificate of Adjudication	2908	DAN G DAVIDSON
Certificate of Adjudication	2909	RUDOLF DROSCHKE
Certificate of Adjudication	2910	CARL DROSCHKE
Certificate of Adjudication	2911	GLENN DIPPEL ET AL, JOHN SHAUD ET UX
Certificate of Adjudication	2915	ROBERT L MOORE
Certificate of Adjudication	2916	LEE ROY SCHWARTZ
Certificate of Adjudication	2917	WILFORD & RUTH WITZSCHE
Certificate of Adjudication	2918	PAMELA ANN MARWITZ POPE ET AL
Certificate of Adjudication	2919	FRITZ HOPPER
Certificate of Adjudication	2920	DOUG HOPPER
Certificate of Adjudication	2921	W J & ANITA FAYE HOPPER
Certificate of Adjudication	2922	EDNA HOPPER
Certificate of Adjudication	2924	JERRY W & BONNIE JEAN HOPPER
Certificate of Adjudication	2927	ELVIN L GENTRY ET UX
Certificate of Adjudication	2928	GARY L LUNDBERG ET UX
Certificate of Adjudication	2929	REGINALD & NONA FA WIEDEBUSCH
Certificate of Adjudication	2930	CYRUS B CATHEY ESTATE
Certificate of Adjudication	2931	RONNALS BEASLEY ET UX
Certificate of Adjudication	2932	JAMES BILLINGSLEY
Certificate of Adjudication	2933	MARSHALL JOE HANNA
Certificate of Adjudication	2934	ROBERT M SCOTT ET AL
Certificate of Adjudication	2935	ESTATE OF JEAN WOODWARD WHALEY
Certificate of Adjudication	2937	BARGE RANCH LTD
Certificate of Adjudication	2940	EVELYN FRANCES BYLER ET AL
Certificate of Adjudication	2941	SHALLOW FORD CONSTRUCTION CO
Certificate of Adjudication	2943	CITY OF KILLEEN & KILLEEN WILLOWS INC
Certificate of Adjudication	2944	FRANKLIN LIMESTONE COMPANY
Certificate of Adjudication	2945	GLENN BAIRD
Certificate of Adjudication	2946	J BARRY SIEBENLIST ET UX
Certificate of Adjudication	2947	PHILLIP E POWELL ET UX
Certificate of Adjudication	2948	CHESTER E DICKSON ET UX
Certificate of Adjudication	2949	CHESTER E DICKSON ET UX
Certificate of Adjudication	2950	DAVID R KRAUSS ET UX
Certificate of Adjudication	2951	BILLY O. HICKS (UNVERIFIED)
Certificate of Adjudication	2951	MICHAEL ANDREW MONTGOMERY ET AL
Certificate of Adjudication	2952	CLOUD CONSTRUCTION CO INC
Certificate of Adjudication	2953	CHARLES N VERHEYDEN ET UX

Appendix A: Junior Water Rights Suspended by this Order

Water Right Type	Water Right	Owner
Certificate of Adjudication	2953	DENNIS J LYNCH ET UX
Certificate of Adjudication	2953	ROGER W HINDS ET UX
Certificate of Adjudication	2955	MARTIN P SHELTON ET AL
Certificate of Adjudication	2958	W G BETTIS ET AL
Certificate of Adjudication	2958	SAMUEL G TOUB
Certificate of Adjudication	2958	FOSSIL CREEK REALTY INC
Certificate of Adjudication	2959	JOHN R & LYNN COATS
Certificate of Adjudication	2960	TELENETWORK PROPERTIES LTD
Certificate of Adjudication	2961	M K & RUTH NEAL PATTERSON
Certificate of Adjudication	2963	FRANCES VIRGINIA NUCKLES ET AL
Certificate of Adjudication	2963	JOSEPH HENRY LANGFORD ET UX
Certificate of Adjudication	2965	JIMMIE E BOULTINGHOUSE ET AL
Certificate of Adjudication	2965	ROY LEE BOULTINGHOUSE
Certificate of Adjudication	2966	MARVIN E & MARY BLANCHE WHITE
Certificate of Adjudication	2967	H Y JR & LOIS POLLARD PRICE
Certificate of Adjudication	2968	MARK J NASH JR
Certificate of Adjudication	2969	BURRELL ROITCH
Certificate of Adjudication	2970	CHARLES E BLANTON
Certificate of Adjudication	2970	CITY OF LAMPASAS
Certificate of Adjudication	2970	FRED WILLIS ET UX
Certificate of Adjudication	2972	CITY OF LAMPASAS
Certificate of Adjudication	2973	MELVIN POTTS
Certificate of Adjudication	2978	GUNDERLAND PARK RANCH INC
Certificate of Adjudication	2981	JOE D BOYD
Certificate of Adjudication	2981	JANIS CAPPS JONES BANNER
Certificate of Adjudication	2981	WYLIE R CAPPS
Certificate of Adjudication	2982	A J DEWAYNE KENDRICK
Certificate of Adjudication	2983	LARRY L BROWN ET UX
Certificate of Adjudication	2984	DOYLE & BARBARA J WALKER
Certificate of Adjudication	2985	RAYMOND DWAYNE JONAS ET UX
Certificate of Adjudication	2990	HERBERT A & BARBARA MAAS
Certificate of Adjudication	2991	SAWTOOTH ENTERPRISES LTD
Certificate of Adjudication	2992	FLORENCE ELIZABETH BROWN
Certificate of Adjudication	2992	MARY ANGELINE GAGE
Certificate of Adjudication	2995	MORSE RANCH A PARTNERSHIP
Certificate of Adjudication	2996	BRADLEY B WARE
Certificate of Adjudication	2996	JOHN TAYLOR ET UX
Certificate of Adjudication	2997	SUNTEX FULLER CORP

Appendix A: Junior Water Rights Suspended by this Order

Water Right Type	Water Right	Owner
Certificate of Adjudication	2997	CLIFFORD D FRIESEN ET UX
Certificate of Adjudication	2999	PAUL EUGENE BLUM
Certificate of Adjudication	3000	JAMES L SHEPHERD
Certificate of Adjudication	3001	EDD MELTON
Certificate of Adjudication	3002	GENE & NELDA FAY RAY
Certificate of Adjudication	3003	BENNIE M GIBBS
Certificate of Adjudication	3004	ESTATE OF DR JAMIE W BARTON
Certificate of Adjudication	3005	VAIL E & BETTY LOGSDON
Certificate of Adjudication	3006	KARL B WAGNER ESTATE
Certificate of Adjudication	3007	RIVER FARM LTD
Certificate of Adjudication	3007	RIVER FARM LTD
Certificate of Adjudication	3008	ELEANOR B TUTTLE
Certificate of Adjudication	3009	JOSEPH LEWIS ET UX
Certificate of Adjudication	3010	CLIFFORD D JONES
Certificate of Adjudication	3011	LAWANA ELLIS ET VIR
Certificate of Adjudication	3011	LOYCE W RAY
Certificate of Adjudication	3011	MIKEL DUPES ET AL
Certificate of Adjudication	3012	STAGECOACH INN PROPERTIES INC
Certificate of Adjudication	3013	STAGECOACH PROPERTIES INC
Certificate of Adjudication	3015	PAUL T BOSTON
Certificate of Adjudication	3466	CITY OF EASTLAND
Certificate of Adjudication	3467	WAYNE HARGRAVE ET UX
Certificate of Adjudication	3469	LARRY MORROW
Certificate of Adjudication	3470	EASTLAND CO WSD
Certificate of Adjudication	3473	RONNIE LOVE
Certificate of Adjudication	3474	JERRY P MEHAFFEY
Certificate of Adjudication	3475	C M PIPPIN JR
Certificate of Adjudication	3476	GARTH PETTT
Certificate of Adjudication	3479	TEDDY J SNIDER ET UX
Certificate of Adjudication	3481	WILL D BROWN ET UX
Certificate of Adjudication	3482	JOHNNY W & MARY C EAVES
Certificate of Adjudication	3483	MATTHEW STANLEY HOUSE
Certificate of Adjudication	3484	MURTICE C RODGERS
Certificate of Adjudication	3485	H L PERRIN ET UX
Certificate of Adjudication	3486	RONNIE N LOVE ET UX
Certificate of Adjudication	3487	D B WARREN
Certificate of Adjudication	3488	MAX BUSH ET UX
Certificate of Adjudication	3489	THOMAS H BIRDSONG III

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Water Right Type	Water Right	Owner
Certificate of Adjudication	3490	JOHN J HOLLAND
Certificate of Adjudication	3492	G D LINDLEY
Certificate of Adjudication	3493	EDDIE LINDLEY
Certificate of Adjudication	3494	MOODY B KOONCE
Certificate of Adjudication	3495	MOODY B KOONCE
Certificate of Adjudication	3496	NANNIE LEE THOMPSON
Certificate of Adjudication	3497	HERRALD ABELS
Certificate of Adjudication	3498	RAYMOND L GILDER
Certificate of Adjudication	3499	N L BOX
Certificate of Adjudication	3500	OBBCO RANCH CORPORATION
Certificate of Adjudication	3501	HAROLD D HIGGINBOTTOM
Certificate of Adjudication	3504	ELMER RAY JOINER
Certificate of Adjudication	3505	RONNIE P STEPHENS ET AL
Certificate of Adjudication	3506	J V STEWART
Certificate of Adjudication	3511	A D MCCLELLAN
Certificate of Adjudication	3512	JIMMY DALE JOHNSON
Certificate of Adjudication	3514	GAINES OIL COMPANY
Certificate of Adjudication	3517	MERLE JO PARKS TRUSTEE
Certificate of Adjudication	3518	KELLER-HYDEN INC
Certificate of Adjudication	3519	GARY D BEARD ET AL
Certificate of Adjudication	3520	BEN HAMNER
Certificate of Adjudication	3521	TRUETT & PATSY SPRUILL
Certificate of Adjudication	3522	JAMES L HUGHES
Certificate of Adjudication	3523	ROBERT M & IMOGENE BURNS
Certificate of Adjudication	3525	THOMAS H BIRDSONG III
Certificate of Adjudication	3526	TROYAT UNDERWOOD
Certificate of Adjudication	3528	ROBERT EARL DENNIS
Certificate of Adjudication	3530	LOUIS SCHKADE ET AL
Certificate of Adjudication	3530	LOUIS SCHKADE ET AL
Certificate of Adjudication	3532	JIMMY L BINGHAM ET AL
Certificate of Adjudication	3533	BOBBY L SKAGGS & GENE E SKAGGS
Certificate of Adjudication	3534	JUNE M ROUNTREE TRUSTEE
Certificate of Adjudication	3535	JACK & THELMA LOU RILEY
Certificate of Adjudication	3536	LYNDELL F COAN
Certificate of Adjudication	3538	WILLIAM T MORRIS ET UX
Certificate of Adjudication	3539	ED GLOVER JR
Certificate of Adjudication	3540	JAMES L FARLEY ET UX
Certificate of Adjudication	3540	SPRUILL BROS DRILLING CO

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Water Right Type	Water Right	Owner
Certificate of Adjudication	3540	JAMES L FARLEY ET UX
Certificate of Adjudication	3540	JAMES L FARLEY ET UX, SPRUILL BROS DRILLING CO
Certificate of Adjudication	3541	SAM D & MARTHA L UPSHAW
Certificate of Adjudication	3542	NABORS LAKE DEVELOPMENT CORP
Certificate of Adjudication	3543	PETER G FAGAN ET UX
Certificate of Adjudication	3544	JIM LAMPMAN ET AL
Certificate of Adjudication	3546	E A WALKER
Certificate of Adjudication	3547	ELISABETH LEE SANDERS
Certificate of Adjudication	3548	SEBORN E GOLDEN
Certificate of Adjudication	3549	T A NOWLIN
Certificate of Adjudication	3550	PAUL & OLGA MARTINEZ, JOSE & ANTONIA LEAL ESTRADA (UNVERIFIED OWNERS)
Certificate of Adjudication	3550	THOMAS A LEE JR ET UX, UNVERIFIED OWNERS
Certificate of Adjudication	3552	J V SKAGGS
Certificate of Adjudication	3553	LEE ROY COTTON
Certificate of Adjudication	3554	E J TERRY
Certificate of Adjudication	3555	MARK C GRIFFIN ET UX
Certificate of Adjudication	3556	GAYLE MCGINNIS
Certificate of Adjudication	3557	LAKE PROCTOR IRRIGATION AUTHORITY
Certificate of Adjudication	3558	STEVEN MARK BIGGS ET AL
Certificate of Adjudication	3561	ROBERT S BUTLER
Certificate of Adjudication	3567	BYRON R GIBSON
Certificate of Adjudication	3568	ALICE MAE JONES
Certificate of Adjudication	3569	MARGARET JANES
Certificate of Adjudication	3572	A T GILCHREST
Certificate of Adjudication	3573	MICHAEL BINGHAM
Certificate of Adjudication	3575	BOBBY N HUDDLESTON
Certificate of Adjudication	3579	T A NOWLIN
Certificate of Adjudication	3580	GEORGE E BINGHAM ET AL
Certificate of Adjudication	3581	DALE L BEST ET UX
Certificate of Adjudication	3584	DINA BAXTER NEAL
Certificate of Adjudication	3585	WAYNE D GILLIAM
Certificate of Adjudication	3586	GLENDA G HENRY
Certificate of Adjudication	3587	GEORGE E BINGHAM ET UX
Certificate of Adjudication	3588	BILLY J GRESSETT ET AL
Certificate of Adjudication	3589	LOUIS G & BETTY HARELIK
Certificate of Adjudication	3590	RANDALL W GEYE
Certificate of Adjudication	3590	RICKY L GEYE

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Water Right Type	Water Right	Owner
Certificate of Adjudication	3590	TAMI GEYE BUNTING
Certificate of Adjudication	3592	LEON Y NICHOLS
Certificate of Adjudication	3593	VERA MULL
Certificate of Adjudication	3593	VERA MULL
Certificate of Adjudication	3594	WOLFE PECANLANDS INC
Certificate of Adjudication	3595	REX MCGINNIS
Certificate of Adjudication	3596	R C PINKARD, GENE E CAGLE ET UX, BILLIE STEWART KINSEY
Certificate of Adjudication	3597	J F REED
Certificate of Adjudication	3598	JOE MCENTIRE & JOHN MCENTIRE
Certificate of Adjudication	3599	JOE J MCENTIRE
Certificate of Adjudication	3600	GARY HALL ET AL
Certificate of Adjudication	3601	H REESE WARD & DONALD L WARD
Certificate of Adjudication	3606	GARY G HALL ET UX
Certificate of Adjudication	3608	NORMAN MOORE ET UX, AVERY MOORE
Certificate of Adjudication	3609	JOHN M HATHCOCK
Certificate of Adjudication	3610	JOHN C TAYLOR ET UX
Certificate of Adjudication	3611	HUGH MONSELLE O'BRIEN
Certificate of Adjudication	3612	FRED S DAVIS
Certificate of Adjudication	3613	HUGH MONSELLE O'BRIEN
Certificate of Adjudication	3614	JAMES DONALD CHESTER
Certificate of Adjudication	3615	A E VINEYARD
Certificate of Adjudication	3616	B J VINEYARD
Certificate of Adjudication	3617	WALTER MAZUREK
Certificate of Adjudication	3618	OBBCO RANCH CORPORATION
Certificate of Adjudication	3619	JFB FARMS A PARTNERSHIP
Certificate of Adjudication	3620	E J ALDERMAN
Certificate of Adjudication	3622	CURTIS LESLEY & ROYCE LESLEY
Certificate of Adjudication	3623	TIMOTHY LEN MATTHEWS
Certificate of Adjudication	3624	PAULINE HALL
Certificate of Adjudication	3626	WOLFE PECANLANDS INC
Certificate of Adjudication	3627	DINAH KAY DENSMAN
Certificate of Adjudication	3629	CAROLUS VOLLEMAN ET UX
Certificate of Adjudication	3631	J Z STARK
Certificate of Adjudication	3632	RANDLE JOE EVANS
Certificate of Adjudication	3633	DONALD DEE SALTER ET AL
Certificate of Adjudication	3634	BEATRICE LOGGINS
Certificate of Adjudication	3635	JOE RILEY

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Water Right Type	Water Right	Owner
Certificate of Adjudication	3636	GAYLAND STEPHENS ET UX
Certificate of Adjudication	3637	GORES INCORPORATED
Certificate of Adjudication	3638	J B GUNTER & P D GUNTER
Certificate of Adjudication	3639	GAIL W & MARY L YORK
Certificate of Adjudication	3640	SCOTT G SALTER
Certificate of Adjudication	3642	CARL DWAIN HALL
Certificate of Adjudication	3643	JOE PAUL MCCULLOUGH ET UX
Certificate of Adjudication	3644	RODNEY STEPHENS
Certificate of Adjudication	3644	BILL BLUE
Certificate of Adjudication	3645	CLAYTON W MERCER
Certificate of Adjudication	3646	THOMAS E LUKER
Certificate of Adjudication	3647	DONALD W MOORE
Certificate of Adjudication	3648	EVA F MOORE
Certificate of Adjudication	3649	CULLEN STEPHENS
Certificate of Adjudication	3650	GUY E MOORE
Certificate of Adjudication	3651	JOHN R MOORE ET UX
Certificate of Adjudication	3651	JOE D MOORE
Certificate of Adjudication	3652	RAYMOND D DICKEY
Certificate of Adjudication	3653	LARRY WAYNE ADAMS
Certificate of Adjudication	3654	CAROLYN RINEHART HAYES
Certificate of Adjudication	3654	KENNETH RAY RENEHART
Certificate of Adjudication	3654	CAROLYN RENEHART HAYES ET VIR
Certificate of Adjudication	3655	ARBIE N BOYD ET UX, GARY K BOYD
Certificate of Adjudication	3656	MARTIN W & JUANITA SEIDER
Certificate of Adjudication	3657	LEO C HAGGARD ET UX
Certificate of Adjudication	3658	H L WILLINGHAM ESTATE
Certificate of Adjudication	3659	ERW INC
Certificate of Adjudication	3660	BELVE BEAN
Certificate of Adjudication	3661	C H MCCALL ET UX
Certificate of Adjudication	3662	KENNETH D HARVICK ET AL
Certificate of Adjudication	3663	R E BASHAM JR
Certificate of Adjudication	3725	OLIN E TEAGUE VETERANS CENTER
Certificate of Adjudication	3726	MOLLIE H BROOKS ET AL
Certificate of Adjudication	3727	B R LAUTERBORN, DOYR CORNELISON ET UX, ROBERT LOGDEN ET UX
Certificate of Adjudication	3728	PATRICK J ATKINSON JR ET UX, LARRY J HOWELL ET UX, JERRY D GRIFFITH ET UX
Certificate of Adjudication	3729	JOE GLASER
Certificate of Adjudication	3730	JOE P (JR) & HENRIETTA CALLAN

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Water Right Type	Water Right	Owner
Certificate of Adjudication	3731	REUBEN FLOYD CLARK
Certificate of Adjudication	3732	SAN GABRIEL RIVER RANCH INC
Certificate of Adjudication	3733	GEORGETOWN BUILDERS INC
Certificate of Adjudication	3735	HENRY GRADY RYLANDER
Certificate of Adjudication	3736	HENRY GRADY RYLANDER
Certificate of Adjudication	3737	ALAMO CONCRETE PRODUCTS LTD
Certificate of Adjudication	3738	CITY OF GEORGETOWN
Certificate of Adjudication	3739	GENE H BINGHAM ET AL
Certificate of Adjudication	3740	WENDELL F GIBSON
Certificate of Adjudication	3741	THEODORE & MARY KALLUS REV LIVING TRUST
Certificate of Adjudication	3741	LINDA ANN SMITH
Certificate of Adjudication	3742	MAXINE HARRIS
Certificate of Adjudication	3742	R SCOTT POPE ET UX
Certificate of Adjudication	3743	J L ENTERPRISES LLP
Certificate of Adjudication	3744	T D VAUGHAN
Certificate of Adjudication	3745	BEN W KURIO (BWK PARTNERSHIP)
Certificate of Adjudication	3746	CHARLENE M SEFCIK
Certificate of Adjudication	3747	JIMMY F BYERS
Certificate of Adjudication	3748	A C STEARNS ESTATE
Certificate of Adjudication	3749	W T PEARSON JR
Certificate of Adjudication	3750	T R COFFIELD
Certificate of Adjudication	3752	CITY OF TAYLOR
Certificate of Adjudication	3753	THE ESTATE OF JOHN V STILES
Certificate of Adjudication	3755	W A & JACK WINTERROWD
Certificate of Adjudication	3756	LESTER W STILES
Certificate of Adjudication	3759	JAMES FERGUSON ET UX
Permit	3761	ROBERT W NORRIS
Certificate of Adjudication	3762	B & B MINNOW FARM
Permit	3762	ELLIS G & JEAN M MARSHALL
Certificate of Adjudication	3763	SHERWOOD PROPERTIES INC
Permit	3763	PAUL J MEYER
Certificate of Adjudication	3764	HAROLD B & OPAL B FISHER
Certificate of Adjudication	3765	BRL RANCHES LP
Certificate of Adjudication	3766	FORTY-FOUR FARMS LP
Certificate of Adjudication	3767	FIVE WELLS RANCH COMPANY
Certificate of Adjudication	3768	MICHAEL LLOYD ET UX
Certificate of Adjudication	3769	LARRY WAYNE MCCLAREN
Certificate of Adjudication	3770	CALVIN COBB ET AL

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Water Right Type	Water Right	Owner
Certificate of Adjudication	3771	ELLIOTT W ATKINSON ET AL
Certificate of Adjudication	3772	V T WHITE
Certificate of Adjudication	3773	ARLEDGE & SHANAHAN LP
Certificate of Adjudication	3774	CALVIN COBB ET AL
Certificate of Adjudication	3775	JESSE ROBERTSON
Certificate of Adjudication	3775	LLOYD E LEIFESTE ET UX
Permit	3808	DON FRAZIER CLARK ET AL
Permit	3809	L P REED RANCH LTD
Permit	3844	WINNIE D ANDERSON
Permit	3851	WALNUT CREEK FARMS OF GRANBURY
Permit	3851	GERALD E KIMMEL ET UX
Permit	3851	MURRAY RANDLE
Permit	3851	SAM C COWAN JR
Permit	3913	CAPITOL AGGREGATES LTD
Permit	3936	HOLY LAND & CATTLE
Permit	3939	KENNETH & BETTY YVON LESLEY
Permit	3971	TONKAWA SPRINGS HOMEOWNERS ASSN INC
Certificate of Adjudication	3999	MARVIN H MCMURREY JR ET AL
Certificate of Adjudication	4000	CURTIS MITCHELL
Permit	4000	THOMAS E LOVELACE ET AL
Certificate of Adjudication	4001	JENNIE M & M F EWTON
Certificate of Adjudication	4002	ROBERT L CRANFORD ET AL
Permit	4002	JOSEPH B MORROW ET UX
Permit	4002	TIPTON MALONE MURRELL
Certificate of Adjudication	4003	MRS G C MOORE
Permit	4003	MIKE H BERRY ET UX
Certificate of Adjudication	4006	SAN ROC LLC
Certificate of Adjudication	4007	MARY E RIPPETOE
Certificate of Adjudication	4008	JAY LARRY BRUMBAUGH ET AL
Certificate of Adjudication	4008	LAWRENCE M CAREY ET AL
Certificate of Adjudication	4009	CHRISTMANN CORPORATION
Certificate of Adjudication	4009	ERNEST E AMMONS
Permit	4009	C H & BETTY JEAN WILLIAMSON
Certificate of Adjudication	4010	CHARLES W & JEAN WELCH
Certificate of Adjudication	4011	JACKIE LEE CHASTAIN ET AL
Permit	4011	GERTRUDIS C ESTRADA ET UX (MARIA PAULA)
Permit	4011	HARVEST GUARD INC
Certificate of Adjudication	4012	EARL W & ANITA GARDNER

