

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

EXECUTIVE SUMMARY

TO: Commissioners

DATE: July 3, 2013

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. 2013-1253-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 June 26, 2013. 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 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 July 2, 2013, suspending and adjusting water rights in the Brazos River Basin below Possum Kingdom Reservoir with priority dates on or after February 19, 1942. Under Tex. Admin. Code § 36.8(b), the Commission must hold a hearing to affirm, modify, or set aside this Order. This hearing is being held on July 26, 2013.

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 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.

Suspension Rule: Under Chapter 36, the Executive Director may issue an order suspending or adjusting junior water rights if a water right holder makes a call on junior water rights in a time of drought or other emergency shortage of water.

The watershed at Dow's diversion point is in a "drought" as defined in 30 Tex. Admin. Code § 36.2(3). Under that rule, a drought occurs when at least one of the following criteria are met:

- (A) drought conditions in the watershed or the part of the watershed subject to the executive director's Suspension or Adjustment Order are classified as at least moderate by the National Drought Mitigation Center;
- (B) streamflows at United States Geological Survey gaging stations in the drainage area are below the 33rd percentile of the period of record available for the impacted watershed; or
- (C) below normal precipitation in the watershed or part of the watershed subject to the Executive Director's Order, for the preceding three-month period, as reported in the Texas Climatic Bulletin (Office of the Texas State Climatologist), a senior call is made, and the demand for surface water exceeds the available supply as evidenced by a senior water right holder making a senior call.

For this senior call, ninety-nine 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. Streamflows at U. S. Geological Survey gaging stations 08116650, near Rosharon, and 08114000, at Richmond, are below the 33rd percentile for the period of record. And, the precipitation in the watershed or part of the watershed at or above the Dow's location for the months of April – June, 2013, as reported in the Texas Climatic Bulletin is below normal for most of the Brazos River Basin.

Therefore, under Section 36.2 (3)(A) and (B), the area at or above Dow's diversion point is in a drought.

Executive Director's Evaluation: Based on water use information submitted by Dow, Dow has diverted 73,527 acre feet of its authorized water at its diversion point. Under 30 TAC 297.58(b), if a water right includes appropriations with different priority dates, water shall be credited against the oldest priority date first. Under that rule, the priority date of Dow's call is February 14, 1942. The 20,000 acre foot diversion right with a 1929 priority date has all been diverted. Dow indicates its current consumptive demand is 225 cfs a day and it has 46 days of reservoir storage.

Based on TCEQ region office investigations, the priority date of the call, streamflow conditions, evaporation and channel losses, and the factors in 30 Tex. Admin. Code § 36.5, the Executive Director has determined that suspension or adjustment of water

rights that are junior to February 14, 1942 upstream of Dow's diversion point 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.

Suspensions: There are several water rights upstream of Dow's Permit that are not for municipal, domestic, or power use that are junior in priority to February 14, 1942. These rights are listed in Appendix A of the Order, and are suspended by the Order for 180 days with a possible 90 day extension. The Order can be modified by the Executive Director, and automatically terminates if Dow withdraws its call.

Junior water rights that are for municipal, power generation, or domestic use upstream of Dow are either suspended, partially suspended, or adjusted at this time by the Executive Director, while considering the public health, safety and welfare. Two municipal water rights that are not suspended or adjusted are held by Brazosport Water Authority (BWA) and the U.S. Department of the Army (Army). These water rights are not suspended or adjusted because BWA shares its diversion point with Dow, which also pumps the water for BWA, and the Brazos River Authority will account for the Department of the Army's use. Under Chapter 36, all of the municipal and power generation water rights holders have already received questionnaires requesting updates on their conservation efforts, water use, and alternative sources, and most have provided updated data. Attached to this Executive Summary are the following:

Attachment A: ED Order dated July 2, 2013

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

Attachment C: Map of Affected Area

ED Request: Affirm the ED's suspension order

ATTACHMENT A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



ORDER suspending and adjusting water rights in the Brazos River Basin for a senior call

The Executive Director of the Texas Commission on Environmental Quality (TCEQ or Commission) received a senior priority call from Dow Chemical Company (Dow), on June 26, 2013. Dow is the owner of Certificate of Adjudication No. 12-5328 in the Brazos River Basin.

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 Law¹:

FINDINGS OF FACT

1. Dow is the owner of Certificate of Adjudication No. 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 made a senior call based on Certificate of Adjudication No. 12-5328, on June 26, 2013.
3. 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.
4. Dow has a need for and can beneficially use increased amounts of water in the river that result from suspending upstream junior water rights.
5. Based on staff investigations and review, additional streamflows could be generated by suspension or adjustment of water rights junior to February 14, 1942.