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Water Right Type	Water Right	Owner
Permit	4012	BILLY G CURRY ET AL
Certificate of Adjudication	4013	ROCKING W RANCH LP
Certificate of Adjudication	4013	DALTON BEND RANCH LTD
Permit	4013	ROBERT L MACHA ET AL
Permit	4014	WALSH RANCH LTD PARTNERSHIP
Certificate of Adjudication	4015	FRED HAGAMAN ET AL
Permit	4015	CHAMBERLIN FAMILY TRUST AND CALVIN KRAEMER ET IIX
Certificate of Adjudication	4016	HUBERT H CAPPS
Permit	4016	KHK FOGGY BOTTOM FARMS INC
Permit	4016	KR SOD-BRAZOS LP
Permit	4016	TED HIGGINBOTTOM ET AL
Permit	4016	KR SOD-BRAZOS LP
Certificate of Adjudication	4017	LYNDAL D GARNER JR ET UX
Permit	4017	JERRY M MOORE
Certificate of Adjudication	4018	ROSS HODGES
Certificate of Adjudication	4020	PERRY R HORTON ET AL
Certificate of Adjudication	4021	R J CARAWAY
Certificate of Adjudication	4022	PENNY SPARKS
Certificate of Adjudication	4023	A D CRAWFORD
Permit	4023	DON WEINACHT ET AL
Permit	4024	LEON VALLEY GOLF LTD
Certificate of Adjudication	4025	QUAIL VALLEY ASSOCIATES LLC
Certificate of Adjudication	4027	JACK R DAUGHERTY
Certificate of Adjudication	4029	FAWCETT LIMITED
Certificate of Adjudication	4030	FAWCETT LIMITED
Certificate of Adjudication	4032	CHARLIE RAY COCKBURN
Certificate of Adjudication	4033	JAMES R & JANICE MOORE
Certificate of Adjudication	4034	HELEN H MCDANIEL
Certificate of Adjudication	4035	HELEN H MCDANIEL
Certificate of Adjudication	4036	FAWCETT LIMITED
Certificate of Adjudication	4037	WILLIAM S SQUYRES ET AL
Certificate of Adjudication	4038	HERMAN PETTY
Certificate of Adjudication	4040	DELMAR & MARTHA JANE KING
Certificate of Adjudication	4041	WALDEN FAMILY PROPERTIES LTD
Certificate of Adjudication	4042	WALDEN FAMILY PROPERTIES LTD
Permit	4042	T W WHALEY JR
Certificate of Adjudication	4043	H L BRANSON

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Water Right Type	Water Right	Owner
Certificate of Adjudication	4044	D C WOODRUFF
Certificate of Adjudication	4045	DAVID NASH ET UX
Certificate of Adjudication	4045	LARRY NASH ET AL
Certificate of Adjudication	4046	KENNETH W FULLER
Certificate of Adjudication	4047	ADELAIDE ELIZABETH BIGGS
Certificate of Adjudication	4048	H D HOWARD
Certificate of Adjudication	4049	FRED L THORMANN
Certificate of Adjudication	4050	ROBIN THORMANN ET AL
Certificate of Adjudication	4051	GRACE W CARTWRIGHT
Certificate of Adjudication	4052	TXI OPERATIONS LP
Certificate of Adjudication	4053	WESTERN LAKE EST OWNERS ASSN
Certificate of Adjudication	4054	JOHN WESSLER ET AL
Certificate of Adjudication	4054	T J WELLMAN
Certificate of Adjudication	4054	JESSE T CROWDER JR TRUST
Certificate of Adjudication	4055	JUSRYN COMPANY INC
Certificate of Adjudication	4056	J M LEONARD TRUST
Certificate of Adjudication	4057	MARY L & C W KILLOUGH
Certificate of Adjudication	4058	OAK TRAIL OWNERS ASSOCIATION
Certificate of Adjudication	4059	HELEN T DURHAM ESTATE
Certificate of Adjudication	4060	ESTATE OF E E DURHAM ET UX
Certificate of Adjudication	4060	MAXIE OVERSTREET
Certificate of Adjudication	4061	BURTON S BURKS SR ET AL
Certificate of Adjudication	4062	MARK O THOMAS FAMILY IRREVOCABLE ASSET
Certificate of Adjudication	4063	GRANPEN ASSOCIATES LP
Certificate of Adjudication	4063	JUSRYN COMPANY INC
Certificate of Adjudication	4063	THE RESORT AT EAGLE MOUNTAIN LAKE LP
Certificate of Adjudication	4063	ALAMO BUILDERS LP
Permit	4063	N S WATERMAN JR ET UX
Certificate of Adjudication	4064	BURTON S BURKS ET UX
Certificate of Adjudication	4065	ROBERT & C J WHITEHEAD
Certificate of Adjudication	4066	COMANCHE HARBOR OWNERS ASSN
Certificate of Adjudication	4067	COURTS K CLEVELAND JR
Certificate of Adjudication	4068	LOU ANN LANGFORD
Certificate of Adjudication	4069	WALKER MURRAY RANDLE
Certificate of Adjudication	4070	LESLIE L MABERY
Certificate of Adjudication	4071	R E MABERY
Certificate of Adjudication	4072	LENMO INC
Certificate of Adjudication	4073	JAMES R ROBINSON

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Water Right Type	Water Right	Owner
Certificate of Adjudication	4074	LINDA JOY DAMRON
Certificate of Adjudication	4075	THE R K HANGER TRUST
Certificate of Adjudication	4076	ROBIN K SNIDER ET AL
Certificate of Adjudication	4076	D J VAUGHN
Permit	4076	CULLEN V MANCUSO ET UX (PATTI S MANCUSO)
Certificate of Adjudication	4077	D J BROWN ET UX
Certificate of Adjudication	4078	ROBERT & MARGARET KING INV INC
Permit	4078	JOHN R WOODALL ET AL
Certificate of Adjudication	4079	JAMES ROBERT HILL
Certificate of Adjudication	4080	J V & M G DURANT
Permit	4080	GATHAN REISTINO
Certificate of Adjudication	4081	F L VAUGHN
Certificate of Adjudication	4082	S B GRISSOM
Certificate of Adjudication	4083	JOHN S LOWE REVOCABLE TRUST
Certificate of Adjudication	4084	DANE ALLISON ET UX
Certificate of Adjudication	4084	EARL R ALLISON
Certificate of Adjudication	4085	DANE ALLISON ET UX
Certificate of Adjudication	4085	EARL R ALLISON
Certificate of Adjudication	4086	GARY & BEVERLY LEWELLEN
Certificate of Adjudication	4087	LELAND A HODGES ET AL
Certificate of Adjudication	4088	MILTON C & VIVIAN YOUNG
Certificate of Adjudication	4089	JACOB T & LAURA DAMERON
Certificate of Adjudication	4090	RICHARD T LIETZ ESTATE
Certificate of Adjudication	4091	KENNETH LESLEY
Certificate of Adjudication	4092	ROBERT D ADAMS SR
Certificate of Adjudication	4093	ERNEST H CANNON
Certificate of Adjudication	4095	J C MCFALL
Permit	4095	SIDNEY KACIR
Certificate of Adjudication	4096	CITY OF GLEN ROSE
Certificate of Adjudication	4098	BOB HARRIS OIL CO
Certificate of Adjudication	4099	DOROTHY W LITTLE ET AL
Certificate of Adjudication	4100	TRINITY MATERIALS INC
Certificate of Adjudication	4101	TEXAS PARKS & WILDLIFE DEPT
Certificate of Adjudication	4102	STANDARD INVESTMENT CO
Certificate of Adjudication	4103	CYRIL WAGNER JR ET AL
Certificate of Adjudication	4104	CHISHOLM TRAIL VENTURES LP
Certificate of Adjudication	4105	WESLEY RAY CARSON
Certificate of Adjudication	4105	CREPE MYRTLE OF TEXAS INC

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Water Right Type	Water Right	Owner
Permit	4105	BRAZOS RIVER CLUB
Certificate of Adjudication	4106	CITY OF CLEBURNE
Certificate of Adjudication	4107	RIVERVIEW GOLF CLUB LP
Certificate of Adjudication	4108	HARRY V DULICK
Certificate of Adjudication	4108	DSF LTD
Certificate of Adjudication	4109	LOUIS & VIRGINIA GREGORY
Permit	4109	BETTY KACIR WHEELER
Certificate of Adjudication	4110	LUCILLE C BUTLER
Certificate of Adjudication	4111	PAUL C MURPHY JR
Certificate of Adjudication	4112	LOUIS & VIRGINIA GREGORY
Certificate of Adjudication	4113	JAMES M WALKER
Certificate of Adjudication	4114	KING RANCH TURFGRASS LP
Certificate of Adjudication	4114	THOMAS BROTHERS GRASS LTD
Permit	4124	BRUCE E TODD
Permit	4128	FLOYD GUNN
Permit	4130	UNITED STATES ARMY CORP ENG
certificate of adjudication	4134	BILLY DOAN
certificate of adjudication	4135	CKS PROPERTIES LP
certificate of adjudication	4141	DOLLY KEESEE
Permit	4145	JOHN W NIGLIAZZO ET UX
Permit	4166	BAR J GRASSFED BEEF INC
Permit	4171	35/45 INVESTORS LP
Permit	4212	CARL MOODY ET AL
Permit	4218	THE SILVER QUAIL COMPANY
Permit	4232	TWINWOOD CORP NV ET AL
Permit	4264	GEORGE E BINGHAM ET AL
Permit	4279	HILLIARD RANCHES INC
Permit	4279	JAMES GREGORY WILSON ET AL
Permit	4279	WARRENS TURF NURSERY INC
Permit	4280	ACME BRICK COMPANY
Permit	4296	HORIZON LAND & CATTLE CO
Certificate of Adjudication	4315	CLIFFORD N AUTEN
Certificate of Adjudication	4316	B W BOWERS & WIFE
Certificate of Adjudication	4317	ELLEN KREMPIN THOMAS
Certificate of Adjudication	4318	LAKEVIEW RECREATION ASSOCIATION INC
Certificate of Adjudication	4319	BIRCH WILFONG
Certificate of Adjudication	4320	WARREN D WHITLOW ET UX
Certificate of Adjudication	4321	DAVID BALLEW

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Water Right Type	Water Right	Owner
Certificate of Adjudication	4322	RONALD LEE BURNETTE
Certificate of Adjudication	4323	KENNETH GAGE BURNETTE
Certificate of Adjudication	4323	RONALD LEE BURNETTE
Certificate of Adjudication	4324	CHARLES L HARLESS ET UX
Certificate of Adjudication	4325	NELDA KATHRYN CARGILL
Certificate of Adjudication	4326	DAN WELDON WILLIAMS
Certificate of Adjudication	4327	DAN WELDON WILLIAMS
Certificate of Adjudication	4328	GEORGE L MOORE
Certificate of Adjudication	4329	THOMAS BROTHERS GRASS LTD
Certificate of Adjudication	4329	JIMMY LEWIS GIFFORD ET UX
Certificate of Adjudication	4333	HILLSBORO COUNTRY CLUB
Certificate of Adjudication	4334	JOE R CUNNINGHAM ET UX
Certificate of Adjudication	4335	ALPHONS D URBANOVSKY
Certificate of Adjudication	4336	FAYE SMITH ROMINE
Certificate of Adjudication	4336	KAYE SMITH BOYD
Certificate of Adjudication	4337	NATALIE RISINGER
Certificate of Adjudication	4338	JIM G DOLLINS SR
Certificate of Adjudication	4339	BONNIE T GEORGE, CHARLENE WALKER, JEANNETTE & BILLY O ENGLISH
Certificate of Adjudication	4343	OAK LAKE CLUB
Certificate of Adjudication	4347	VANCE DUNNAM JR
Certificate of Adjudication	4348	JOE RAY HATTER SR
Certificate of Adjudication	4349	RDS LAND CO LLC
Certificate of Adjudication	4350	JOHN P ESTES ESTATE TRUST ET AL
Certificate of Adjudication	4351	MONT HAMM
Certificate of Adjudication	4352	GOELZER CATTLE COMPANY
Certificate of Adjudication	4353	DENNIS L BIRKES ET AL
Certificate of Adjudication	4354	JEAN W EPPERSON
Certificate of Adjudication	4355	CITY OF MARLIN
Certificate of Adjudication	4356	DAVID L ROBERTS ET UX
Certificate of Adjudication	4357	CAMP FIRE INC BLUEBONNET COUNCIL
Certificate of Adjudication	4358	JOHN C ISAACS ET AL
Certificate of Adjudication	4359	JOHN C ISAACS ET AL
Certificate of Adjudication	4361	ELIOT FAMILY LIMITED PARTNERSHIP
Certificate of Adjudication	4362	LEE J FAZZINO ET UX
Certificate of Adjudication	4363	JOE REISTINO ESTATE
Certificate of Adjudication	4364	CLIFF A SKILES JR
Certificate of Adjudication	4365	ESTATE OF WESLEY E & SALLIE T ANDERSON
Certificate of Adjudication	4366	ELLEN WIESE BRIEN ET AL

Appendix A: Junior Water Rights Suspended by this Order

Water Right Type	Water Right	Owner
Certificate of Adjudication	4367	CLIFFORD A SKILES ET UX
Certificate of Adjudication	4368	GLORIA ELY HOLDEN
Certificate of Adjudication	4369	GENE W BONORDEN
Certificate of Adjudication	4370	ONAH B PENN ET AL
Certificate of Adjudication	4370	ONAH B PENN ET AL
Certificate of Adjudication	4371	SAM F DESTEFANO
Certificate of Adjudication	4372	FORBIN INVESTMENTS N V
Certificate of Adjudication	4373	DRAYTON MCLANE JR
Certificate of Adjudication	4374	LAKE WOODROW INC
Certificate of Adjudication	4375	FLOYD KEMPENSKI
Certificate of Adjudication	4375	JOHN D KEMPENSKI ET UX
Certificate of Adjudication	4376	NELSON FAMILY FARMING TRUST
Certificate of Adjudication	4377	GEORGE C GASSEN
Certificate of Adjudication	4378	ROBERT H BENBOW
Permit	5028	O'GRADY SIX O RANCH & CATTLE CO LC
Permit	5053	TEXAS MUNICIPAL POWER AGENCY
Permit	5076	A & H DEVELOPERS INC
Permit	5077	BILL F FULTON ET UX
Permit	5081	BRAZOS COAL LIMITED
Permit	5106	WALNUT CREEK MINING COMPANY
Permit	5110	FORT BEND COUNTY LEVEE I D 11
Permit	5117	WALNUT CREEK MINING COMPANY
Permit	5118	KILLEEN SAVINGS & LOAN ASSN
Permit	5132	TEXAS MUNICIPAL POWER AGENCY
Permit	5148	OPTIM ENERGY TWIN OAKS LP
Permit	5160	CAMP COOLEY LTD
Permit	5161	WILLIAM D CARROLL ET UX
Permit	5188	CITY OF TAYLOR
Permit	5226	CITY OF TEMPLE
Certificate of Adjudication	5269	THE TRAVELERS INSURANCE CO, R O LAWRENCE III ET UX, WILLARD H ZIMM WALT, JR ET UX
Certificate of Adjudication	5270	LEISURE LAKE INC
Certificate of Adjudication	5271	TEXAS A&M UNIVERSITY
Certificate of Adjudication	5271	TEXAS A&M UNIVERSITY
Certificate of Adjudication	5273	ROCKDALE COUNTRY CLUB
Certificate of Adjudication	5274	JOHN MEKOLIK & WIFE
Certificate of Adjudication	5275	LUDWIG M KIPP & WIFE
Certificate of Adjudication	5276	GEORGE W SPRANKLE
Certificate of Adjudication	5277	TOMMY BREDTHAUER ET AL

Appendix A: Junior Water Rights Suspended by this Order

Water Right Type	Water Right	Owner
Certificate of Adjudication	5278	K L NIXON
Certificate of Adjudication	5279	BIRCH CREEK FOREST PROPERTIES
Certificate of Adjudication	5280	WALDO NIENSTEDT
Certificate of Adjudication	5281	HARRY H BOWERS
Certificate of Adjudication	5282	RUSSELL F WIGGINS
Certificate of Adjudication	5283	BEAVER CREEK DEVELOPERS
Certificate of Adjudication	5284	SEALY & ROBERT HUTCHINGS
Certificate of Adjudication	5285	KATHLEEN TERRELL
Certificate of Adjudication	5285	TERRELL FAMILY LP
Certificate of Adjudication	5285	WILLIAM J TERRELL ET AL
Certificate of Adjudication	5286	CHARLES FREDE
Certificate of Adjudication	5286	ESTATE OF JOYCE FREDE
Certificate of Adjudication	5286	WILLIE BALDOBINO ET UX
Certificate of Adjudication	5287	BISTONE MUNICIPAL WSD
Certificate of Adjudication	5290	ERNI LUNA ET AL
Permit	5290	TEXAS DEPT OF CRIMINAL JUSTICE
Certificate of Adjudication	5293	TEAGUE HUNTING & FISHING CLUB
Certificate of Adjudication	5294	D G BROWN
Certificate of Adjudication	5295	J G KENNEDY
Certificate of Adjudication	5297	CAMP COOLEY LTD
Certificate of Adjudication	5299	JAMES DENNISON ET AL
Certificate of Adjudication	5300	DAVID PATE ET UX
Certificate of Adjudication	5301	CAMP CREEK WATER CO
Certificate of Adjudication	5302	HILLTOP LAKES RESORT CITY
Certificate of Adjudication	5303	CITY OF NORMANGEE
Certificate of Adjudication	5304	JOINT TEXAS DIVISION OF ETC
Certificate of Adjudication	5305	JOHN E SMITH
Certificate of Adjudication	5306	SELECTED LANDS LTD NO 18
Certificate of Adjudication	5308	BRIARCREST COUNTRY CLUB INC
Certificate of Adjudication	5309	CITY OF BRYAN
Certificate of Adjudication	5310	CARTER LAKE HOME OWNERS CORP
Certificate of Adjudication	5312	TEXAS MUNICIPAL POWER AGENCY
Certificate of Adjudication	5313	TEXAS MUNICIPAL POWER AGENCY
Certificate of Adjudication	5314	WOODLAKE PRESERVATION ASSOCIATION
Certificate of Adjudication	5315	NAVASOTA FISHING CLUB INC
Certificate of Adjudication	5316	CHAPPELL HILLS INC
Certificate of Adjudication	5317	ROLLING HILLS PROPERTY OWNERS
Certificate of Adjudication	5318	HOWARD F BERMELE ET UX

Appendix A: Junior Water Rights Suspended by this Order

Water Right Type	Water Right	Owner
Certificate of Adjudication	5319	WELDON S LAAS ET AL
Permit	5319	TEXAS WESTMORELAND COMPANY
Certificate of Adjudication	5323	BEVERLY T MCDONALD ET AL
Certificate of Adjudication	5324	MARY ANN CARRICO
Certificate of Adjudication	5326	TEXAS PARKS & WILDLIFE DEPT
Permit	5326	WALNUT CREEK MINING COMPANY
Certificate of Adjudication	5329	DR FRANK J GRADY
Certificate of Adjudication	5329	JAMES EARL HOOT
Certificate of Adjudication	5329	W C KELLY JR TRUSTEE
Certificate of Adjudication	5329	I J TALBOT TRUSTEE
Certificate of Adjudication	5329	RAYMOND J PUNCH ET UX
Permit	5329	PEBBLE CREEK COUNTRY CLUB INC
Certificate of Adjudication	5330	TROY LAKE INC
Permit	5330	CITY OF TEMPLE
Permit	5345	TAC REALTY INC
Permit	5346	SPECIAL CAMPS FOR SPECIAL KIDS
Permit	5354	TEXAS MUNICIPAL POWER AGENCY
Permit	5357	COLLEGE STATION, CITY OF
Certificate of Adjudication	5365	CLT PROPERTIES INC
Certificate of Adjudication	5365	GREAT LAKES INC
Certificate of Adjudication	5367	CAMP COOLEY LTD
Permit	5385	NANTUCKET LTD
Permit	5458	TEXAS MUNICIPAL POWER AGENCY
Permit	5473	TEXAS MUNICIPAL POWER AGENCY
Permit	5482	WALNUT CREEK MINING COMPANY
Certificate of Adjudication	5492	CUMBERLAND & WESTERN RESOURCES LLC
Permit	5533	DEL WEBB TEXAS LP
Permit	5552	CAMPBELL CONCRETE & MATERIALS LP
Permit	5566	STEWART & MARY THOMPSON & TRUST
Permit	5567	SAND SUPPLY
Permit	5570	DAVID MOODY TRUSTEE ET AL
Permit	5603	WILLIAM GAVRANOVIC JR
Permit	5606	CITY OF ROSENBERG
Permit	5616	PROTESTANT EPISCOPAL CHURCH COUNCIL TX
Permit	5658	UNITED STATES ARMY CORPS OF ENGINEERS
Permit	5665	PAUL WEINMAN
Permit	5667	NNP-TERAVISTA LP
Permit	5729	MICHAEL HORTON ET UX

Appendix A: Junior Water Rights Suspended by this Order

Water Right Type	Water Right	Owner
Permit	5738	TEXAS MUNICIPAL POWER AGENCY ET AL
Permit	5741	TEXAS MUNICIPAL POWER AGENCY
Permit	5748	CITY OF NAVASOTA
Permit	5752	WILLIAM GAVRANOVIC ET UX
Permit	5759	MAX & BILLIE CLARK FOUNDATION
Permit	5767	HERMAN STROUD ET UX
Permit	5770	LUMINANT MINING CO LLC
Permit	5788	SMILING MALLARD DEVELOPMENT LTD
Permit	5791	EDWARD D JOHNSON ET UX
Permit	5803	ALCOA INC
Permit	5816	ALCOA INC
Permit	5858	TEXAS MUNICIPAL POWER AGENCY
Permit	5931	LUMINANT MINING CO LLC

APPENDIX B

Appendix B: Counties Where Suspended Water Rights Are Located

County
Austin
Bastrop
Bell
Bosque
Brazoria
Brazos
Brown
Burleson
Burnet
Callahan
Colorado
Comanche
Coryell
Eastland
Erath
Falls
Fayette
Fort Bend
Freestone
Grimes
Hamilton
Harris
Hill
Hood
Jack
Johnson
Lampasas
Lee
Leon
Limestone
Madison
McLennan
Milam
Mills
Palo Pinto
Parker
Robertson
Somervell
Stephens
Travis
Waller
Washington
Williamson

APPENDIX C

Appendix C: Junior Water Rights Not Suspended by this Order

Water Right Type	Water Right	Owner
Certificate of Adjudication	2291	CITY OF CLIFTON
Permit	2925	TEXAS WATER DEVELOPMENT BOARD
Permit	2925	BRAZOS RIVER AUTHORITY
Permit	2925	CITY OF HOUSTON
Certificate of Adjudication	2936	U S DEPT OF THE ARMY
Certificate of Adjudication	2938	CITY OF TEMPLE
Certificate of Adjudication	2939	BRAZOS RIVER AUTHORITY
Certificate of Adjudication	3470	EASTLAND CO WSD
Certificate of Adjudication	3754	CITY OF THORNDALE
Certificate of Adjudication	3757	CITY OF THORNDALE
Certificate of Adjudication	3758	ALCOA INC
Certificate of Adjudication	4004	CITY OF GRAFORD
Certificate of Adjudication	4024	CITY OF GORDON
Certificate of Adjudication	4025	QUAIL VALLEY ASSOCIATES LLC
Certificate of Adjudication	4026	WINGSHOT LP
Certificate of Adjudication	4031	PALO PINTO CO MWD 1
Certificate of Adjudication	4039	CITY OF MINERAL WELLS
Certificate of Adjudication	4048	H D HOWARD
Certificate of Adjudication	4060	DURHAM OVERSTREET TRUST
Certificate of Adjudication	4060	DURHAM PHILLIPS TRUST
Certificate of Adjudication	4060	OVERSTREET FAMILY, LP
Certificate of Adjudication	4060	OVERSTREET PROPERTIES, LP
Certificate of Adjudication	4060	THE SHORES OF GRANBURY, IN
Certificate of Adjudication	4097	TXU ELECTRIC CO
Certificate of Adjudication	4106	CITY OF CLEBURNE
Permit	4135	CITY OF CRAWFORD
Permit	4258	CITY OF CLEBURNE
Certificate of Adjudication	4318	SMITH BEND RANCH LTD
Certificate of Adjudication	4340	CITY OF WACO
Certificate of Adjudication	4342	TRADINGHOUSE POWER CO LLC
Certificate of Adjudication	4345	LUMINANT GENERATION CO LLC
Certificate of Adjudication	4355	CITY OF MARLIN
Certificate of Adjudication	4360	CITY OF ROSEBUD
Certificate of Adjudication	4360	CITY OF ROSEBUD
Permit	5000	CITY OF MART
Permit	5085	CITY OF ROBINSON
Permit	5094	CITY OF WACO
Certificate of Adjudication	5156	BRAZOS RIVER AUTHORITY

Appendix C: Junior Water Rights Not Suspended by this Order

Water Right Type	Water Right	Owner
Certificate of Adjudication	5157	BRAZOS RIVER AUTHORITY
Certificate of Adjudication	5158	BRAZOS RIVER AUTHORITY
Certificate of Adjudication	5159	BRAZOS RIVER AUTHORITY
Certificate of Adjudication	5160	BRAZOS RIVER AUTHORITY
Certificate of Adjudication	5161	BRAZOS RIVER AUTHORITY
Certificate of Adjudication	5162	BRAZOS RIVER AUTHORITY
Certificate of Adjudication	5163	BRAZOS RIVER AUTHORITY
Certificate of Adjudication	5164	BRAZOS RIVER AUTHORITY
Permit	5164	ADTIN LLC
Certificate of Adjudication	5165	BRAZOS RIVER AUTHORITY
Certificate of Adjudication	5171	GULF COAST WATER AUTHORITY
Certificate of Adjudication	5268	CITY OF BRYAN
Certificate of Adjudication	5272	ALCOA INC
Certificate of Adjudication	5287	BISTONE MUNICIPAL WSD
Certificate of Adjudication	5291	CITY OF TEAGUE
Certificate of Adjudication	5292	CITY OF TEAGUE
Certificate of Adjudication	5298	TXU ELECTRIC CO
Certificate of Adjudication	5307	TEXAS MUNICIPAL POWER ASSOCIATION
Certificate of Adjudication	5311	TEXAS MUNICIPAL POWER AGENCY
Certificate of Adjudication	5311	TEXAS MUNICIPAL POWER ASSOCIATION
Certificate of Adjudication	5322	GULF COAST WATER AUTHORITY
Certificate of Adjudication	5325	NRG TEXAS POWER LLC
Certificate of Adjudication	5366	BRAZOSPORT WATER AUTHORITY
Permit	5447	PALO PINTO MWD 1
Permit	5551	CITY OF CLIFTON
Permit	5744	SOMERVELL COUNTY WATER DISTRICT
Permit	5840	CITY OF WACO
Permit	5899	CITY OF MERIDIAN

APPENDIX D

Appendix D: Domestic Uses

Water Right Type	Water Right	Owner
Certificate of Adjudication	2202	JAMES F EVERETT
Certificate of Adjudication	2203	LARRY R JONES
Certificate of Adjudication	2204	JERRY J RANKIN ET AL
Certificate of Adjudication	2212	BRUCE S TERRILL
Certificate of Adjudication	2213	WILBURN L GAINES
Certificate of Adjudication	2214	G K LEWALLEN
Certificate of Adjudication	2217	O H FRAZIER & M B CASEY
Certificate of Adjudication	2218	SAMUEL M FRAZIER ET AL
Certificate of Adjudication	2253	J P CATTLE COMPANY
Certificate of Adjudication	2311	W T HIX
Certificate of Adjudication	2954	HOMER MCCASLAND
Certificate of Adjudication	3471	GLYNN A WILSON
Certificate of Adjudication	3480	SAUL PULLMAN
Certificate of Adjudication	3503	HAROLD LEE MORRIS ET UX
Certificate of Adjudication	3515	ROBERT JESS HOFFMAN
Certificate of Adjudication	3516	RUBY JOHNSON
Certificate of Adjudication	3524	JULIA BETH COOK ET AL
Certificate of Adjudication	3531	JOHN R SCOTT ET UX
Certificate of Adjudication	3537	RODNEY C STEPHENS
Certificate of Adjudication	3551	BOBBY W STRAUB
Certificate of Adjudication	3560	CHARLES BOB & DEALVA SNELL
Certificate of Adjudication	3565	ROBERT S BUTLER
Certificate of Adjudication	3578	ORO PECANLANDS INC ET AL
Certificate of Adjudication	3602	DENNIS L & LAVORICE M SHELTON
Certificate of Adjudication	3603	PAUL L RAINS
Certificate of Adjudication	3604	LARRY C STEELE ET UX
Certificate of Adjudication	3605	GARY G & MARY LOU HALL
Certificate of Adjudication	3607	T C MAZUREK JR
Permit	3636	BERRY RAY BINGHAM
Permit	3636	GEORGE CHASE
Certificate of Adjudication	3641	EVELYN WILIE MOODY
Permit	3880	LYNDELL F COAN ET AL
Permit	3902	DENNIS L SHELTON
Permit	3902	ESTATE OF PAUL L RAINS
Permit	3902	GARY G HALL ET UX
Permit	3934	TROY MORRIS ET UX
Permit	4091	BEVERLY ATCHLEY RESCH TRUSTEE
Permit	5073	THOMAS RANDOLPH SIMPSON

Appendix D: Domestic Uses

Permit	5227	FIVE WELLS RANCH COMPANY
Permit	5255	GLORIA JEAN DUKES
Permit	5274	J R GRIMSHAW ET UX
Permit	5416	JAMES DONALD CHESTER
Permit	5540	ALCOA INC
Permit	5882	KIMBERLIN PK TRST/CHARLOTTE J PARKS TRST
Permit	12023	KIM R SMITH LOGGING INC
Permit	12048	WALNUT CREEK MINING COMPANY
Permit	12190	ALCOA INC
Permit	12191	ALCOA INC
Permit	12291	TEXAS WESTMORELAND COMPANY

Attachment 2

TCEQ Interoffice Memorandum

To: Commissioners **Date:** November 27, 2012

Thru: Bridget Bohac, Chief Clerk
Zak Covar, Executive Director

From:  L'Oreal W. Stepney, P.E., Deputy Director, Office of Water
 Ramiro Garcia, Jr., Deputy Director, Office of Compliance and Enforcement

Subject: Priority Call – Dow Chemical Company

Background

The Executive Director (ED) received a priority call from Dow Chemical Company (Dow) on November 14, 2012. Dow is the owner of Certificate of Adjudication 12-5328, which authorizes the diversion of 20,000 acre-feet of water from the Brazos River for industrial purposes at a priority date of February 28, 1929, the diversion of 150,000 acre-feet per year for industrial and municipal purposes with a priority date of February 14, 1942, 65,000 acre-feet per year for industrial purposes with a priority date of April 4, 1960, and 3,136 acre-feet per year for municipal purposes with a priority date of March 8, 1976. Dow's certificate also includes additional authorizations for storage in off-channel reservoirs and diversions from the San Jacinto-Brazos Coastal Basin. Dow's certificate includes a special condition stating that the water with the 1960 priority date has experienced shortages and may experience those shortages in the future. The special condition further states that Dow may not call on junior water rights to make up shortages unless Dow provides sufficient off-channel storage to produce a dependable yield of 61,000 acre-feet, or, in the alternative, enters into a contract with the Brazos River Authority for stored water releases.

Dow indicates that, although it has an authorized diversion rate of 630 cfs from its diversion points on the Brazos River, its current diversion rate is 290 cfs. Dow also indicates that it has diverted 93,405 acre-feet of its authorized water, which includes water diverted for use by the Brazosport Water Authority (BWA) under BWA's Certificate of Adjudication 12-5366. On November 8, 2012, BWA indicated that it had diverted 8,507 acre-feet of its authorized water. Under 30 TAC 297.58(b), if a water right has appropriations with different priority dates, water shall be credited against the oldest priority date first. Based on water use information submitted by Dow and BWA, Dow has used 84,898 of its authorized water. Therefore, the priority date of Dow's call is February 14, 1942. Dow indicates its current consumptive demand is 225 cfs and it has 41 days of reservoir storage.

Drought Definition

Staff reviewed conditions in the Brazos River watershed and determined that conditions in the watershed meet the definition of drought in 30 TAC §36.2(3).

30 TAC §36.2(3)(A): Seventy-five percent of the watershed at or above the senior call location is in at least moderate drought as classified by the National Drought Mitigation Center.

30 TAC §36.2(3)(B): The 33rd percentile flow at U. S. Geological Survey gaging station 08116650, Brazos River near Rosharon, Texas, based on a period of record from April 1, 1967 to present is 1,610 cfs. Average streamflow for the period October 12, 2012 to November 12, 2012 was 535 cfs. Average streamflow for the week of November 5, 2012 to November 11, 2012 was 264 cfs.

TCEQ Interoffice Memorandum

30 TAC §36.2(3)(C). The precipitation in the watershed, for the preceding three month period, as reported in the Texas Climactic Bulletin, was below normal for much of the Brazos Basin for the months of August and October and above normal for the month of September.

Field Investigations

TCEQ Regional Office staff conducted field investigations on November 9, 2012, in response to another call, at twenty two locations throughout the Brazos River watershed, including the location of this priority call. Staff took photographs documenting streamflow conditions and also conducted streamflow measurements. Results of the investigations (Attachment A-F) indicate extremely dry conditions throughout the basin.

Determination

Staff reviewed all water rights above the location of the call, separated them into date ranges and compiled permitted diversion amounts and rates, and estimated loss rates to determine whether suspension or adjustment of water rights could potentially result in sufficient flows passing the location of the call. The priority call location is at the downstream end of the Brazos Basin; therefore, staff initially reviewed all basin water rights. However, Certificate of Adjudication 12-5155, owned by the Brazos River Authority, authorizes impoundment and diversion from Lake Possum Kingdom, located on the Brazos River, at a priority date of April 6, 1938. Any potential streamflows generated through suspension or adjustment of water rights above Lake Possum Kingdom would be impounded by BRA under its senior priority date and would not be available to satisfy the call. Therefore, staff only considered water rights in the Brazos Basin below Lake Possum Kingdom in developing this determination.

Loss Adjustment and Declining Flow Trends: Loss rates in the Brazos Basin vary by location. The loss rates used in these calculations varies by location in the watershed.

- **The calculated conveyance loss rate** is based on information from the Brazos River Authority and the TCEQ water availability model. This rate is an average rate over all climate conditions.
- Above BRA's reservoirs, the loss rate ranges from 1% to 23%, with the highest losses occurring above Lakes Belton and Proctor. This factor is in addition to the 13.2% loss rate that would occur below BRA's reservoirs.
- The 13.2% loss rate below BRA's reservoirs is a conservative estimate of losses based on the highest actual loss rate for the area below BRA's reservoirs.
- **Loss Rates during drought conditions** could be as much as 10% to 20% higher than average values. Staff's field investigations indicate dry conditions throughout the basin; therefore, staff assumed a more conservative 20% adjustment. This adjustment was applied to calculated conveyance loss rates.

Intervening Reservoir Factor: In some watersheds above BRA's water supply reservoirs, there are substantial numbers of existing permitted reservoirs. These reservoirs are required to pass water to the senior call. It is likely that additional transit losses would occur as a result of conveying inflows through these reservoirs. Staff adjusted the potentially available flows based on the number of permitted small reservoirs in each watershed. This adjustment was calculated based on the ratio of permitted storage to permitted diversions and scaled so that watersheds where total storage was significantly higher than total diversions were assigned a higher adjustment factor. The factors ranged from zero to 30%.

TCEQ Interoffice Memorandum

Water Use Adjustment: Water rights in the analysis area would probably not be diverting at the same time or may not be diverting at their maximum diversion rate. Regarding actual water use, during 2009 and 2011, the ED suspended water rights in the Brazos Basin; therefore, reported water use from those drought years may not be indicative of water use at the present time. Staff did review reported actual diversion rates from 2009 and 2010 (to the extent these are available) and, based on this review, determined that an adjustment factor of 40% to authorized diversion rates would be a reasonable estimate of the amount of water currently being diverted. This is based on limited available data from the water use reports. This factor is an average of the differences between authorized and reported diversion rates. The factor is based on currently available data and is a conservative assumption of the differences between the authorized and actual diversion rates.

- Some water rights may not be diverting at this time because of instream flow requirements in their water rights; however, due to fluctuations in stream flow, there might be times these water rights could divert unless they are suspended due to their junior priority date.
- Domestic and livestock users are likely diverting water, especially on the tributaries. Because permits are not required for these superior uses, there is no way to know actual usage from this category of water right holder.

Results of the calculations are shown below.

Watershed Area	Adjusted diversion rates for water rights Senior to the call	Adjusted diversion rates for water rights Junior to the call
Below Lake Possum Kingdom and Above BRA's Reservoirs	5 cfs	511 cfs
Below BRA's Reservoirs	624 cfs	1,092 cfs

These calculations include all authorized water rights in the Brazos River watershed below Lake Possum Kingdom that are junior to the call. The actual amount of available streamflow generated by suspension or adjustment of water rights could be less, depending on information from junior water rights subject to 30 TAC 36.5 (c).

Some of the water rights subject to the call are located above BRA's storage reservoirs. Any inflows generated by suspension or adjustment of water rights must be passed through those reservoirs. Based on staff's desktop review, subtracting senior diversions from junior diversions indicates that up to 506 cfs could be generated through suspension or adjustment. Approximately half of this amount could be generated from the watersheds above Lakes Waco and Belton.

Below BRA's reservoirs, the amount available from junior suspensions is greater than the amount that could be diverted by senior water rights (468 cfs). This would be in addition to any water generated by suspension or adjustment of water rights above BRA's reservoirs. Therefore, staff's analysis indicates that additional streamflows could be generated by suspension or adjustment of water rights junior to February 14, 1942.

TCEQ Interoffice Memorandum

Conservation

Staff reviewed compliance with Chapter 288 requirements by those entities that were junior but were not suspended. One entity had an incomplete submittal, and has already received a letter from water rights staff requesting more information.

Conclusion

Photographic evidence from staff's field investigations indicates dry conditions throughout the watershed. Review of gage records, supported by staff's streamflow measurements, indicates overall declining flow trends in the basin and precipitation records indicate minimal rainfall.

Although the desk-top review indicates that water could be generated from suspension of junior water rights, the actual amount of available streamflow could be less, depending on information from junior water rights subject to 30 TAC 36.5 (c). Dry conditions in the watershed, as evidenced from staff's field investigation may further reduce any streamflows generated from suspensions or adjustments of water rights. Further, any increased flows that could possibly result from suspensions may not be maintained for an appreciable length of time absent rainfall events.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



ATTACHMENT A

Region	Lubbock	Location name:	Double Mountain Fork near 207
Inv. Date:	11/09/2012	TCEQ Investigators:	Joseph Hopkins, Malcolm Laing

North Fork Double Mountain Fork of Brazos River 11/09/2012 Evaluation

Summary

The aerial image map on page 2 is of the area along the North Fork Double Mountain Fork of Brazos River evaluated on November 9, 2012. The images have a point of evaluation (Point 1) identified at the crossing of the North Fork Double Mountain Fork of Brazos River and State Highway 207. No flow was observed at the point indicated as Point 1 during an on-site visual inspection of the streambed conducted on November 9, 2012.

- Point 1 – River crossing at State Highway 207. Crossing located approximately 7 miles north of the city of Post. Access is from State Highway 207.

North Fork Double Mountain Fork of Brazos River 11/09/2012 Evaluation

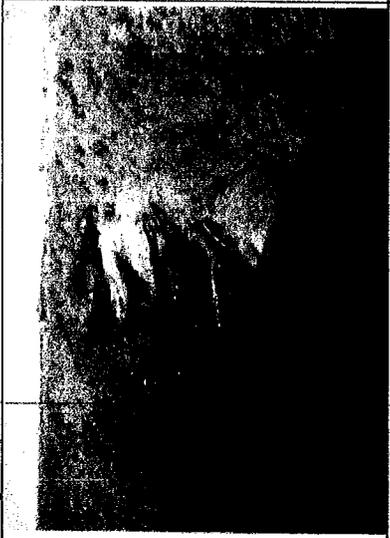
Aerial Markup (page 2)



Image Source: <https://maps.google.com/>
Mark-ups By: Joseph L. Hopkins, P.G.

North Fork Double Mountain Fork of Brazos River 11/09/2012 Evaluation

Photographs (page 3)

		
<p>Photo 1: Point 1 facing north along State Highway 207.</p>	<p>Photo 2: Point 1 down from State Highway 207 bridge crossing.</p>	<p>Photo 3: Point 1 facing east from State Highway 207, looking upstream.</p>
	<p>Blank</p>	<p>Blank</p>
<p>Photo 4: Point 1 facing west from State Highway 207, looking downstream.</p>	<p>Blank</p>	<p>Blank</p>

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



ATTACHMENT B

Region	Abilene	Location name:	Brazos River near highway 6, Leon River near Hasse, Leon River near Hamilton County line, Brazos River near Lueders, Brazos River near the crossing of 180, Brazos River near South Bend, Brazos River near Fort Griffin
Inv. Date:	11/09/2012	TCEQ Investigators:	Kirk Fleener, Jennifer Meador, and Jim Weber

Clear Fork Brazos River and Main Stem Brazos River Above Possum Kingdom Lake Evaluation

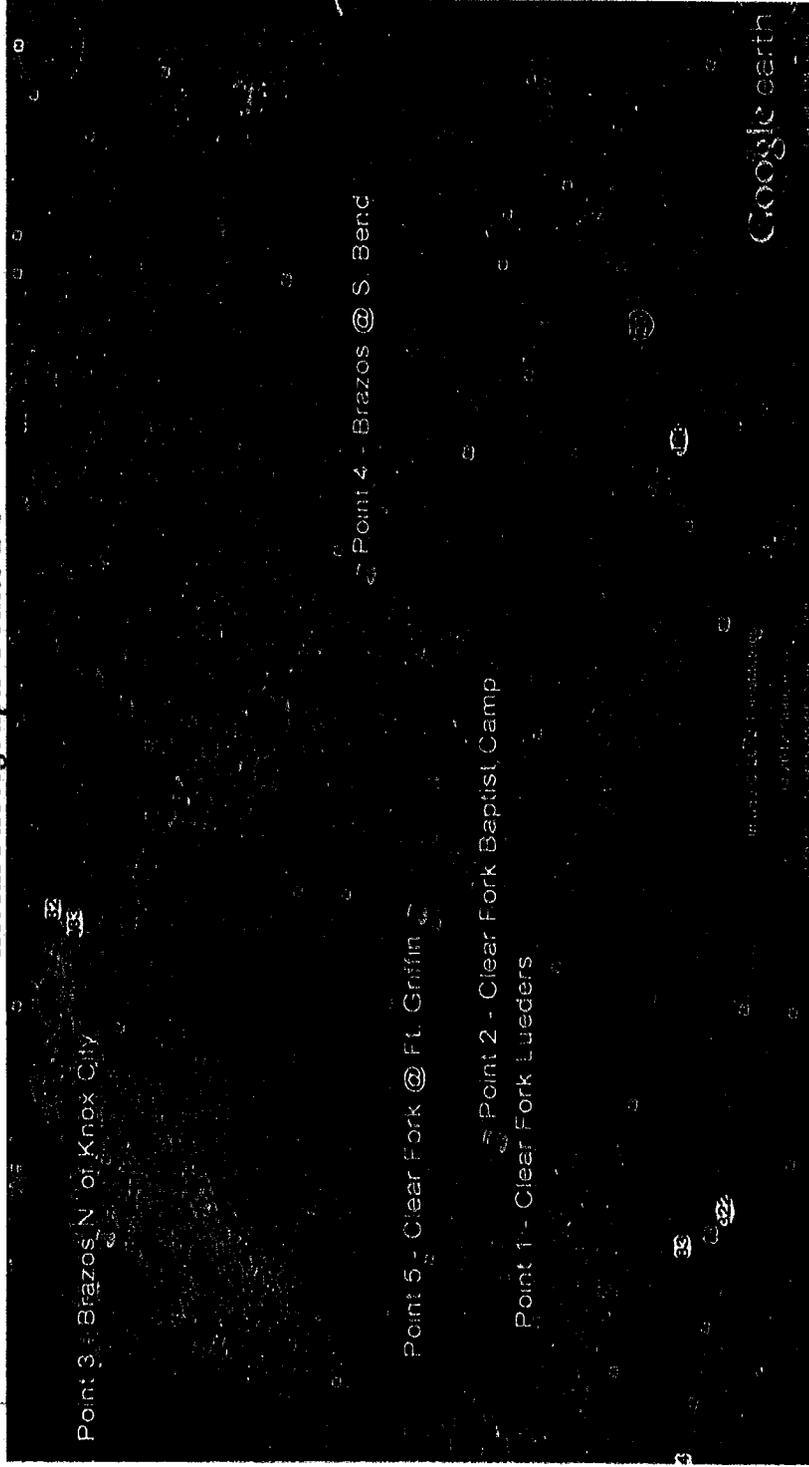
Summary

The aerial images on pages 2 - 6 are of the areas along the Clear Fork of the Brazos River and the Main stem of the Brazos River evaluated on November 9, 2012. The images have the points of evaluation (1-5) identified. Page 2 shows all 5 points, and the following pages show the areas evaluated individually. Comments and flow observations of the evaluation are recorded below.

- Point 1 – Clear Fork Brazos River crossing at Hwy 6 approximately ½ mile East of Lueders TX. Photos were taken upstream and downstream of the bridge. USGS Gage at this location read 6.0 cfs at the time of the site visit (~9:00 am).
- Point 2 – Clear Fork Brazos River at Baptist Encampment about ¼ mile downstream (North) of Point 1. Photos were taken upstream and downstream of the evaluation area. Flow was taken at this location ~4,060 cfs. The area upstream (towards point # 1 is somewhat impounded by debris).
- Point 3 – Brazos River (Main Stem) approximately 3 miles North of the City of Knox City. Photos were taken upstream and downstream and a flow was conducted at this site – 0.698 cfs.
- Point 4 – Brazos River (Main Stem) approximately 5 miles South West of the City of Graham where the river crosses under US 67. Photos were taken upstream and downstream of the area. A measured flow was recorded about 400 meters upstream of the Bridge – 2.156 cfs.
- Point 5 – Clear Fork Brazos River near Fort Griffin at US 283. Photos were taken upstream and downstream at the site. A flow was recorded at the site – 0.28 cfs.