¹ On June 6, 2013, Judge Scott F. Jenkins issued an order concluding that "the TCEQ Drought Curtailment Rules, 30 Texas Administrative Code §§ 36.1-8, are invalid and exceed TCEQ's statutory authority because they allow deviation from the priority system and the exemption of water rights for preferred uses from a curtailment or suspension order[.]" On June 13, 2013, TCEQ filed its notice of appeal to the Third Court of Appeals in Austin, Texas. On June 21, 2013, Plaintiffs, Texas Farm Bureau, et al, filed their Motion to Prevent Suspension of Judgment and Motion to Post Bond. This motion, along with the TCEQ's response and Plaintiffs' supplemental motion and reply, are currently pending in the 53rd Judicial District Court in Travis County. The Executive Director is mindful of the Court's judgment and Plaintiffs' pending motion in responding to Dow's senior priority call.

Priority Date:

6. 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.
7. Dow made a senior call on June 26, 2013, based on a priority date of February 14, 1942, for its authorization for 150,000 acre-feet of water per year for municipal and industrial purposes in Certificate of Adjudication No. 12-5328.
8. Based on water use information submitted, Dow has diverted 73,527 acre-feet of its authorized water under that certificate, which means that Dow is currently using water under the February 14, 1942 priority date. Dow indicates its current consumptive demand is 240 cfs a day and it has approximately 46 days of reservoir storage remaining at this time.

Drought:

9. Ninety-nine 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.
10. Streamflows at U. S. Geological Survey gaging stations 08116650, near Rosharon, and 08114000, at Richmond, are below the 33rd percentile for the period of record. The period of record for the Rosharon gage is April 1967 to present and the period of record for the Richmond gage is 1903 to present.
11. The precipitation in the watershed or part of the watershed at or above the Dow's location for the months of April - June, 2013, as reported in the Texas Climatic Bulletin is below normal for most of the Brazos River Basin.
12. The watershed at or above Dow's diversion point is in a "drought" as defined in 30 Tex. Admin. Code § 36.2(3).

Suspension of Non-Municipal or Power Generation Water Rights:

13. There are several water rights, excluding those for municipal use or power generation, upstream of Dow's diversions 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.
14. Appendix B, which is incorporated into this Order and is part of this Order, lists the counties that are covered by the suspended junior water rights in Appendix A.

No Adjustment or Suspension:

15. Brazosport Water Authority owns Certificate of Adjudication No. 12-5366 for diversion from the Brazos River, with a diversion point at the same location as Dow's. Because Brazosport has a physical diversion location that is coincident with Dow's diversion point, and Dow pumps water for Brazosport, Brazosport's Certificate does not need to be suspended or adjusted at this time.
16. U.S. Department of the Army owns Certificate of Adjudication No. 12-2936 and indicates it has no feasible alternative sources. It diverts stored water from BRA's reservoir, Lake Belton. The Brazos River Authority (BRA) will submit a pass through plan for the majority of storage in that lake. Therefore, no suspension or adjustment is required at this time.

17. There are eighteen water rights junior to February 14, 1942 that authorize over 200 acre-feet of storage for domestic and livestock purposes. These water rights are listed in Appendix D of this order, which is incorporated by reference in this order. Storage of less than or equal to 200 acre-feet for domestic and livestock purposes is exempt from permitting.

Suspension and Adjustment of Municipal and Power Generation Water Rights:

18. While taking into consideration concerns related to public health, safety and welfare, several municipal or power generation use water rights upstream of Dow are being suspended or adjusted in this order.

Suspension:

19. The following municipal water rights with priority dates after February 14, 1942, have indicated that they are not using their junior priority water rights for municipal use, do not need to use their junior priority water rights for municipal use that is related to public health and welfare, or they have alternate sources that are sufficient for their needs at this time:
- Durham Overstreet Trust, Durham Phillips Trust, Overstreet Family LP, The Shores of Granbury Inc., and Overstreet Properties LP: Certificate of Adjudication No. 12-4060
 - ADTIN LLC: Permit No. 5164
 - City of Thorndale: Certificates of Adjudication Nos. 12-3754 & 12-3757
 - HD Howard: Certificates of Adjudication No. 12-4048
 - City of Rosebud: Certificate of Adjudication No. 12-4360
 - City of Mart: Permit No. 5000
 - City of Crawford: Permit No. 4135
 - Quail Valley Associates LLC: Certificate of Adjudication No. 12-4025
 - Wingshot LP: Certificate of Adjudication No. 12-4026.
 - City of Teague: Certificate of Adjudication Nos. 12-5291 & 12-5292
 - City of Cleburne: Permit No. 12-4258
 - City of Robinson, Permit No. 5085
20. Texas Water Development Board's, Brazos River Authority's, and City of Houston's Permit No. 2925 authorizes the impoundment of water in Allens Creek reservoir. This reservoir has not been constructed and therefore no water is currently used under this permit.
21. The City of Bryan owns Certificate of Adjudication 12-5268, which authorizes a 15,227 acre-foot reservoir on unnamed tributaries of Thompson's Creek and the Little Brazos River and the diversion, circulation, and re-circulation of 55,708 acre-feet of water so as to consumptively use 850 acre-feet of water for power generation with a priority date of May 30, 1972. The certificate limits use of state water to 85 acre-feet. The certificate also requires the City to maintain the reservoir with groundwater. The water right holder states that it is not using state water for power generation purposes at this time and that its needs are fully supported by groundwater.

Adjustment or Partial Suspension:

22. The City of Marlin owns Certificate of Adjudication No. 12-4355 authorizing two reservoirs on Big Sandy Creek and Brushy Creek. The City indicates that it has an alternate source of water and can divert stored water from its reservoirs.
23. The City of Graford owns Certificate of Adjudication No. 12-4004. The City indicates that it has senior water and has not used the junior portion of surface water on Keechi Creek for 12 years.
24. Somervell County Water District, Permit No. 5744, provided information indicating that ability to divert surface water from the Paluxy River is limited because of streamflow restrictions in the water right. The District has reservoir storage that it can use to meet its demands.
25. City of Clifton has Certificate of Adjudication No. 12-2291 and Permit No. 5551. The City of Clifton also diverts water under the City of Meridian's water right, Permit No. 5899, for use by the City of Meridian. The City of Clifton and the City of Meridian provided information that they each have an alternative source of water.
26. The City of Temple, Certificate of Adjudication No. 12-2938, has provided information that it is not using its senior priority diversion rate in its water right and that it has alternative sources of water. The City of Temple's needs can be met by its senior water rights and alternative sources.
27. The City of Waco, Certificate of Adjudication No. 12-2315 and Permit Nos. 5840 and 5094, has provided information that it is directly reusing return flows authorized for indirect reuse by Permit No. 5840, it is using less water than is authorized under the senior portion of its water right, and its storage in Lake Waco is above the amount authorized by its senior storage right. The City of Waco indicates that all inflows to its junior impoundment authorized under Certificate of Adjudication No. 12-4340 are passed downstream.
28. Gulf Coast Water Authority owns Certificates of Adjudication No. 12-5168, 12-5171, and 12-5322. Gulf Coast Water Authority indicates that its senior water rights are sufficient to meet its needs.
29. Tradinghouse Power Company, LLC, Certificate of Adjudication No. 12-4342, provided information that both its generating units are currently idle and not expected to operate within the next six to twelve months.
30. Luminant Generation Company, LLC, Certificate of Adjudication No. 12-4345, provided information that both its generating units are currently idle and not expected to operate within the next six to twelve months.
31. Certificate of Adjudication 12-5325 authorizes impoundment of water in Smithers Lake, located on Dry Creek. NRG is authorized to appropriate 28,711 acre-feet of water from the Dry Creek watershed at priority dates of December 16, 1955 and October 10, 1978. NRG has a senior water right and an alternative source of water and can pass inflows and maintain its operations.
32. The following entities have water rights for the impoundment of water with a priority date junior to February 14, 1942. These rights to impound additional flows may be suspended without concerns relating to public health, safety and welfare.

Due to the size and location of the impoundments, the water right holders should provide a pass-through plan to the Executive Director to indicate how they are passing inflows into these impoundments through their reservoirs and releasing these flows downstream to satisfy Dow's senior priority call. These water rights are:

- Brazos River Authority – Certificates of Adjudication 12-5156, 12-5157, 12-5158, 12-5159, 12-5160, 12-5161, 12-5162, 12-5163, 12-5164, and 12-5165 (Lakes Granbury, Whitney, Aquila, Proctor, Belton, Stillhouse Hollow, Georgetown, Granger, Limestone, and Somerville)
- City of Waco – Permit 5094 (junior portion of Lake Waco) and Lake Brazos
- Eastland County Water Supply District– Certificate of Adjudication 12-3470 (Lake Leon)
- City of Cleburne – Permit No. 4258 (Lake Pat Cleburne)
- Palo Pinto Municipal Water District – Certificate of Adjudication 12-4031 (Lake Palo Pinto) and Permit 5447 (for watershed inflows)
- City of Mineral Wells – Certificate of Adjudication 12-4039 (Lake Mineral Wells)
- Bi-Stone Municipal Water District – Certificate of Adjudication 12-5287 (Lake Mexia)
- City of Gordon – Certificate of Adjudication 12-4024

33. Appendix C, which is incorporated by reference into this Order and is part of this Order, lists the water rights that are being suspended, partially suspended, or adjusted.
34. If the water rights in Findings of Fact No. 13, and 19-33 are suspended or adjusted 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.