Brazos River 11/09/2012 Evaluation- (Page 2)

Aerial Photograph- Points 1-5



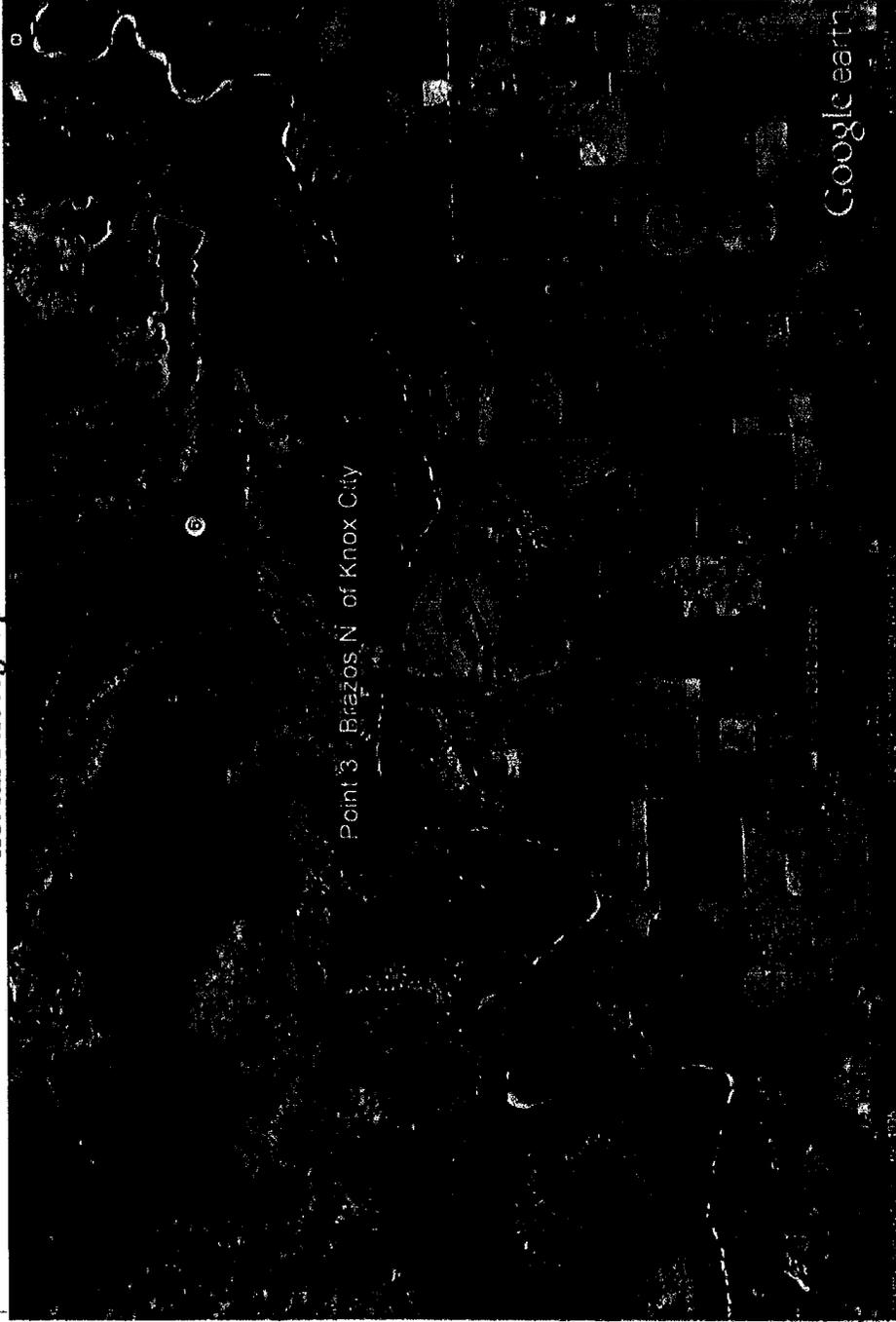
Brazos River 11/09/2012 Evaluation- (Page 3)

Aerial Photograph- Points 1 and 2



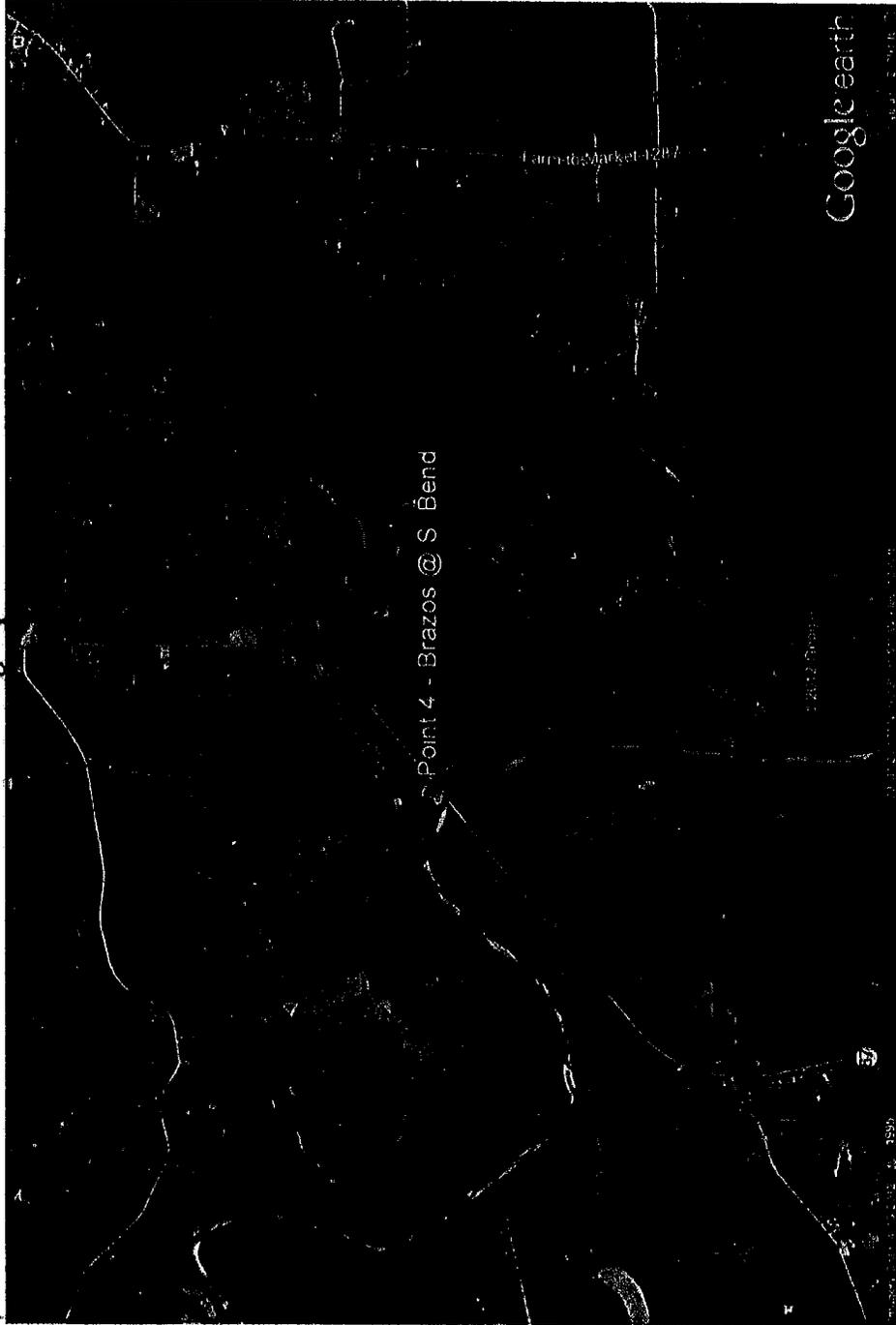
Brazos River 11/09/2012 Evaluation- (Page 4)

Aerial Photograph- Point 3



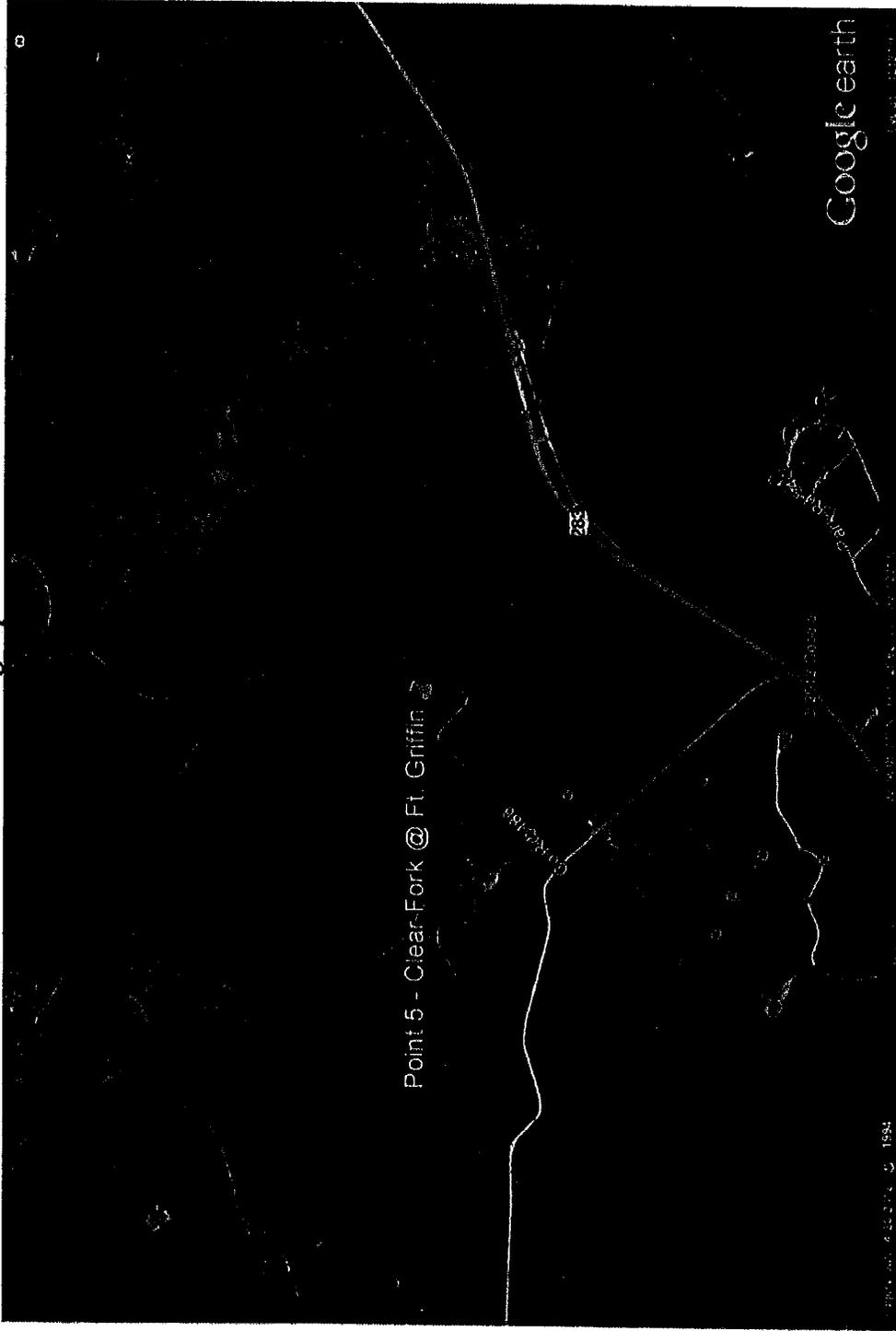
Brazos River 11/09/2012 Evaluation- (Page 5)

Aerial Photograph - Point 4



Brazos River 11/09/2012 Evaluation- (Page 6)

Aerial Photograph- Point 5



Brazos River 11/09/2012 Evaluation-Site Photographs

	
<p>Photo 1: Point 1. CF Brazos@ Hwy 6 looking upstream</p>	<p>Photo 2: Point 1. CF Brazos@ Hwy 6 looking downstream.</p>
	
<p>Photo 3: Point 2. CF Brazos at Baptist Encampment looking upstream showing debris that partially impounds upstream area.</p>	<p>Photo 4: Point 2. CF Brazos at Baptist Encampment looking downstream.</p>



Photo 6: Point 3. Main stem Brazos North of Knox City looking downstream.



Photo 8: Point 4. Main stem Brazos River at US 67 looking downstream.



Photo 5: Point 3. Main stem Brazos North of Knox City looking upstream.

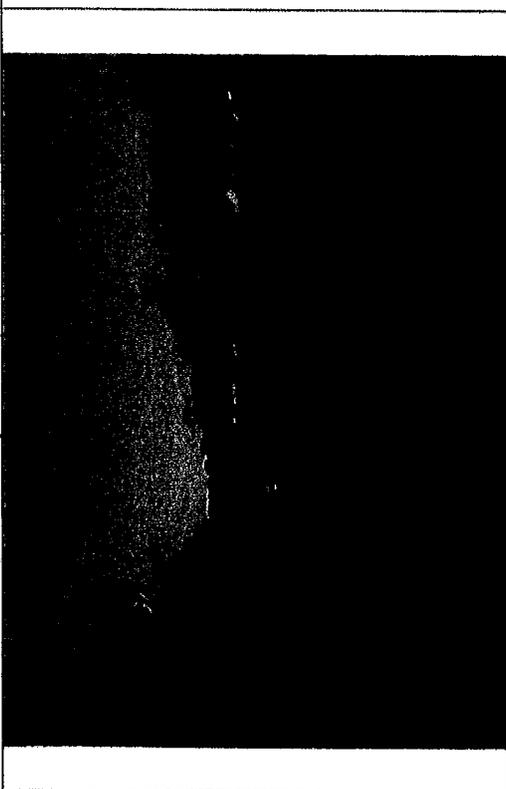


Photo 7: Point 4. Main stem Brazos River at US 67 looking upstream.



Photo 14: Point 5. CF Brazos looking downstream near Fort Griffin (US 283).

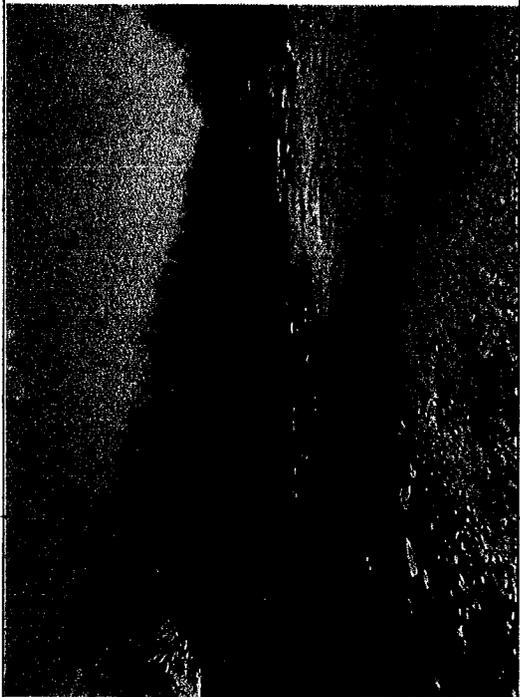


Photo 9: Point 5. CF Brazos looking upstream near Fort Griffin (US 283).

Leon River 11/09/2012 Evaluation- (Page 1)

Summary

The aerial images on pages 2, 3 and 4 are of the areas along the Leon River evaluated on November 9, 2012. The images have the points of evaluation (1-2) identified. Comments and flow observations of the evaluation are recorded below.

- Point 1 – Leon River at Hasse bridge, located on U.S. Highway 67/377 approximately 8.5 miles northeast of the City of Comanche. The location is approximately 1.7 miles downstream of the Lake Proctor dam. Flow at the time of the evaluation was less than 1.0 cfs.
- Point 2 – Leon River at Gromatzki dam, located on County Road 392, approximately 0.8 mile north of the intersection of State Highway 36 and County Road 392, in Comanche County, Texas. There was no flow at the time of the evaluation. Water was not flowing over the dam, and the river bed downstream of the dam was dry.

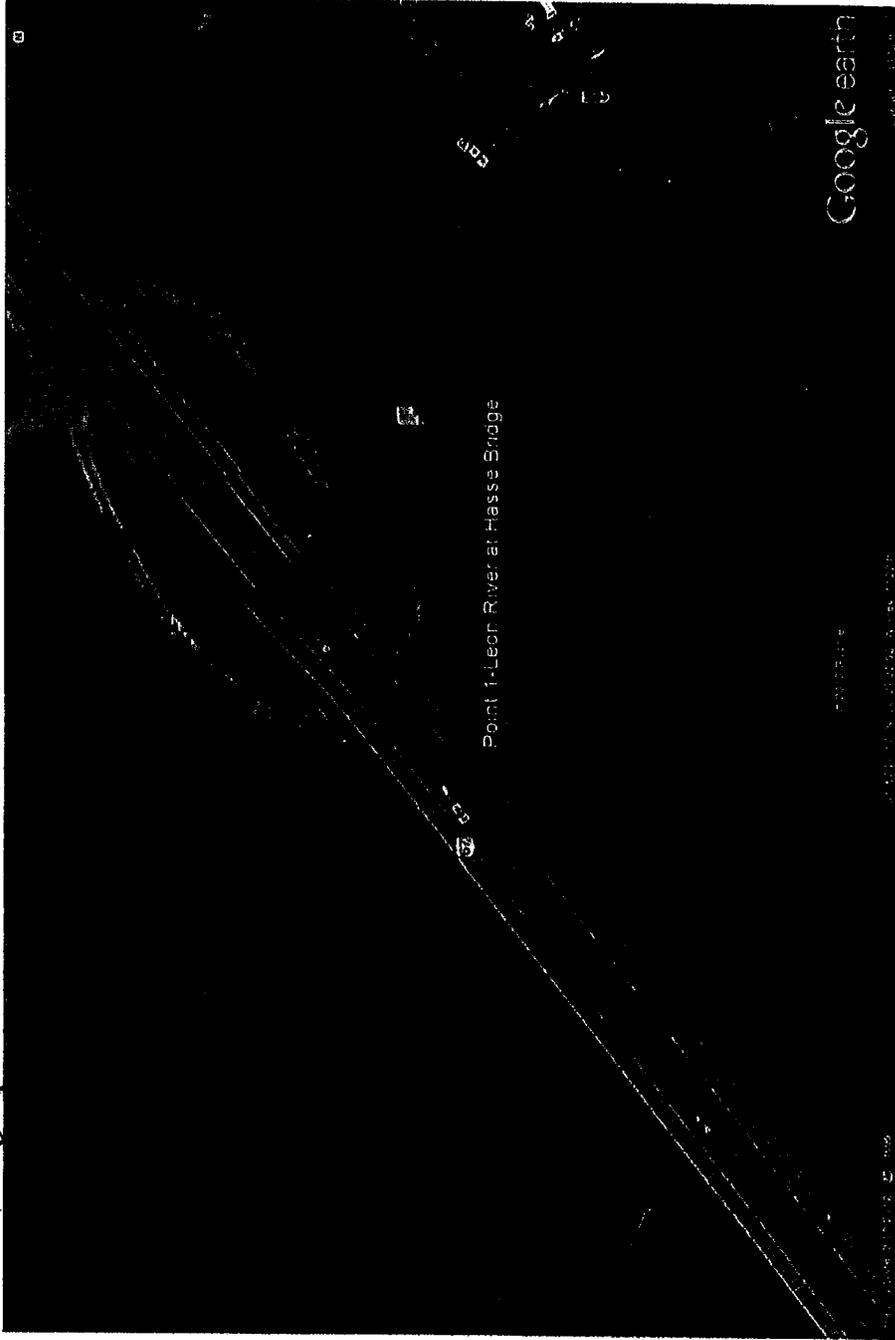
Leon River 11/09/2012 Evaluation- (Page 2)

Aerial Photograph- Points 1 & 2



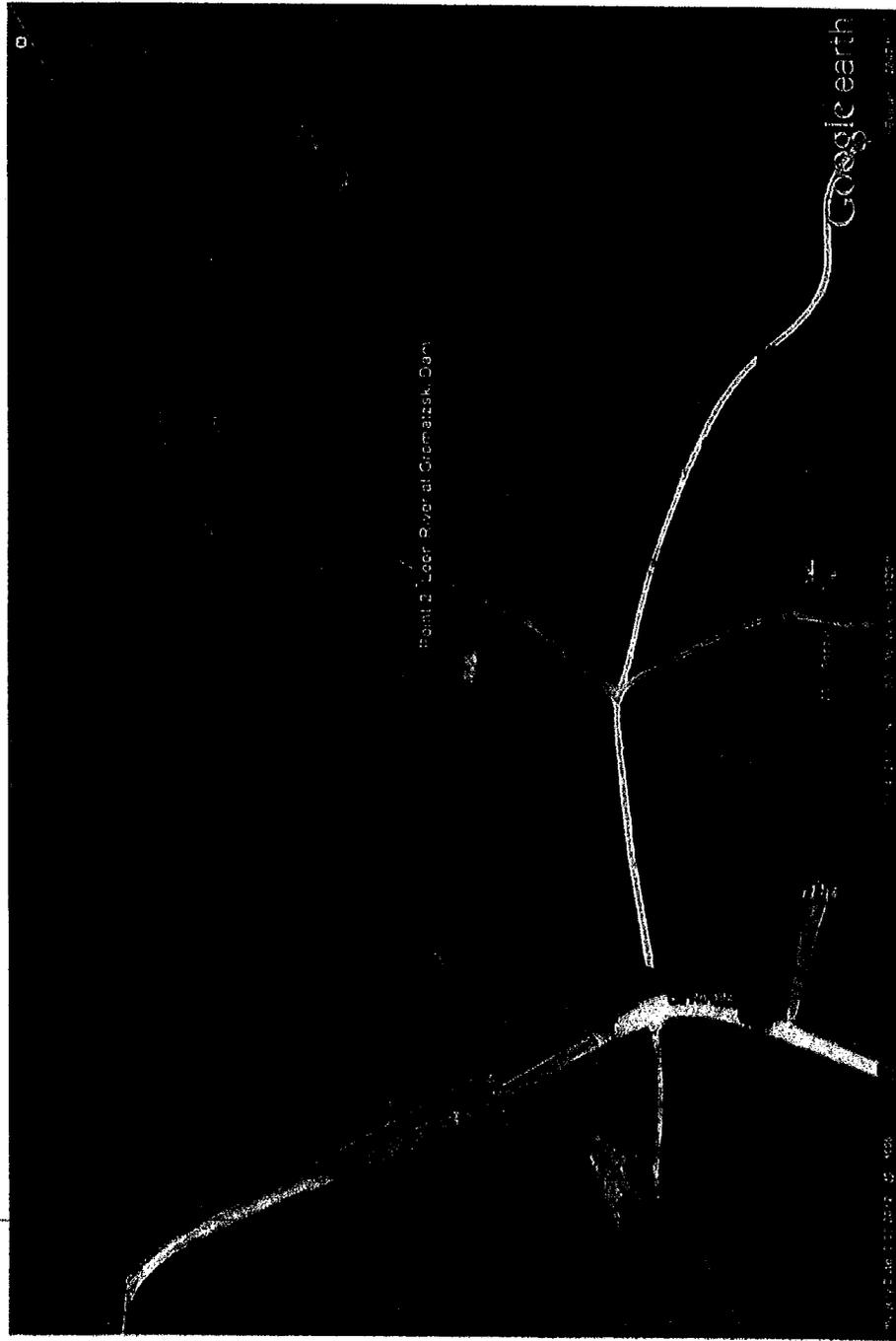
Leon River 11/09/2012 Evaluation- (Page 3)

Aerial Photograph- Point 1



Leon River 11/09/2012 Evaluation- (Page 4)

Aerial Photograph - Point 2



Leon River 11/09/2012 Evaluation- Site Photographs



Photo 2: Point 1. Looking downstream from dam.



Photo 1: View of Point 1. Flow measurement conducted at this location.



Photo 3: Point 2. Looking downstream showing dam. Note: no flow over dam.



Photo 4: Point 2. View of dry river bed approximately 20 yds. downstream of dam.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



ATTACHMENT C

Region	Dallas/Fort Worth	Location name:	Brazos River near Horseshoe Bend Golf course-upstream of Lake Granbury, Brazos River near County Road 1118 (near Johnson/Somervell/Bosque county line)
Inv. Date:	11/09/2012	TCEQ Investigators:	Michael Sessions

Brazos River 11/09/2012 Evaluation

Summary

The aerial images on pages 2 and 3 are of the areas along the Brazos River evaluated on November 9, 2012. The images have points of evaluation (1-5) identified. Comments and flow observations of recorded below.

- Site 1 – **Brazos River at Highway 4 crossing** (located approximately 7 miles north of Palo Pinto). The location is below Lake Possum Kingdom and is part of the John Graves Scenic River Way (upper portion of the segment between Lake Possum Kingdom and Lake Granbury), access is from Highway 4. The flow at this location is recorded by a USGS station (08089000, see link below). On November 9, 2012, the flow dropped from approximately 90 cubic feet per second (CFS) to approximately 45 CFS.
- Site 2 – **Brazos River at FM 1189 crossing** (located approximately 13 miles southwest of Weatherford). The location is above Lake Granbury and is part of the John Graves Scenic River Way (lower portion of the segment between Lake Possum Kingdom and Lake Granbury), access is from FM 1189. The flow at this location is recorded by a USGS station (08090800, see link below). On November 9, 2012, the flow at the gauge was approximately 111 CFS (began and ended the day at the same level).
- Site 3 – **Brazos River near Horseshoe Bend** (located approximately 14.5 miles south southwest of Weatherford). The location is above Lake Granbury and is part of the John Graves Scenic River Way (lower portion of the segment between Lake Possum Kingdom and Lake Granbury), access is from Iroquois Trail (east side of Horseshoe Bend). The flow at this location was determined by using a Sontek Flow Tracker. On November 9, 2012, the flow was approximately 85.4 CFS (the measurements were taken at 11 am that day). The cross section was located approximately 1,000 feet down stream of the intersection of Iroquois Trail and the Brazos River.
- Site 4 – **Brazos River at FM 200 crossing** (located approximately 4 miles northeast of Glen Rose). The location is below Lake Granbury (mid portion of the segment between Lake Granbury and Lake Whitney), access is from FM 200. The flow at this location is recorded by a USGS station (08091000, see link below). On November 9, 2012, the flow dropped from approximately 24 CFS to approximately 20 CFS.
- Site 5 – **Brazos River at County Road 1175/1118** (located approximately 1.5 miles northeast of Brazos Point). The location is below Lake Granbury (mid portion of the segment between Lake Granbury and Lake Whitney), access is from CR 1175/1118. The investigator was unable to determine the flow at the location. The river was over 200 feet wide and up to 3 feet deep in spots.

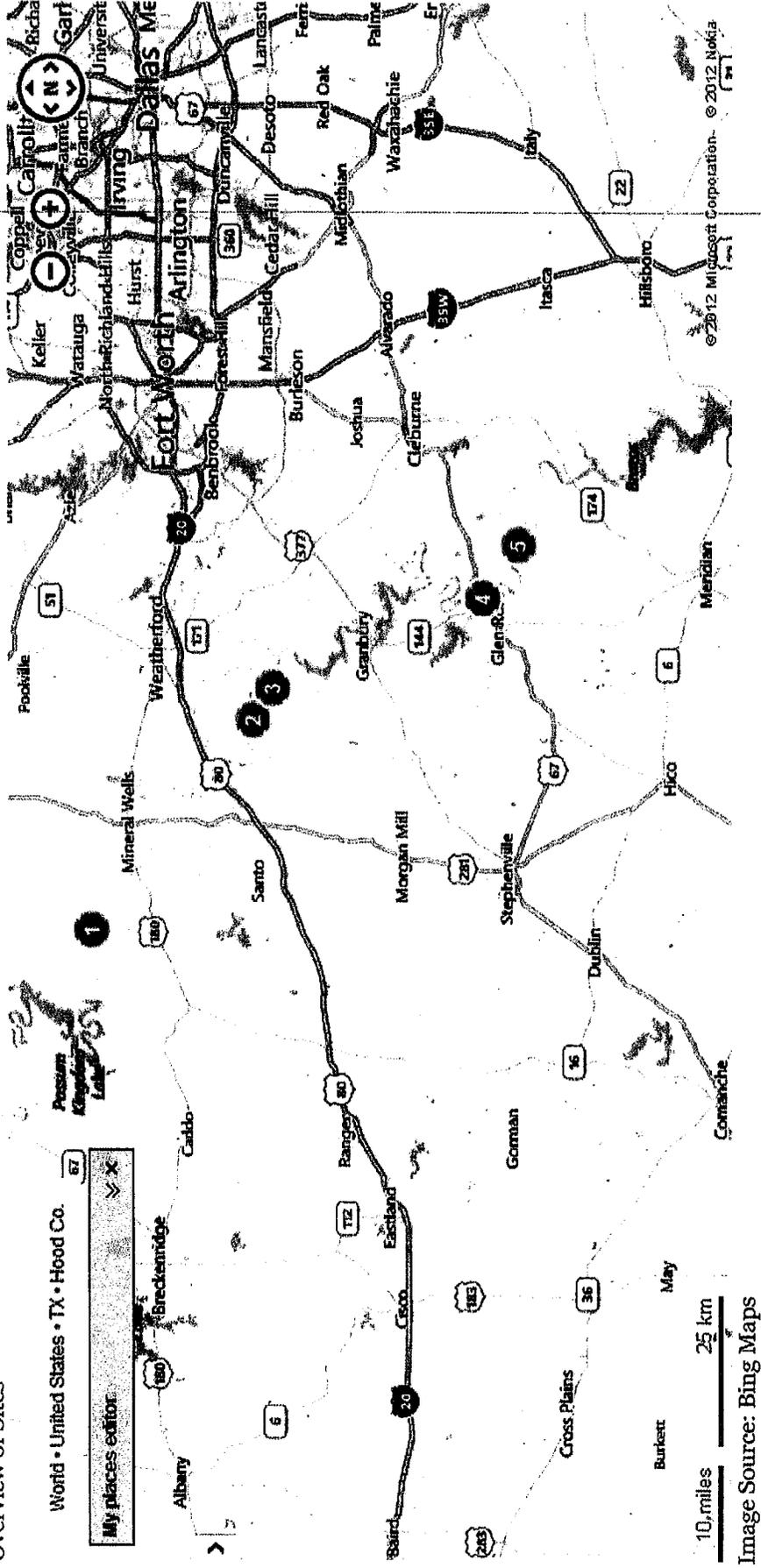
Location 1 http://waterdata.usgs.gov/tx/nwis/uv?site_no=08089000

Location 2 http://waterdata.usgs.gov/tx/nwis/uv?site_no=08090800

Location 4 http://waterdata.usgs.gov/tx/nwis/uv?site_no=08091000

Brazos River 11/09/2012 Evaluation

Overview of Sites



Brazos River 11/09/2012 Evaluation

Site 1 (Brazos River at Highway 4, Palo Pinto County)

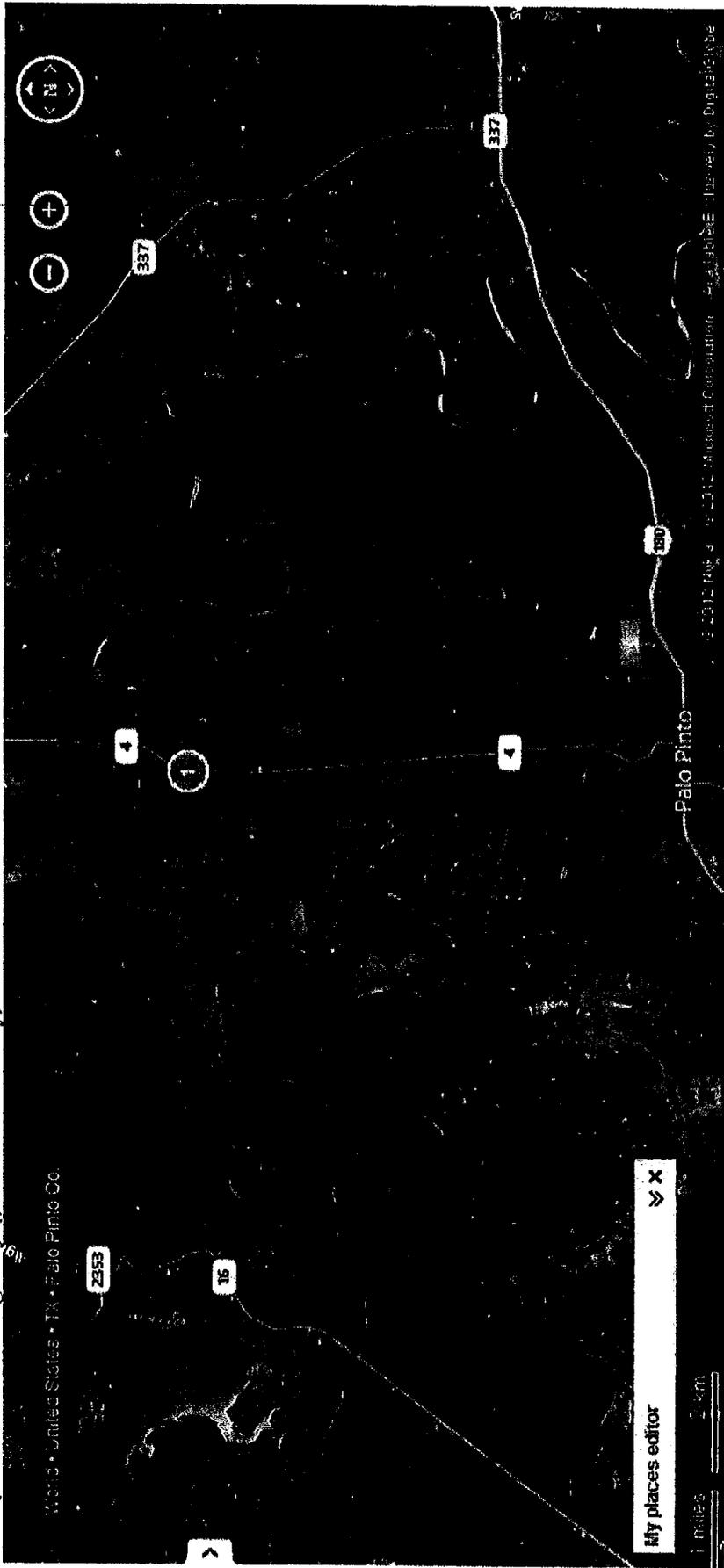


Image Source: Bing Maps

Brazos River 11/09/2012 Evaluation

Sites 2 (Brazos River at FM 1189, Parker County) and 3 (Brazos River near Horseshoe Bend, Parker County)

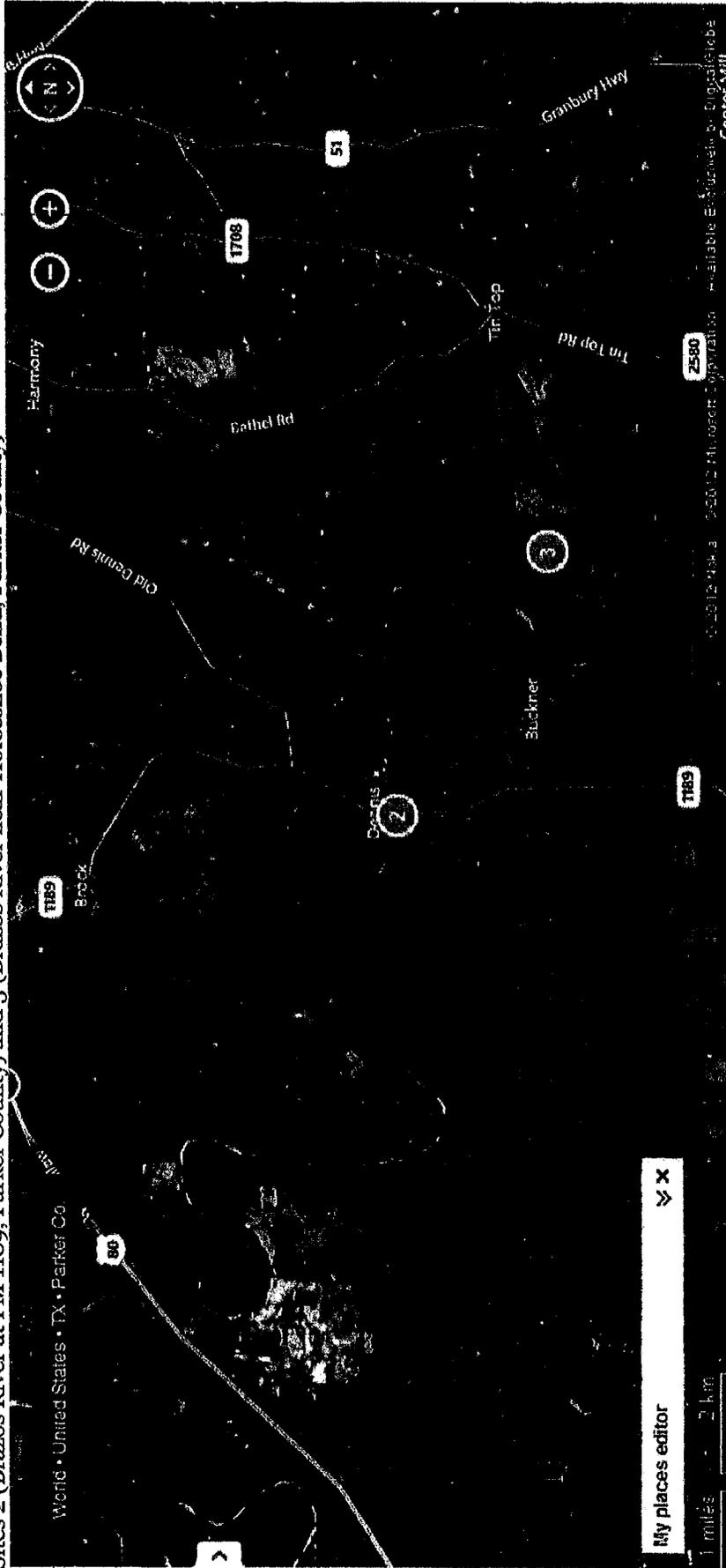


Image Source: Bing Maps

Brazos River 11/09/2012 Evaluation

Sites 4 (Brazos River at FM 200, Somervell County) and 5 (Brazos River at County Road 1175, Johnson and Bosque County)

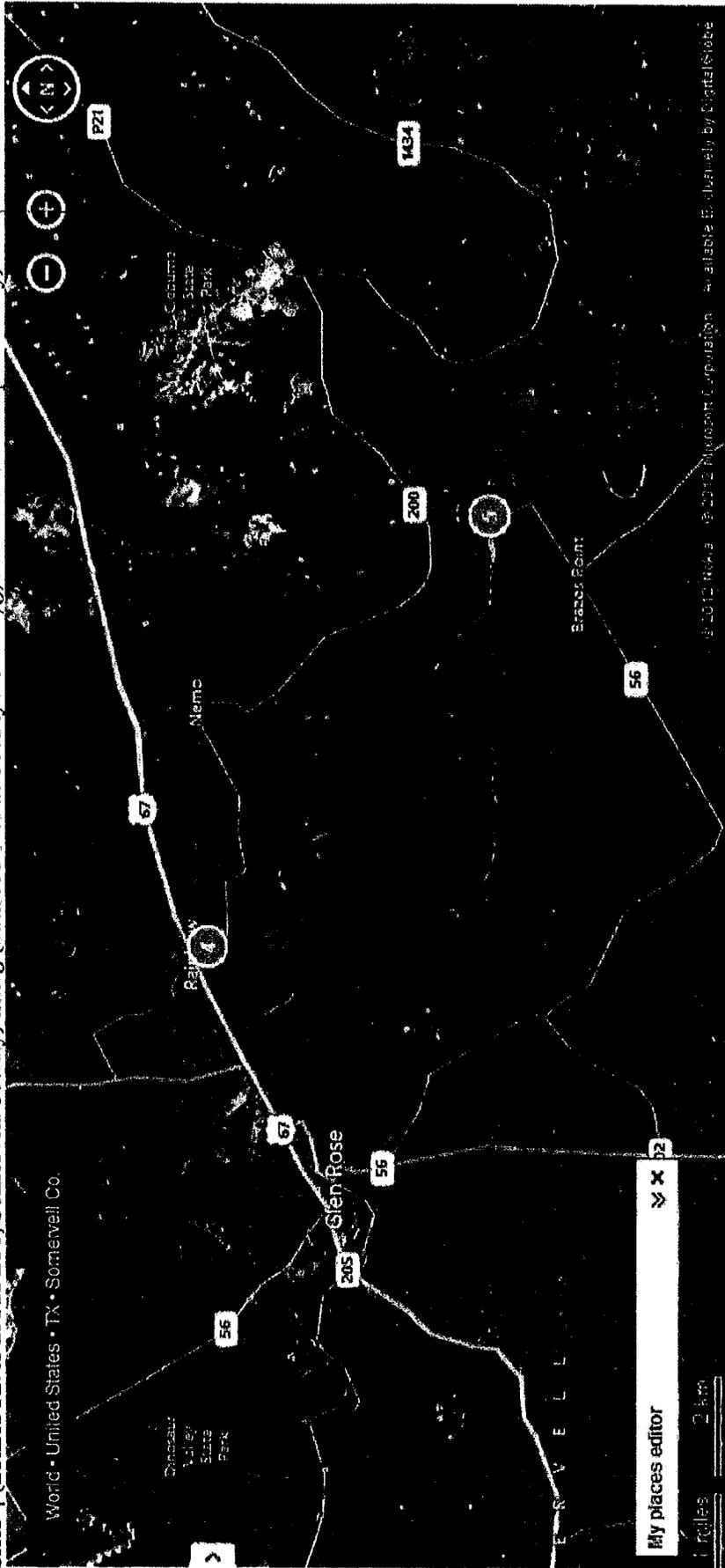


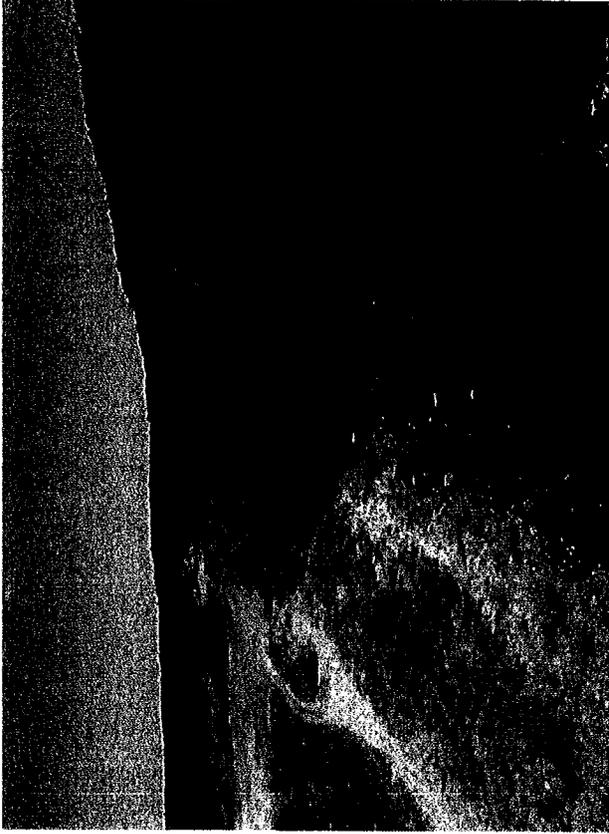
Image Source: Bing Maps

Brazos River 11/09/2012 Evaluation

Site 1 (Brazos River at Highway 4, Palo Pinto County)



11-09-2012 West 32.863225, -98.302375
Upstream
Taken from Highway 4



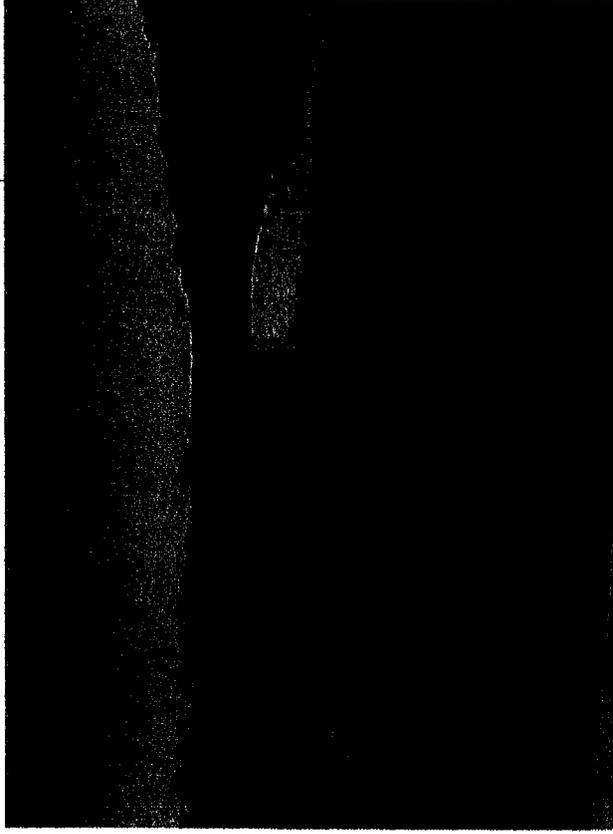
11-09-2012 East 32.863217, -98.302353
Downstream
Taken from Highway 4

Brazos River 11/09/2012 Evaluation

Site 2 (Brazos River at FM 1189, Parker County)



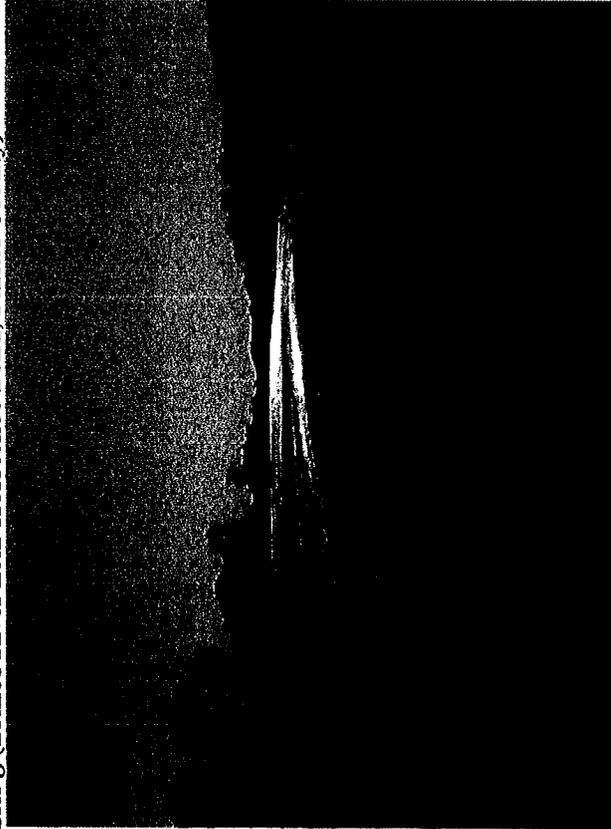
11-09-2012 Southwest 32.615928, -97.925494
Upstream
Taken from FM 1189



11-09-2012 East Northeast 32.615967, -97.925428
Downstream
Taken from FM 1189

Brazos River 11/09/2012 Evaluation

Site 3 (Brazos River near Horseshoe Bend, Parker County)



11-09-2012 South Southwest 32-587539, -97.866311
Upstream

Taken from the site of the cross section (approximately 1,000 feet down stream of the intersection of Iroquois Trail and the Brazos River). The narrowest portion of the river was 93.3 feet across. The flow measurements are listed below.

85-452 CFS
Mean Velocity 1.19 ft/s (max 1.71 ft/s, SNR 34.5)
32 stations (area 72 square feet, max dept 1.2 feet)

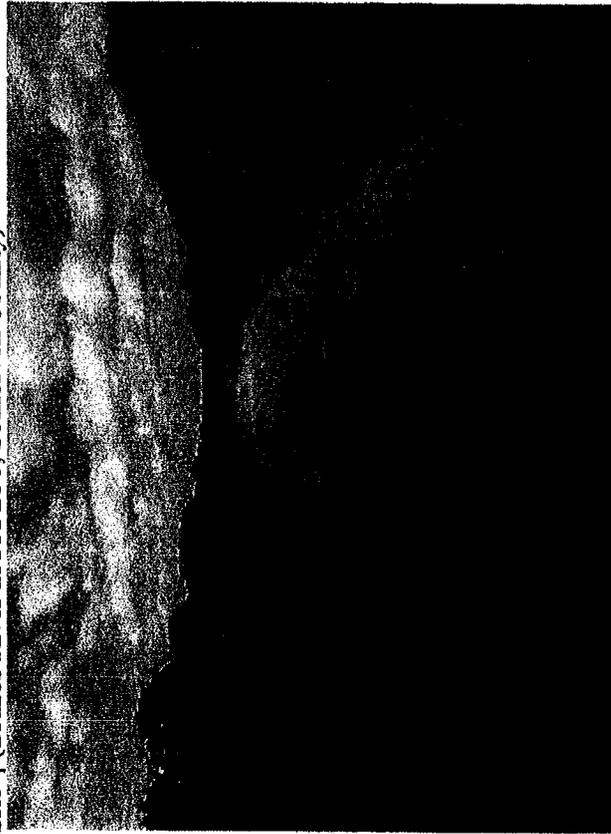


11-09-2012 North Northwest 32-587597, -97.866231
Downstream

Taken from the site of the cross section (approximately 1,000 feet down stream of the intersection of Iroquois Trail and the Brazos River). The narrowest portion of the river was 93.3 feet across. The flow measurements are listed below.