Exceptions to Suspensions:

35. If conditions change to cause temporary higher flow levels to occur in the Brazos River watershed, water will be available for suspended water right holders to divert or impound without impairing Dow's senior call because at the higher flow levels the water could not all be beneficially used by Dow.
36. Allowing suspended water right holders to divert or impound surface water under their water rights during certain high flow events will maximize the beneficial use of water, minimize the impact on water right holders, and prevent the waste of water.

37. The Executive Director has identified seven representative flow gages on the Brazos River operated by the United States Geological Service which may be used to identify temporary higher flow levels. These gages are as follows:

Gage	Affected Area	Streamflow Level (cfs)
USGS Gage 08091000 Brazos River near Glen Rose	All water rights on the main stem of the Brazos River and its tributaries below Lake Possum Kingdom and above Lake Whitney	106
USGS Gage 08095000 North Bosque River near Clifton	All water rights on the North Bosque River and its tributaries	9.8
USGS Gage 08100000 Leon River near Hamilton	All water rights on the Leon River and its tributaries above Lake Belton	5.7
USGS Gage 08106500 Little River near Cameron	All water rights on the Little River and its tributaries below Lake Belton and above its confluence with the Brazos River, including the Lampasas River	200
USGS Gage 08108700 Brazos River at SH 21 near Bryan	All water rights on the main stem of the Brazos River and its tributaries (excluding the Little River watershed) below Lake Whitney and above USGS gage 08108700, Brazos River at SH 21 near Bryan	882
USGS Gage 08111500 Brazos River near Hempstead	All water rights on the main stem of the Brazos River and its tributaries, including Yegua Creek and the Navasota River, below USGS Gage 081108700, Brazos River at SH 21 near Bryan and above USGS gage 08111500, Brazos River near Hempstead	1420
USGS Gage 08116650 Brazos River near Rosharon	All water rights on the main stem of the Brazos River and its tributaries below USGS gage 08111500, Brazos River near Hempstead	630

38. The 33rd percentile flow is the streamflow value below which 33 percent of the daily streamflow observations for the period of record available for the above-referenced gages in the Brazos River can be found. Flow levels at or above the 33rd percentile are a reasonable level to allow the diversion or impoundment of water because a stream flow level below the 33rd percentile flow is one of the factors under which a "drought" exists under 30 Texas Administrative Code Chapter 36.

39. For USGS Gage 08116650 on the Brazos River near Rosharon, the 33rd percentile flow would result in more water than Dow could divert due to its pump capacity.

630 cfs is used as the applicable rate at USGS Gage 08116650 on the Brazos River near Rosharon.

40. The flow values at the gages in Finding of Fact No. 37 will make water available for suspended water right holders during temporary higher flow levels and not impair Dow's senior priority call.
41. To ensure that water diverted or impounded during temporary higher flow levels meets the requirements of the suspension and this order, the water right holder must maintain and produce certain information related to gage levels at the time of diversion or impoundment as well as the level of stored water.

Conclusion:

42. This suspension and adjustment 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. This order meets the requirements of Texas Water Code Section 11.053 and 30 TAC Chapter 36, including the requirements of Texas Water Code Section 11.053(b)(1)-(3) and 30 TAC Section 36.5(b)(1)-(3) to maximize the beneficial use of water, minimize the impact on water right holders, and prevent the waste of water.
2. 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.
3. Based on Findings of Fact Nos. 1 – 5 and 34, 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 should result in water Dow can beneficially use.
4. Based on Findings of Fact Nos. 9 - 12, 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).
5. The non-municipal or power generation junior water rights in Appendix A should be suspended based on the priority doctrine.
6. Based on Finding of Fact No. 17, the water rights in Appendix D may be adjusted to maintain the reservoir at 200 acre feet.
7. The junior water rights in Findings of Fact No. 19-32 are municipal and power generation water rights that the Executive Director has determined should be suspended or adjusted under the priority doctrine and because they have indicated that they have other water sources or no current need to use the specific water right.
8. Based on Findings of Fact No. 19 - 21 and