Brazos River 11/09/2012 Evaluation

Site 4 (Brazos River at FM 200, Somervell County)



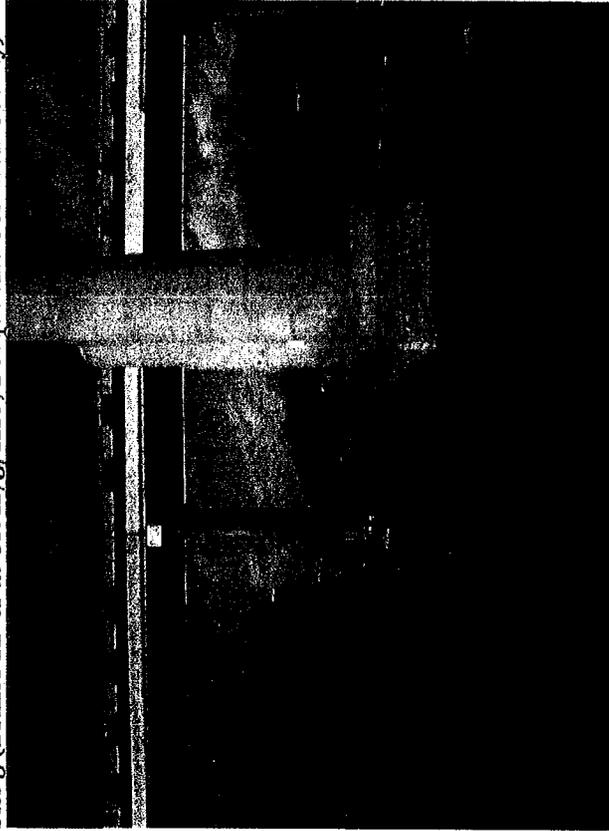
11-09-2012 West Southwest 32.258411, -97.702803
Upstream
Taken from FM 200



11-09-2012 Northeast 32.258497, -97.702706
Downstream
Taken from FM 200

Brazos River 11/09/2012 Evaluation

Site 5 (Brazos River at CR 1175/1118, Bosque and Johnson County)



11-09-2012 West 32.203981, - 97.605533
Upstream
Taken from under CR 1175/1118



11-09-2012 East NA
Downstream
Taken from under CR 1175/1118

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



ATTACHMENT D

Region	Waco	Location name:	Below Lake Proctor on the Leon River, Below Lake Belton down to the Little River, Lampasas River-upstream of Stillhouse Lake, Downstream of Lake Waco and the channel dams, near the confluence of the Brazos and Yegua Creek
Inv. Date:	11/09/2012	TCEQ Investigators:	Matt Vaughn, Jay Halepeska, Wilson Snyder, Robert Ozment, Laura Fanestiel, Casey Grunnet

Evaluation of the Leon River, Segment 1221 11/09/2012

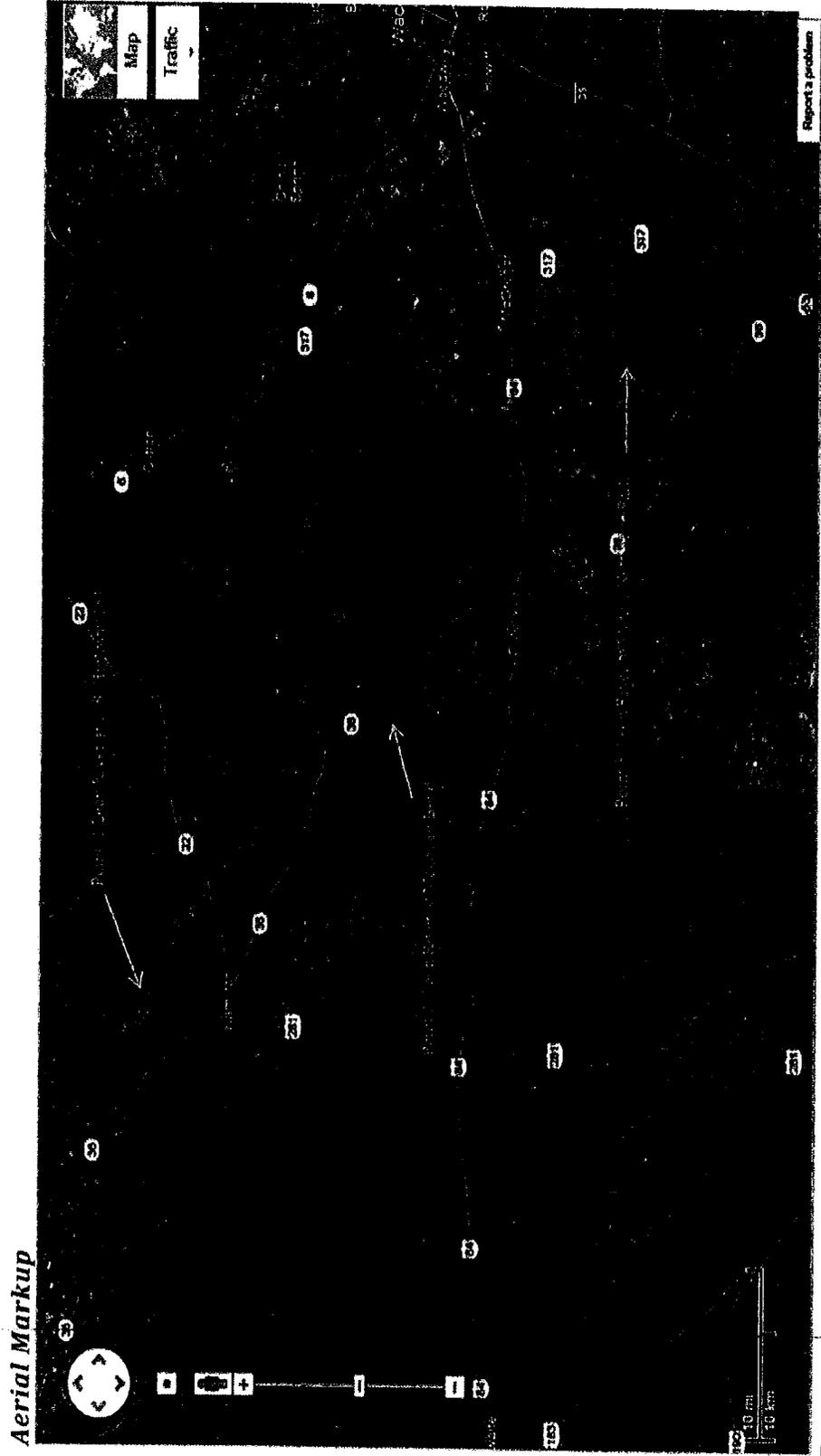
Summary

This document provides information for the sites on Segment 1221 of the Leon River evaluated on November 9, 2012. The images identify the evaluation sites (1-3). While the image on page 2 depicts all three evaluation sites, images on pages 3 and 4 provide a more detailed depiction of site 1 and sites 2 - 3, respectively. Comments and flow observations are provided below.

- **Point 1** – Leon River at US Highway 281 north of Hamilton. No flow was observed, but large, deep pools were observed. (Photographs 1-2) N31.78898, W098.12123.
- **Point 2** – Leon River at Moccasin Bend Road north of Gatesville. No flow was observed, but large, shallow pools were observed. (Photographs 3-4) N31.47728, W097.79746.
- **Point 3** – Inside Mother Neff State Park approximately 400 yards downstream of the river crossing at State Highway 236. The average depth was 2.5 feet and the flow measurement was recorded as 3.923 cfs. (Photographs 5-6) N31.31562, W097.47556.

Leon River, Segment 1221

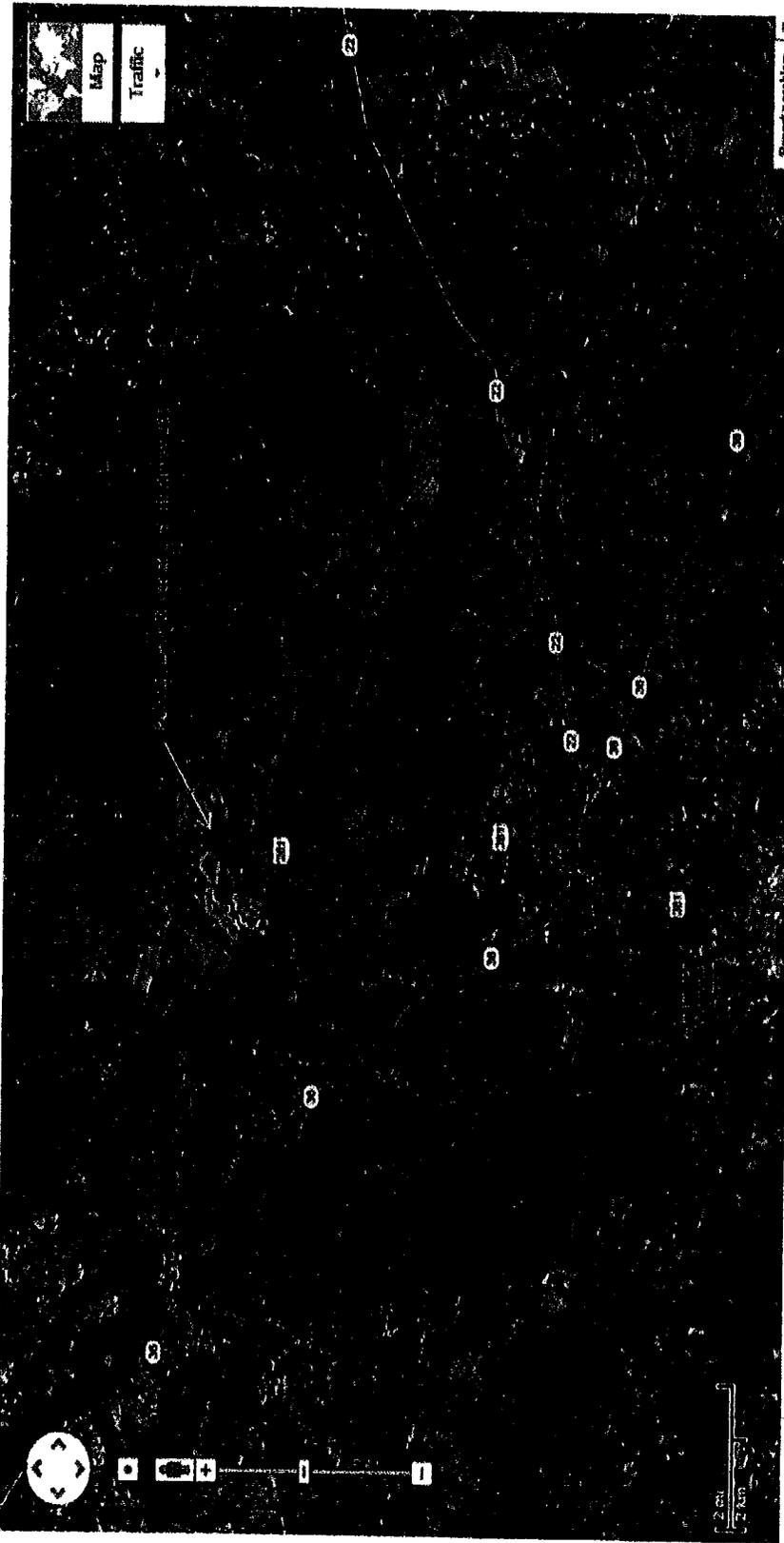
(page 2)



Leon River, Segment 1221

(page 3)

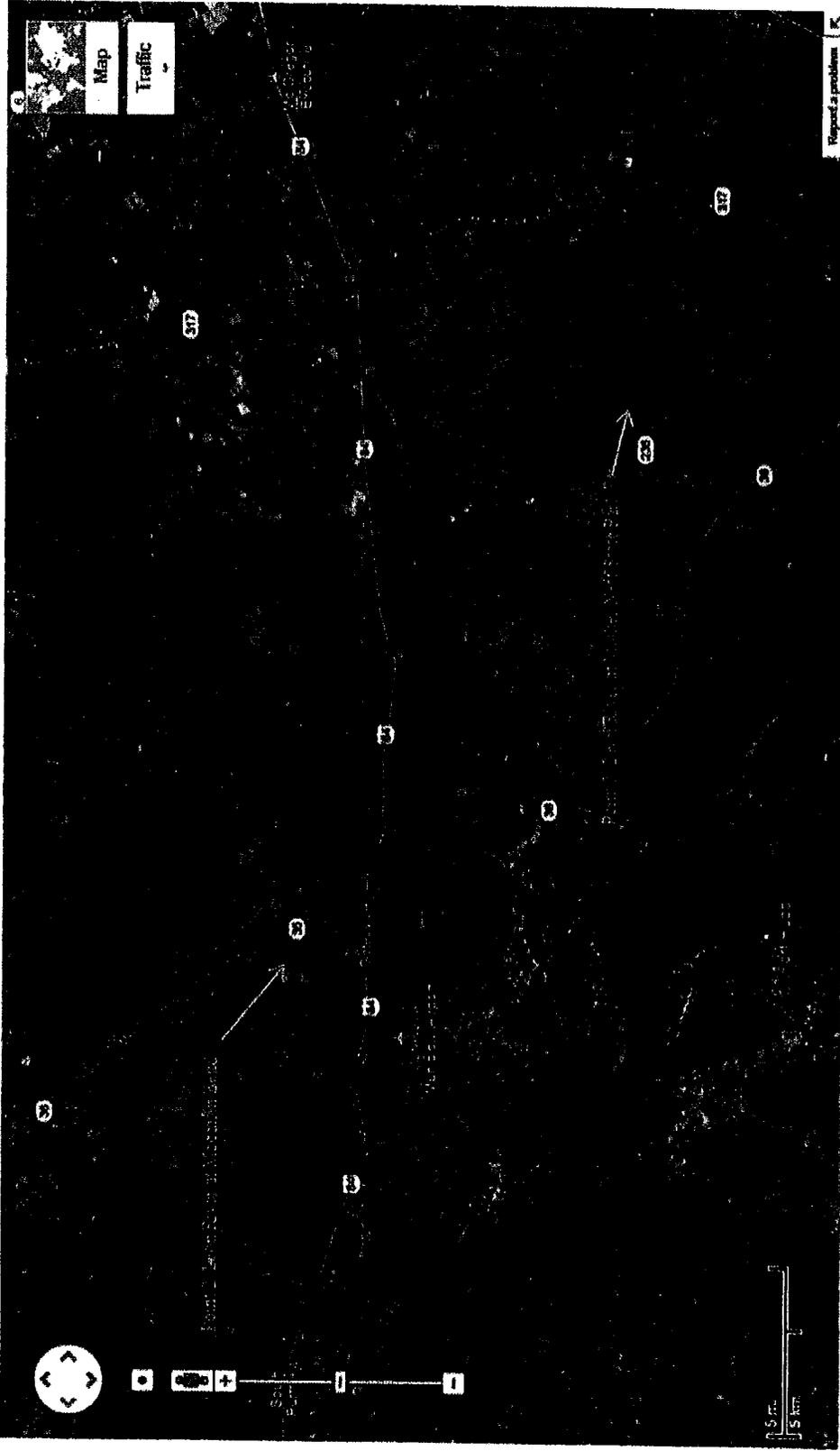
Aerial Markup



Leon River, Segment 1221

(page 4)

Aerial Markup



Leon River, Segment 1221

(page 5)

Photographs

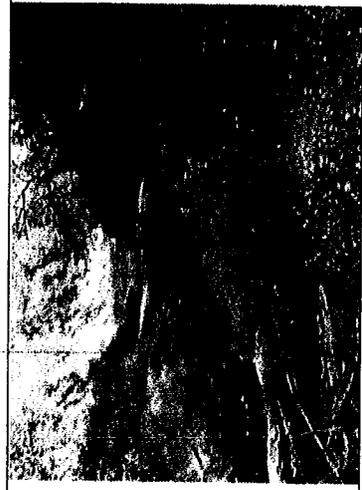


Photo 1: Point 1 looking upstream



Photo 2: Point 1 looking downstream



Photo 3: Point 2 looking upstream



Photo 4: Point 2 looking downstream



Photo 5: Point 3 looking upstream



Photo 6: Point 3 looking downstream

Evaluation of the Leon River, Segment 1219 11/09/2012

Summary

This document provides information for the site on Segment 1219 of the Leon River evaluated on November 9, 2012. Comments and flow observations are provided below.

- **Point 1** – Leon River at FM 436 downstream of Lake Belton Dam. The average depth was 2.8 feet and the flow measurement was recorded as 37.98 cfs. (Photographs 1-3) N30.99359, W097.39370

Leon River, Segment 1219

(page 2)

Aerial Markup



Leon River, Segment 1219

(page 3)



Photo 1: Point 1 looking upstream



Photo 2: Point 1 measurement site



Photo 3: Point 1 looking downstream

Evaluation of the Lampasas River, Segment 1217 11/9/2012

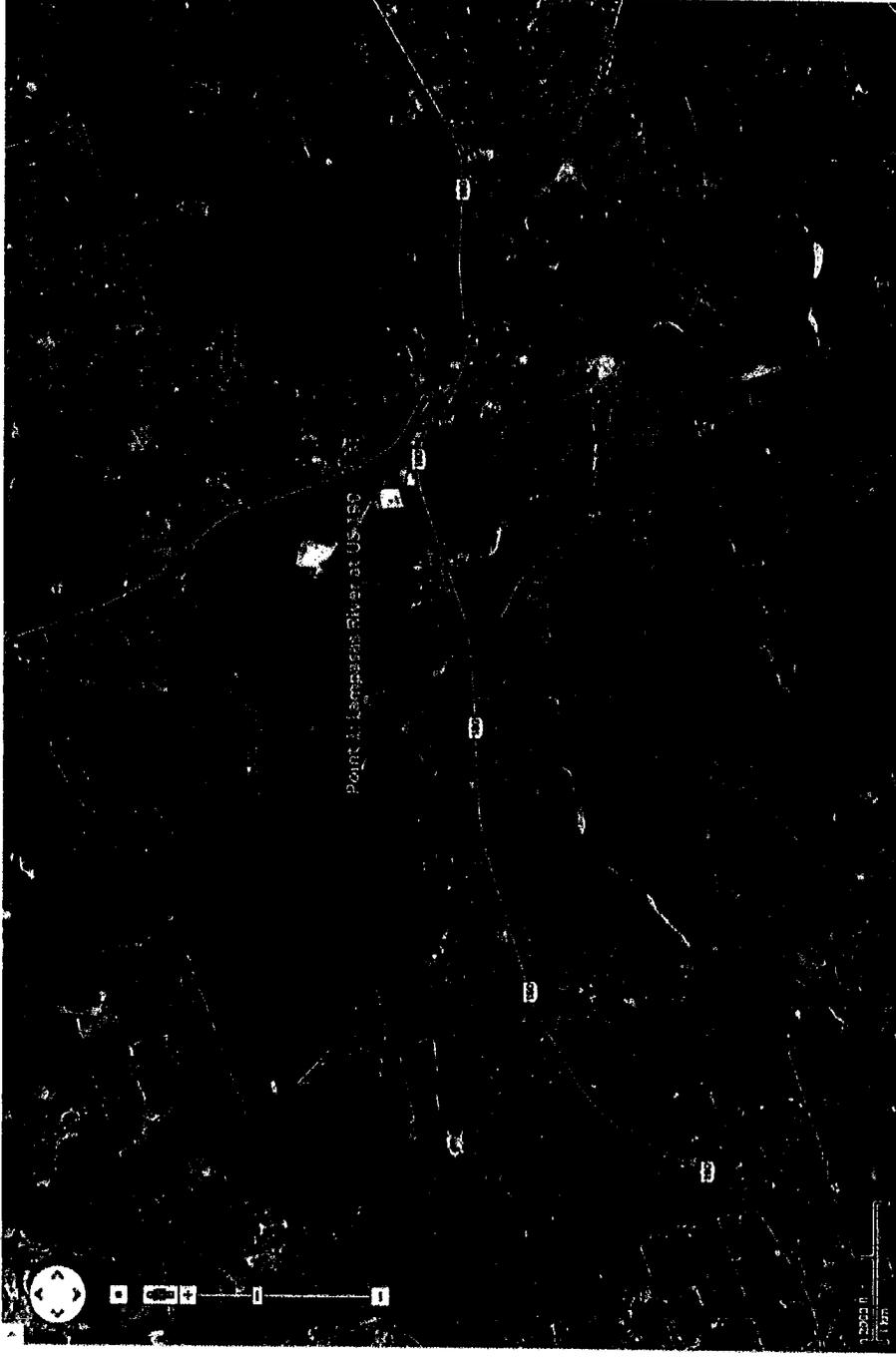
Summary

This document provides information for the site on Segment 1217 of the Lampasas River evaluated on November 9, 2012. Comments and flow observations are provided below.

- Point 1 – Lampasas River crossing at US190 approximately 0.5 miles west of the city of Kempner. This location is below the confluence with spring-fed Sulfur Creek. The USGS Gage at that crossing recorded a mean flow measurement of 7.8 cfs on November 9, 2012. (Photographs 1-2) N31.079778 W 98.016222.
 - Point 2 – Lampasas River at SH195 approximately 7 miles south of the city of Killeen and above Stillhouse Hollow Reservoir. The flow was measured at 9.83 cfs. (Photographs 3-4) N30.972194 N97.776889.
-

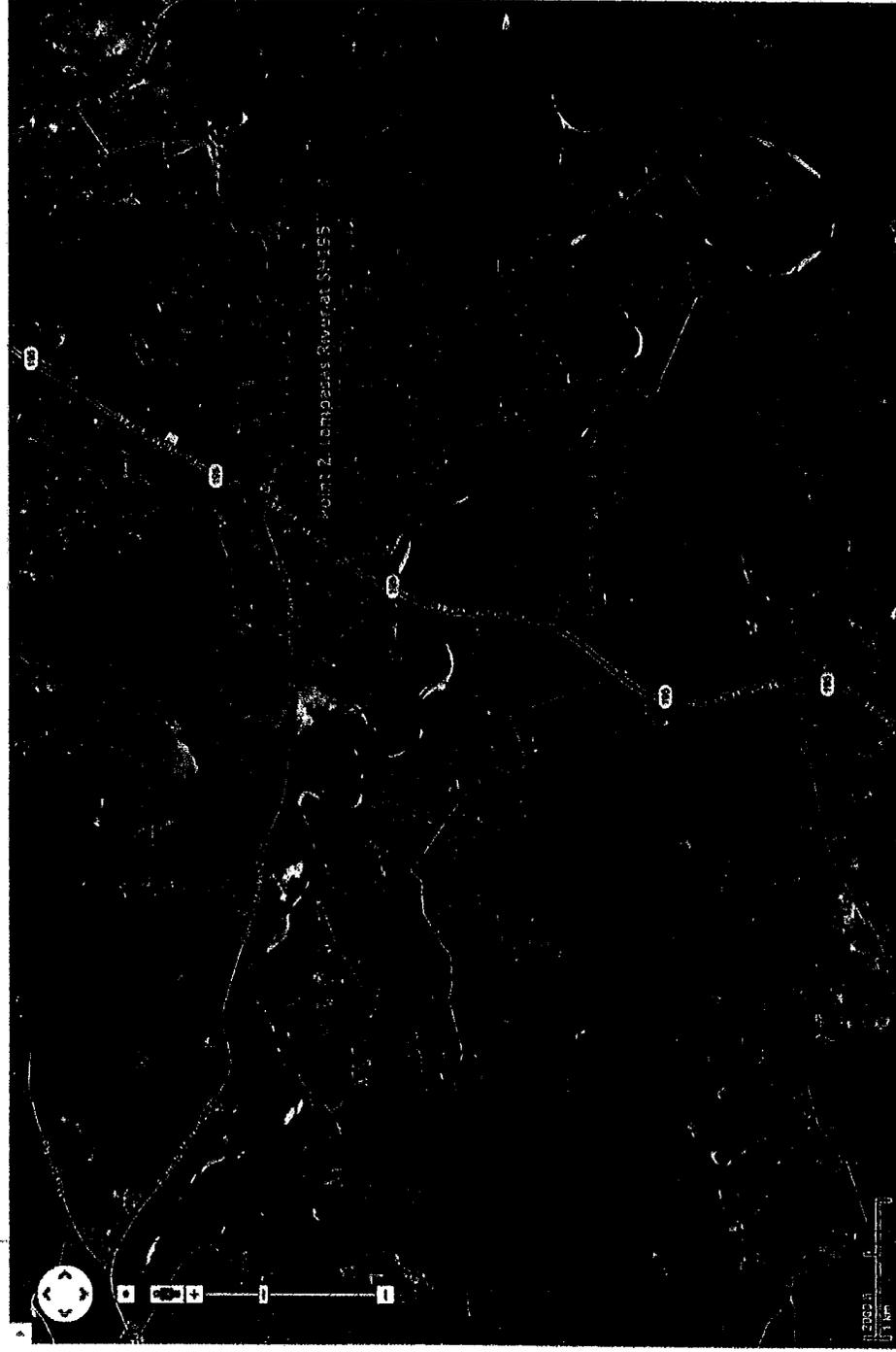
Lamparas River, Segment 1217

(page 2)



Lampasas River, Segment 1217

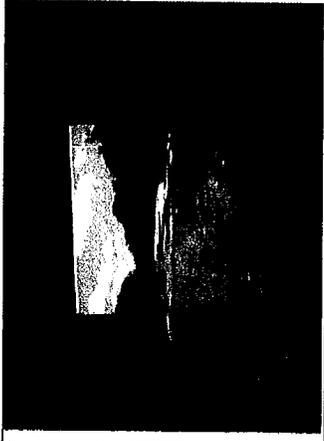
(Page 3)



Lampasas River, Segment 1217

(page 4)

Photographs

		
Photo 1: Point 1 looking upstream.	Photo 2: Point 1 looking downstream.	Photo 3: Point 2 looking upstream.
	Blank	Blank
Photo 4: Point 2 looking downstream.		

Evaluation of the Lampasas River, Segment 1215 11/9/2012

Summary

This document provides information for the site on Segment 1215 of the Lampasas River evaluated on November 9, 2012. Comments and flow observations are provided below.

- Point 3 – Lampasas River at Dice Grove Road approximately 5 miles east of the city of Belton and below Stillhouse Hollow Reservoir. This site is below the Lampasas River's confluence with spring fed Salado. A flow measurement was recorded at 12.0 cfs. (Photographs 1.2) N30.983806 W97.406306.
-

Lampasas River, Segment 1215

(Page 2)



Lampasas River, Segment 1215 (Page 3)

Photographs

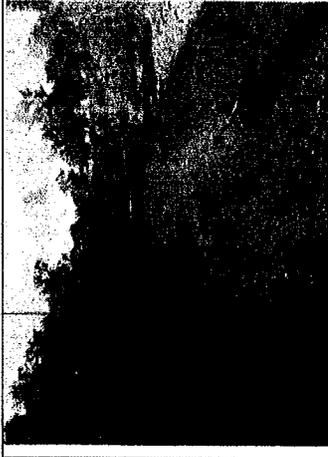
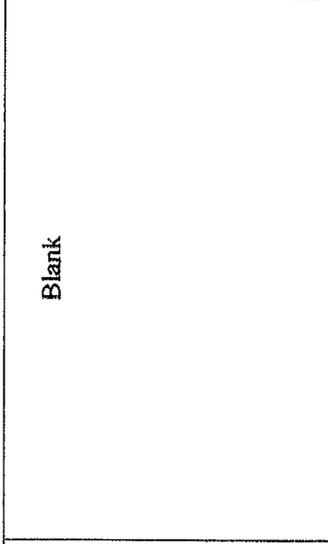


Photo 1: Point 3 looking upstream.



Photo 2: Point 3 looking downstream



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Evaluation of the Brazos River, Segment 1242, 11/09/2012

Summary

This document provides information for the sites on Segment 1242 of the Brazos River evaluated on November 9, 2012. The images identify the evaluation sites (1-6). The image on page 2 depicts sites 1-4 and the image on page 3 depicts sites 5-6. Comments and flow observations are provided below.

- Point 1 – Brazos River at Loop 340 southeast of Waco. USGS gage recorded a mean discharge of 50 cfs for 11/09/12. Bank to bank width is 84 M. A sand bar constricts water width to 32 M at one point. No visible velocity. (Photographs 1-3) N31.5359639, W97074080.
- Point 2 – Brazos River at SH 7 west of Marlin. Public boat ramp at this site. Low flow. No flow data collected. (Photographs 4-5) N31.2880113, W96.968765.
- Point 3 – Brazos River at Falls Park downstream of FM712 and southwest of Marlin. Low flow. Low-water crossing is 240 meters across. Water is pooled upstream of the crossing and spread over limestone bedrock downstream of the crossing. No flow data collected. (Photographs 6-8) N31.246892, W96.921129.
- Point 4 – Brazos River at FM 413 east of Rosebud. USGS gage recorded a mean discharge of 108 cfs for November 9, 2012. Bank to bank width and water width is 90 meters. (Photographs 9-11) N31.134628, W96.824613.
- Point 5 – Brazos River at SH21. USGS gage recorded a mean discharge of 230 cfs for 11/09/12. Bank to bank width is 80 M. Water width is 40 meters. (Photographs 12-14) N30.628090, W96.544075.
- Point 6 – Brazos River at SH105. Flow measurement and calculation showed a flow of 262 cfs. Bank to bank width is 90 M. Water width is 47 M. (Photographs 15-18) Shoals of mussels were uncovered and dead due to low flow. N30.363766, W96.1511622.

Brazos River, Segment 1242

(page 2)

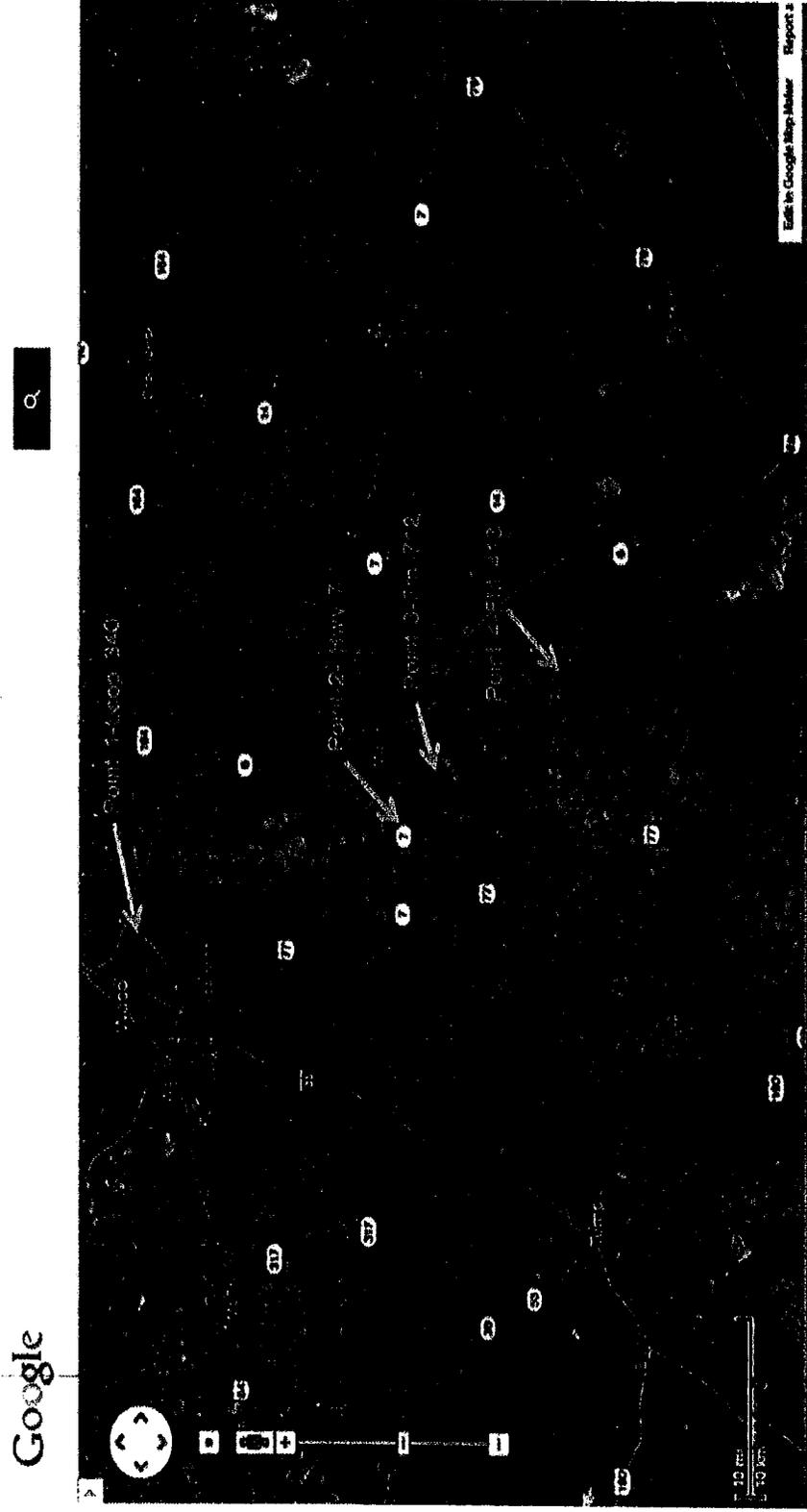


Image Source: <http://maps.google.com/maps?hl=en&tab=1>
Mark-ups By: Laura Fanestiel

Brazos River, Segment 1242

(page 3)

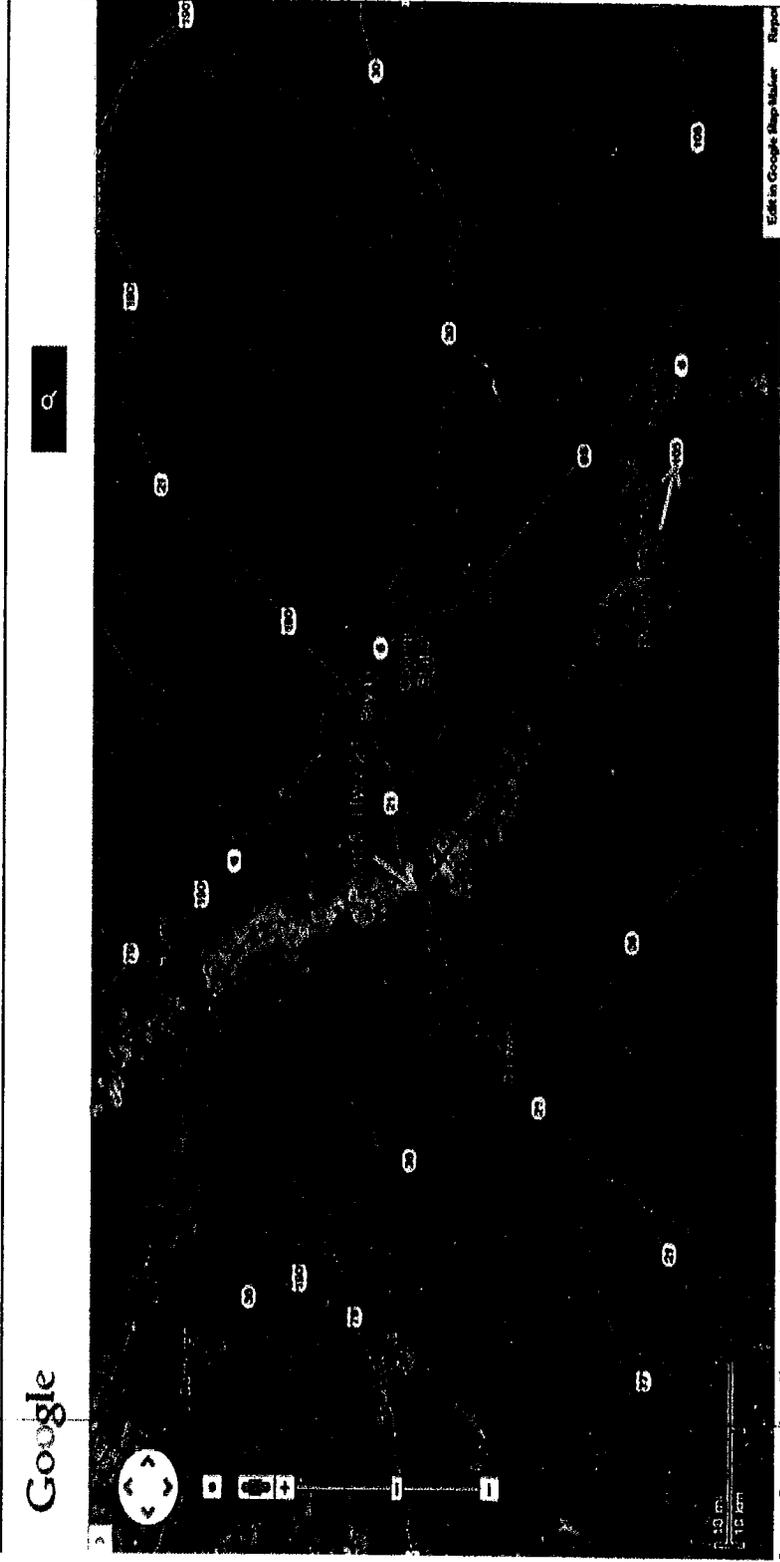


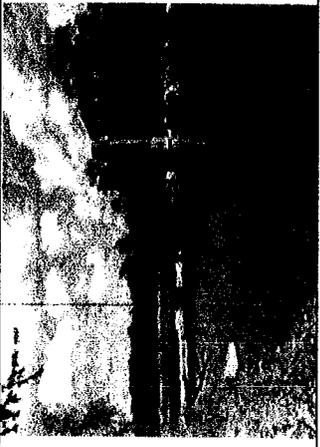
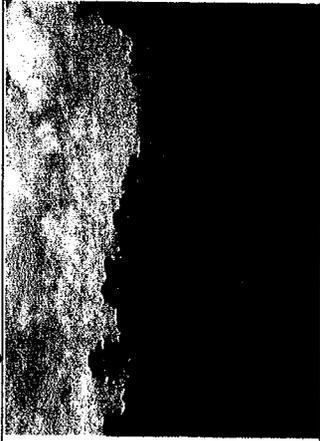
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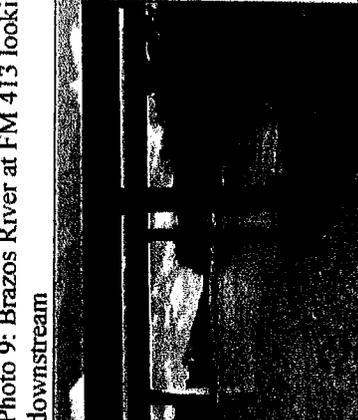
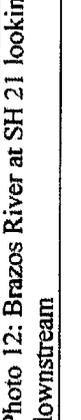
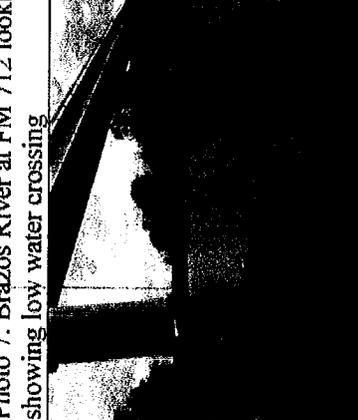
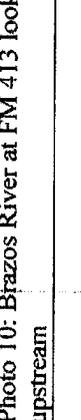
Mark-ups By: Laura Fanestiel

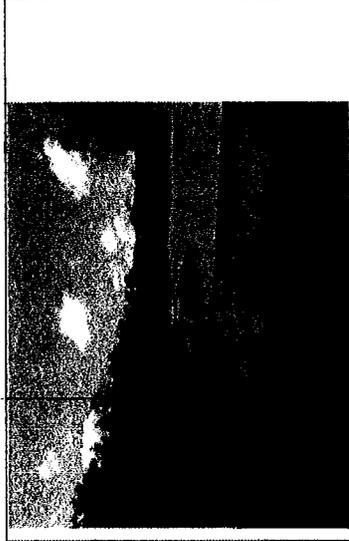
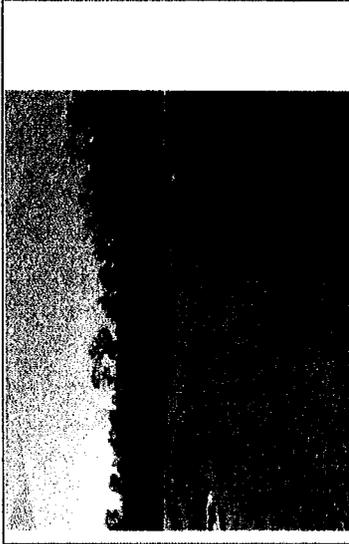
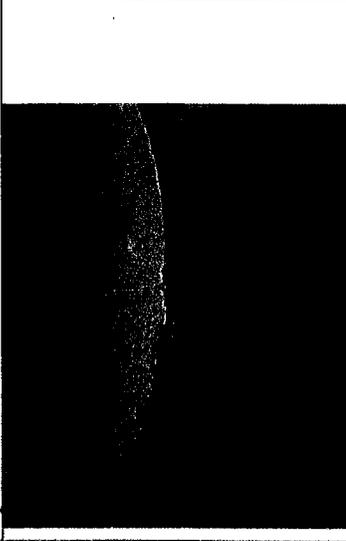
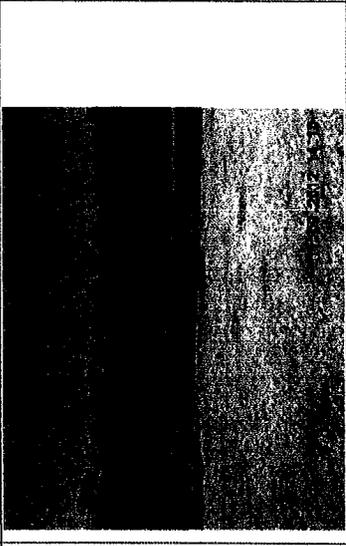
Brazos River, Segment 1242

(page 4)

Photographs (page 4-7)

		
Photo 1: Brazos River at Loop 340 looking downstream	Photo 2: Brazos River at Loop 340 looking upstream	Photo 3: Brazos River at Loop 340 west bank looking east
		
Photo 4: Brazos River at Hwy 7 looking upstream towards the east	Photo 5: Brazos River at Hwy 7 looking downstream	Photo 6: Brazos River at FM 712 looking upstream

		
<p>Photo 7: Brazos River at FM 712 looking west showing low water crossing</p>	<p>Photo 8: Brazos River at FM 712 looking downstream</p>	<p>Photo 12: Brazos River at SH 21 looking downstream</p>
		
<p>Photo 10: Brazos River at FM 413 looking upstream</p>	<p>Photo 11: Brazos River at FM 413 on the west bank looking to the east</p>	<p>Photo 10: Brazos River at FM 413 looking upstream</p>

	<p>Photo 13: Brazos River at SH 21 looking upstream</p>		<p>Photo 14: Brazos River at SH 21 on the east bank looking to the west</p>		<p>Photo 15: Brazos River at SH 105 looking downstream</p>
	<p>Photo 16: Brazos River at SH 105 looking upstream</p>		<p>Photo 17: Brazos River at SH 105 on the east bank looking to the west</p>		<p>Photo 18: Brazos River at SH 105 shoals of uncovered and dead mussels on east bank</p>

Evaluation of the Yegua Creek, Segment 1211, 11/09/2012

Summary

This document provides information for the site on Segment 1211 of Yegua Creek evaluated on November 9, 2012. Comments and flow observations are provided below.

- Point 1 – Yegua Creek at SH 50 approximately 12 miles downstream of Somerville Reservoir. Flow measurement and calculation yielded a flow of 0.94 cfs. (Photographs 1-2) N30.368357, W-96.343660.

Yegua Creek, Segment 1211

(page 2)



Image Source: <http://maps.google.com/maps?hl=en&tab=hl>

Mark-ups By: Laura Fanesteel

Yegua Creek, Segment 1211

(page 3)

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Photo 1: Yegua Creek at SH 50 looking upstream	Photo 2: Yegua Creek at SH 50 looking downstream	Blank

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



ATTACHMENT E

Region	Houston	Location name:	Diversion point for Brazosport Water Authority
Inv. Date:	11/09/2012	TCEQ Investigators:	Lythia Metzmeier, Marty Kelly, and Rodney Adams

Brazos River 11/09/2012 Evaluation

Summary

The aerial image on page 2 shows the Brazos River at Site 001 approximately 9.3 miles downstream of FM 1462, the Harris Reservoir, and the location of the Harris Reservoir intake.

- Four discharge measurements were made on November 9, 2012 from 11:22 am to 11:38 am (Table 1). During that time period the measured discharge dropped from 535 cfs to 171 cfs. The drop in flow was apparently related to a rise in tide. Water level at the Harris Reservoir intake increased from 1.75 feet at approximately 11:30 am (Photo 2) to 2.0 feet at 1:30 pm (Photo 8).

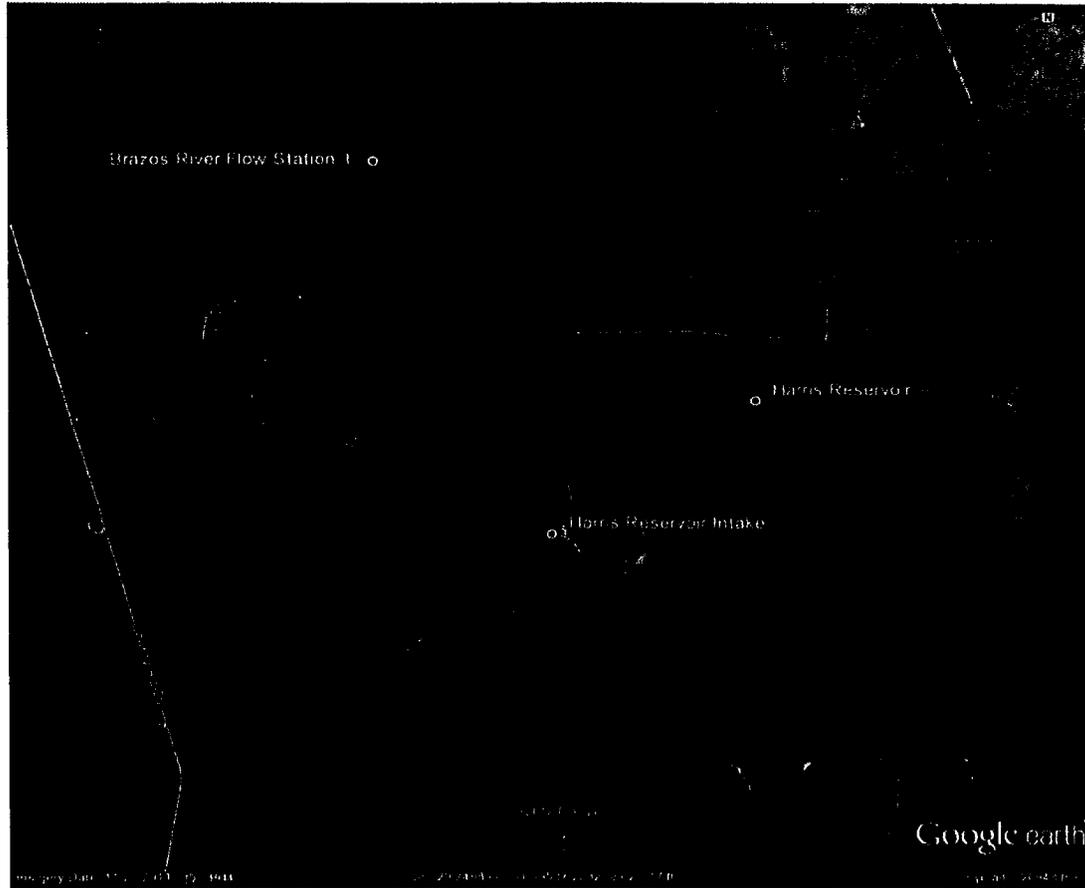
Table 1: Discharge Summary for Brazos River Upstream of Harris Intake for November 9, 2012

Time	Discharge (cfs)
11:22	535
11:26	282
11:32	263
11:38	171

- Water level on the Brazos River had dropped significantly from October 23 (Photo 3) to November 9 (Photos 4 and 5).

Brazos River 11/09/2012 Evaluation

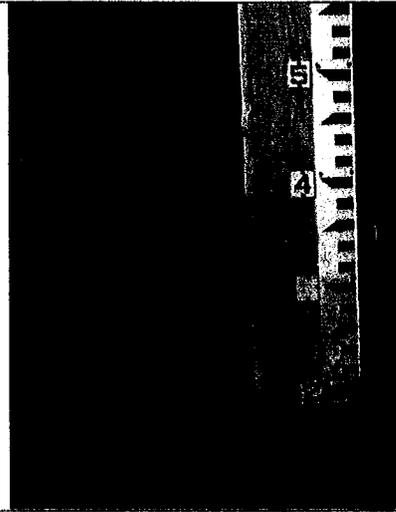
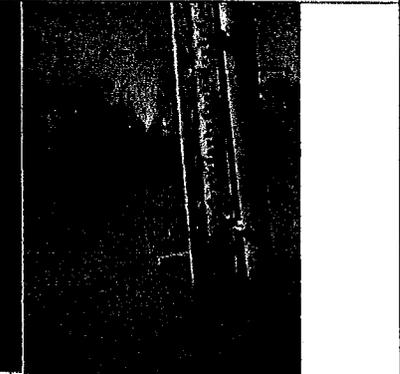
Map 1: Aerial Image of Brazos River Site 001, Harris Reservoir and Harris Reservoir Intake



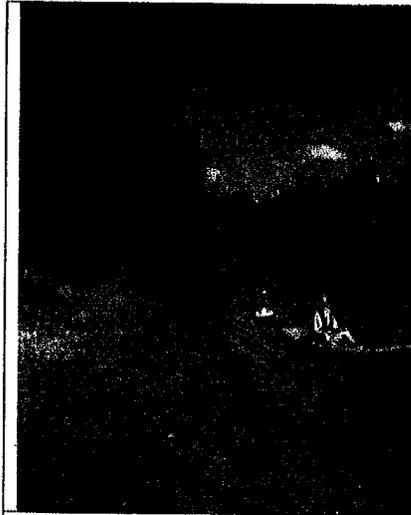
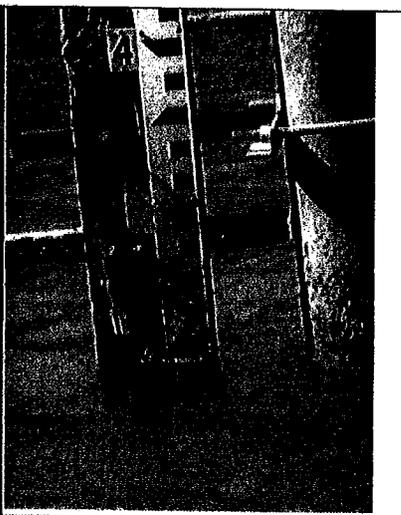
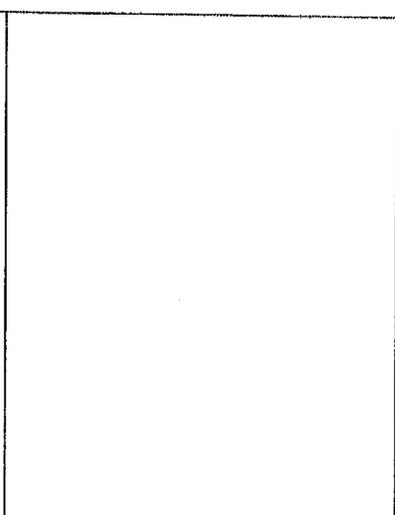
Map by: Martin Kelly

Brazos River 11/09/2012 Evaluation

Photographs (page 3-5)

		
<p>Photo 1: Staff gauge at Harris Reservoir intake on the Brazos River at approximately 11:30 am.</p>	<p>Photo 2: Close-up of staff gauge at Harris Reservoir intake on the Brazos River at approximately 11:30am.</p>	<p>Photo 3: Downstream view of Brazos River approximately 9.3 miles downstream of FM 1462 (Photo taken on October 23, 2012).</p>
		
<p>Photo 4: Downstream view of the Brazos River approximately 9.3 miles downstream of FM 1462 (Photo taken November 9, 2010).</p>	<p>Photo 5: Downstream view of the Brazos River approximately 9.3 miles downstream of FM 1462.</p>	<p>Photo 6: Staff gauge at Harris Reservoir intake on the Brazos River at 1:26pm.</p>

Brazos River 11/09/2012 Evaluation

 A black and white photograph showing an upstream view of the Brazos River. The water is dark and appears to be flowing through a narrow channel or bridge structure. The background is mostly dark, suggesting a wooded or overcast area.	 A black and white close-up photograph of a staff gauge. The gauge consists of a vertical frame with a scale and a float mechanism. The water level is visible, and the structure is made of metal or concrete.	 A completely blank white rectangular area.
<p>Photo 7: Upstream view of the Brazos River approximately 9.3 miles downstream of FM 1462.</p>	<p>Photo 8: Close-up of staff gauge at Harris Reservoir intake on the Brazos River at approximately 1:30 pm</p>	<p>Blank</p>

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



ATTACHMENT F

Summary of TCEQ collected flow measurements

REGION 2-LUBBOCK

Site evaluated	Average Flow (cfs)
North Fork Double Mountain Fork of Brazos River	0.000

REGION 3-ABILENE

Site Evaluated	Average Flow (cfs)
Clear Fork Brazos River Crossing	6.000
Clear Fork Brazos River @ Baptist Encampment	4.060
Brazos River (main stem) 3 miles North of Knox City	0.698
Brazos River (main stem) approximately 5 miles SW of City of Graham where river crosses under US 67	2.156
Clear Fork Brazos River near Fort Griffin at US 283	0.280
Leon River at Hasse Bridge on US 67/377	<1
Leon River at Gromatzski Dam on CR 392	0.000

REGION 4-DFW

Site Evaluated	Average Flow (cfs)
Brazos River at Highway 4 Crossing	45-90
Brazos River at FM 1189 Crossing	111.000
Brazos River near Horseshoe Bend	85,400
Brazos River at FM 200 Crossing	20-24
Brazos River at CR 1175/1118	No measurement

REGION 9-WACO

Site Evaluated	Average Flow (cfs)
Leon River at US 281 north of Hamilton	0.000
Leon River at Moccasin Bend Road north of Gatesville	0.000
Inside Mother Neff State Park, ~400 yards downstream of river crossing at State Highway 236	3.923
Leon River at FM 436 downstream of Lake Belton Dam	37.980
Lampasas River crossing at US 190, .5 west of Kempner	7.800
Lampasas River at SH 195, approximately 7 miles south of the city of Killeen and above Stillhouse Hollow reservoir	9.830
Lampasas River at Dice Grove Road, below Stillhouse Hollow reservoir, below confluence with spring fed Salado	12.000
Brazos River at Loop 340 southeast of Waco	50.000
Brazos River at SH 7, west of Marlin	Low Flow
Brazos River @ Falls Park downstream of FM 712 and southwest of Marlin	Low Flow
Brazos River at FM 413 east of Rosebud	108.000
Brazos River at SH 21	230.000
Brazos River at SH 105	262.000
Yegua Creek at SH 50, 12 miles downstream of Somerville Reservoir	0.940

REGION 12-HOUSTON

Site Evaluated	Average Flow (cfs)
Brazos River upstream of Harris Intake	312.750

Attachment 3

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 19, 2012

CERTIFIED MAIL

Re: Suspensions of Permitted State Surface Water Diversions in the Brazos River Basin

Dear Water Right Holder:

By letter dated July 20, 2012, you were alerted that the Texas Commission on Environmental Quality (TCEQ) may have to suspend or adjust water rights on a priority basis due to drought conditions. The TCEQ has received a priority call on surface water from a water right holder in the Brazos River Basin. In accordance with the Texas Water Code (TWC), §5.013(a)(1), the TCEQ is responsible for enforcing water rights, which requires protecting senior and superior surface water rights, and must take action in response to the priority call.

Based on the senior call, I have issued a suspension order in the Brazos River Basin. That order is included in this mailing.

The purpose of this letter is to direct you to immediately suspend all diversions with a priority date of February 15, 1942 or later until further notice. Water rights for municipal uses, domestic uses, and power generation are not suspended at this time.

A hearing before the Commission will be held to affirm, modify, or set aside the suspension order. This matter is scheduled for consideration at the Commission Agenda on December 5, 2012, at 9:30 a.m. at 12100 Park 35 Circle, Building E, Room 201S, Austin, Texas 78753.

With no immediate relief forecasted, the TCEQ is now suspending certain diversions in the Brazos River Basin below Lake Possum Kingdom. Suspended water rights include water right permits with a priority date of **February 15, 1942 and later** (excluding those for municipal uses, domestic uses and power generation), term water right permits, and temporary water right permits. Exempt domestic and livestock diversions are not subject to this suspension.

Water rights issued with multiple uses may continue to divert water for municipal, domestic, and power generation purposes only. Junior permit holders with impoundments are not required to release any previously stored water; however, new inflows to impoundments must be passed downstream in order to meet senior needs.

These actions are guided by the priority doctrine, established in TWC §11.027, which specifies that in times of shortage, permitted water rights will be administered based on the priority date of each water right; that is, the earliest in time is senior. Additionally, certain domestic and livestock uses are superior in priority to permitted rights.

The TCEQ continues to monitor the situation closely. Should senior or superior needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to protect the priority call. If conditions improve, we may be able to lift the suspensions.

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • tceq.texas.gov

How is our customer service? tceq.texas.gov/customer/survey

printed on recycled paper

Water Right Holder

Page 2

November 19, 2012

You may find additional drought information on TCEQ's drought web page at: <http://www.tceq.texas.gov/response/drought> or by contacting the TCEQ Drought Hotline at 1-800-447-2827. You may also contact your TCEQ Regional Office or Ms. Melissa Keller, Water Rights Liaison, at the TCEQ Central Office in Austin at 512-239-1768 should you have additional questions on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Zak Covar", with a long horizontal flourish extending to the right.

Zak Covar
Executive Director
Texas Commission on Environmental Quality

Enclosure

Attachment 4

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 19, 2012

CERTIFIED MAIL

Re: Suspensions of Permitted State Surface Water Diversions in the Brazos River Basin

Dear Water Right Holder:

The Texas Commission on Environmental Quality (TCEQ) has received a priority call on surface water from a water right holder in the Brazos River Basin. In accordance with the Texas Water Code (TWC), §5.013(a)(1), the TCEQ is responsible for enforcing water rights, which requires protecting senior and superior surface water rights and must take action in response to the priority call.

With no immediate relief forecasted, I have issued a suspension order suspending certain diversions in the Brazos River Basin below Lake Possum Kingdom. Suspended water rights include water right permits with a priority date of **February 15, 1942 and later** (excluding those for municipal uses, domestic uses and power generation), term water right permits, and temporary water right permits. Exempt domestic and livestock diversions are not subject to this suspension. That order is included in the mailing.

At this time, **you are not required to suspend your surface water diversion for power generation** even though all or part of your water right is junior to the priority call. However, pursuant to 30 TAC Chapter 36.5, we are requiring that you submit the following information to demonstrate that you have made reasonable efforts to conserve water and that you have made reasonable efforts to obtain additional or alternative water sources:

- Water use data indicating the amount, rate of diversion, place and purposes of use of water on a daily basis.
- Information demonstrating that you have made reasonable efforts to obtain alternative water sources within 14 days.
- Information on what you have done to identify long-term additional or alternative water sources within 30 days.

To provide this information, please complete the attached questionnaire and submit it to Ms. Melissa Keller, TCEQ Water Rights Liaison, by electronic mail at melissa.keller@tceq.texas.gov, or by facsimile to 512-239-2249, within 14 days of the date of this letter, with follow-up information provided to TCEQ every 14 days thereafter. Failure to provide this information may result in suspension or adjustment of your water right.

We will consider your responses to the questionnaire in making the decision whether to continue not to suspend or adjust your water right. This will include consideration of your efforts to be proactive in obtaining alternate supplies, conserving limited supplies, and planning for future droughts.

A hearing before the Commission will be held to affirm, modify, or set aside the suspension order. This matter is scheduled for consideration at the Commission Agenda on December 5, 2012, at 9:30 a.m. at 12100 Park 35 Circle, Building E, Room 201S, Austin, Texas 78753.

Water rights issued with multiple uses may continue to divert water for municipal, domestic, and power generation purposes only. Junior permit holders with impoundments are not required to release any previously stored water; however, new inflows to impoundments must be passed downstream in order to meet senior needs.

These actions are guided by the priority doctrine, established in TWC §11.027, which specifies that in times of shortage, permitted water rights will be administered based on the priority date of each water right; that is, the earliest in time is senior. Additionally, certain domestic and livestock uses are superior in priority to permitted rights.

The TCEQ continues to monitor the situation closely. Should senior or superior needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to protect the priority call. If conditions improve, we may be able to lift the suspensions.

You may find additional drought information on TCEQ's drought web page at: <http://www.tceq.texas.gov/response/drought> or by contacting the TCEQ Drought Hotline at 1-800-447-2827. You may also contact your TCEQ Regional Office or Ms. Keller at the TCEQ Central Office in Austin at 512-239-1768 should you have additional questions on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Zak Covar". The signature is fluid and cursive, with a long horizontal stroke at the end.

Zak Covar
Executive Director
Texas Commission on Environmental Quality

Enclosure

TCEQ – Questions for Power Facility Affected by a Priority Call

A. Contact Information

1. What is the name of the water right holder?
2. What is the contact information (phone number, address, email) for the primary contact?
3. In what county is the water right located?

B. Sources of Water

1. What is your primary source of water? What is the name of the stream, lake, or aquifer?
2. Do you have alternate sources of water?
3. Do you have water supply contracts in addition to your water right?
4. If you have a contract, who is your contract with, how much water is available under the contract, and how is that water delivered?
5. What other water systems are located nearby?

C. System Needs

1. What is your average daily usage? Is this a diversion amount, or a consumptive demand?
2. At what water level does your design anticipate cavitation or other problem drawing water from these water intakes.
3. At what surface water level is your unit unable to operate.

4. If cooling water is restricted, what contingencies can you implement to continue operation? Can your facility operate at a reduced capacity?
5. If there is an adjustment in capacity, what is the impact of this action, including what regulatory notices and/or approvals are required?
6. What level of streamflow is required to make your diversions, meet your consumptive demand, or maintain your minimum storage level?

D. Actions Taken

1. Have you contacted any nearby water suppliers to inquire about interconnecting?
2. Have you contacted any regional water suppliers or river authorities about contracts?
3. Have you contacted your local Groundwater Conservation District?
4. What steps has your facility taken to conserve water or improve efficiency of water use?
5. What efforts have you made to conserve water (§36.7(a)(1), and §36.7(a)(2))?
6. Within 14 days of the date of the order, provide information demonstrating that you have made efforts to obtain alternate sources (§36.5(c)(1)).
7. Within 14 days of the date of the order, provide daily data indicating the amount and place of use of all surface water diverted under your water right (§36.5(c)(2)). You must continue to provide this information every 14 days for the duration of the order suspending or adjusting water rights.
8. Within 30 days of the date of the order, provide information on what you have done to identify long term additional or alternative water sources (§36.5(c)(3)).
9. If applicable, this may include a reservoir pass through plan to demonstrate compliance with the call.

10. Please provide any additional information you believe will assist us in our evaluation.

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 19, 2012

CERTIFIED MAIL

Re: Suspensions of Permitted State Surface Water Diversions in the Brazos River Basin

Dear Water Right Holder:

The Texas Commission on Environmental Quality (TCEQ) has received a priority call on surface water from a senior water right holder in the Brazos River Basin. In accordance with the Texas Water Code (TWC), §5.013(a)(1), the TCEQ is responsible for enforcing water rights, which requires protecting senior and superior surface water rights and must take action in response to the priority call.

With no immediate relief forecasted, I have issued a suspension order suspending certain diversions in the Brazos River Basin below Lake Possum Kingdom. Suspended water rights include water right permits with a priority date of **February 15, 1942 and later** (excluding those for municipal uses, domestic uses and power generation), term water right permits, and temporary water right permits. Exempt domestic and livestock diversions are not subject to this suspension. That order is included in the mailing.

At this time, **you are not required to suspend your surface water diversion for municipal or domestic use** even though all or part of your water right is junior to the priority call. However, pursuant to 30 TAC Chapter 36.5, we are requiring that you submit the following information to demonstrate that you have made reasonable efforts to conserve water and that you have made reasonable efforts to obtain additional or alternative water sources:

- Water use data indicating the amount, rate of diversion, place and purposes of use of water on a daily basis.
- Information demonstrating that you have made reasonable efforts to obtain alternative water sources within 14 days.
- Information on what you have done to identify long-term additional or alternative water sources within 30 days.

To provide this information, please complete the attached questionnaire and submit it to Ms. Melissa Keller, TCEQ Water Rights Liaison, by electronic mail at melissa.keller@tceq.texas.gov, or by facsimile to 512-239-2249, within 14 days of the date of this letter, with follow-up information provided to TCEQ every 14 days thereafter. Failure to provide this information may result in suspension or adjustment of your water right.

We will consider your responses to the questionnaire in making the decision whether to continue not to suspend or adjust your water right. This will include consideration of your efforts to be proactive in obtaining alternate supplies, conserving limited supplies, and planning for future droughts.

A hearing before the Commission will be held to affirm, modify, or set aside the suspension order. This matter is scheduled for consideration at the Commission Agenda on December 5, 2012, at 9:30 a.m. at 12100 Park 35 Circle, Building E, Room 201S, Austin, Texas 78753.

Water rights issued with multiple uses may continue to divert water for municipal, domestic, and power generation purposes only. Junior permit holders with impoundments are not required to release any previously stored water; however, new inflows to impoundments must be passed downstream in order to meet senior needs.

These actions are guided by the priority doctrine, established in TWC §11.027, which specifies that in times of shortage, permitted water rights will be administered based on the priority date of each water right; that is, the earliest in time is senior. Additionally, certain domestic and livestock uses are superior in priority to permitted rights.

The TCEQ continues to monitor the situation closely. Should senior or superior needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to protect the priority call. If conditions improve, we may be able to lift the suspensions.

You may find additional drought information on TCEQ's drought web page at: <http://www.tceq.texas.gov/response/drought> or by contacting the TCEQ Drought Hotline at 1-800-447-2827. You may also contact your TCEQ Regional Office or Ms. Keller at the TCEQ Central Office in Austin at 512-239-1768 should you have additional questions on this matter.

Sincerely,



Zak Covar
Executive Director
Texas Commission on Environmental Quality

Enclosure

TCEQ – Questions for Junior Municipal Water Right Holders Affected by a Priority Call

A. Contact Information

1. What is the name of the water right holder?
2. What is the contact information (phone number, address, email) for the primary contact?
3. If the water right provides source water for a public water system (PWS), what is the number of active connections currently served by the PWS?
4. In what county is the water right located?
5. Who is the primary contact? Phone number, address, email?
6. If a public water system, how many connections do you have?

B. Sources of Water

1. What is your primary source of water? What is the name of the stream, lake, or aquifer?
2. Do you have alternate sources of water?
3. What amount of water have you used under your permit(s) to date this year by authorized use?
4. How much storage do you currently have? How many days supply is it?
5. If you have a well, how deep is it? What is your pumping capacity? Can you access additional supply by drilling deeper?
6. If applicable: What other PWSs are located nearby?

7. Do you have a water supply contract? Do you have a contract to purchase raw or potable water from a water supplier? If the answer is "yes," then please state if it is raw or potable and with whom you have the contract.

C. System Needs

1. What is the minimum amount your system/customers need for public health and safety, i.e. drinking water, fire protection, hospital use, necessary domestic uses, and power generation? Please answer in cubic feet per second (cfs), acre-feet, or another measurement method as appropriate.
2. What level of streamflow is required to make your diversions or maintain your uses for municipal purposes such as drinking water, fire protection, hospital use, necessary domestic uses, or power generation?
3. What is your average daily usage?
4. How many days of water do you have remaining?
5. How have any mechanical issues been addressed?

D. Actions Taken

1. Within 14 days of the date of the order, provide information demonstrating that you have made efforts to obtain alternate sources to your permitted source (§36.5(c)(1)).
2. Within 14 days of the date of the order, provide daily data indicating the amount and place of use of all surface water diverted under your water right (§36.5(c)(2)). You must continue to provide this information every 14 days for the duration of the order suspending or adjusting water rights.
3. Within 30 days of the date of the order, provide information on what you have done to identify long term additional or alternative water sources (§36.5(c)(3)).
4. If applicable, provide a reservoir pass through plan to demonstrate compliance with the call.
5. What efforts have you made to conserve water (§36.7(a)(1) and §36.7(a)(2))?

6. Have you enacted your drought contingency plan? Voluntary or mandatory restrictions? (§36.7(a)(1), and §36.7(a)(2))

7. Please indicate the stage of drought contingency plan implementation, and describe the restrictions that are in place. Indicate whether and how these restrictions are being enforced.

8. Please provide any additional information you believe will assist us in our evaluation.

TCEQ – Questions for Junior Domestic Water Right Holders Affected by a Priority Call

A. Contact Information

1. What is the name of the water right holder?
2. What is the contact information (phone number, address, email) for the primary contact?
3. If the water right provides source water for a public water system (PWS), what is the number of active connections currently served by the PWS?
4. In what county is the water right located?
5. Who is the primary contact? Phone number, address, email?
6. If a public water system, how many connections do you have?

B. Sources of Water

1. What is your primary source of water? What is the name of the stream, lake, or aquifer?
2. Do you have alternate sources of water?
3. What amount of water have you used under your permit(s) to date this year by authorized use?
4. How much storage do you currently have? How many days supply is it?
5. If you have a well, how deep is it? What is your pumping capacity? Can you access additional supply by drilling deeper?
6. If applicable: What other PWSs are located nearby?

7. Do you have a water supply contract? Do you have a contract to purchase raw or potable water from a water supplier? If the answer is "yes," then please state if it is raw or potable and with whom you have the contract.

C. Needs

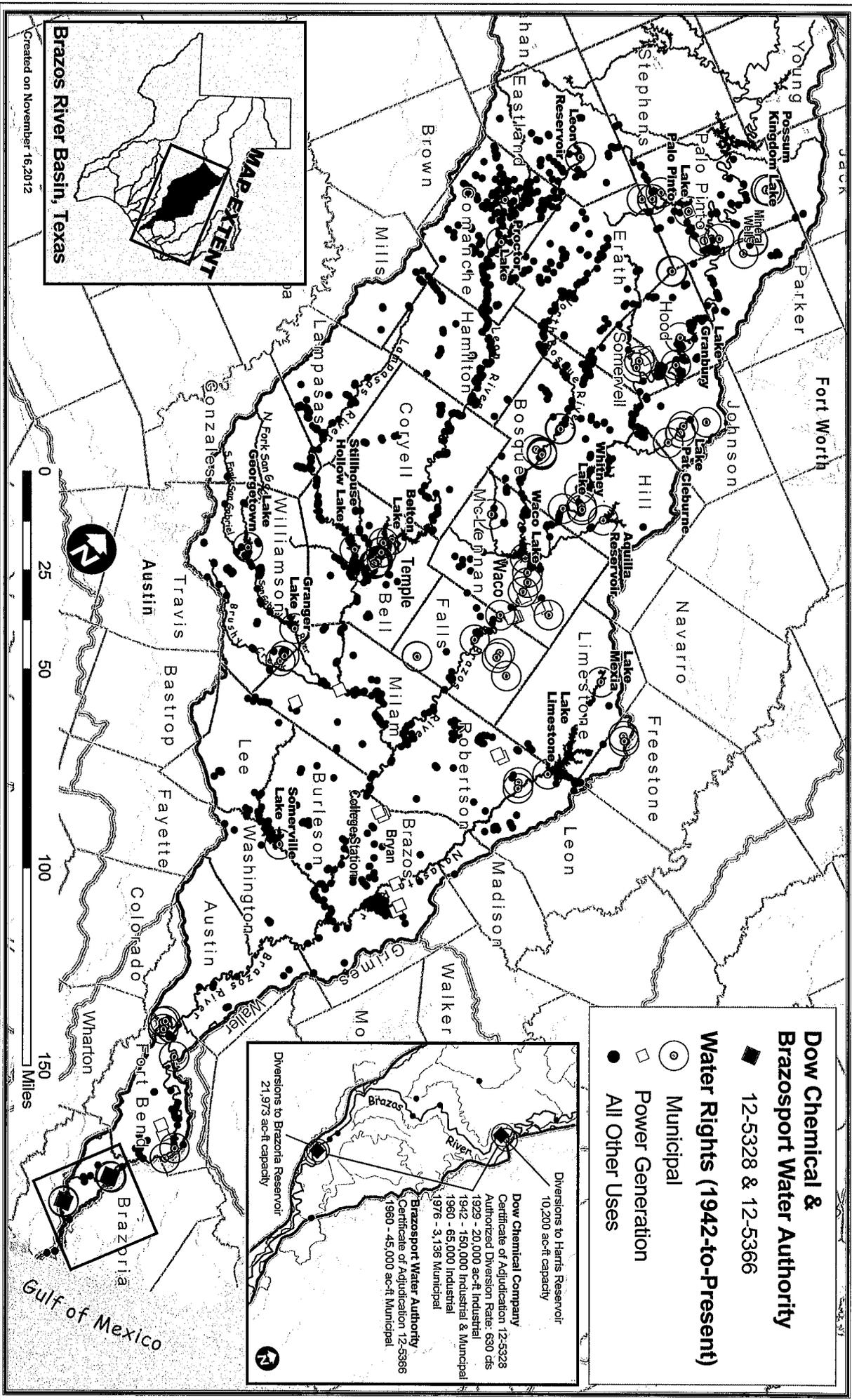
1. What is the minimum daily amount of water that you need?
2. What level of streamflow is required to make your diversions?
3. What is your average daily usage?
4. How many days of water do you have remaining?
5. For what purposes do you use the water? Household? Watering livestock? Other?

D. Actions Taken

1. Within 14 days of the date of the order, provide information demonstrating that you have made efforts to obtain alternate sources to your permitted source (§36.5(c)(1)).
2. Within 14 days of the date of the order, provide daily data indicating the amount and place of use of all surface water diverted under your water right (§36.5(c)(2)). You must continue to provide this information every 14 days for the duration of the order suspending or adjusting water rights.
3. Within 30 days of the date of the order, provide information on what you have done to identify long term additional or alternative water sources (§36.5(c)(3)).
4. Please provide any additional information you believe will assist us in our evaluation.

Attachment 5

Water Rights in the Priority Call Area (1942-to-Present)



Attachment 6

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN ORDER

modifying and affirming an Emergency Order granted by the Executive Director suspending water rights in the Brazos River Basin

On December 5, 2012, the Texas Commission on Environmental Quality ("TCEQ" or "Commission") considered whether to affirm, modify, or set aside an Emergency Order issued by the Executive Director suspending water rights below Possum Kingdom Reservoir in the Brazos River Basin on November 19, 2012. Notice of this December 5, 2012 hearing to affirm, modify or set aside the Emergency Order was mailed to all affected water right holders in the Brazos River Basin more than ten days and less than 45 days before the hearing. The Commission finds that the Executive Director appropriately issued the Emergency Order and that the requirements for an Emergency Order in Tex. Water Code § 11.053 and 30 Tex. Admin. Code Chapter 36 have been satisfied.

Three junior water rights upstream of Possum Kingdom Lake were inadvertently included in Appendix A, the list of the suspended water rights in the Executive Director's Order, and should be deleted from the Executive Director's Order. These water rights are Certificates of Adjudication Nos. 12-4134, 12-4135, and 12-4141 issued to Billy Doan, CKS Properties, LP, and Dolly Keesee, respectively.

THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS THAT:

The November 19, 2012 Emergency Order, attached hereto as Exhibit A and incorporated into this Order by reference, is modified to delete three water rights, Certificates of Adjudication Nos. 12-4134, 12-4135, and 12-4141 issued to Billy Doan, CKS Properties, LP, and Dolly Keesee, respectively from the list of suspended water rights, and otherwise the Order is affirmed.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Issue Date: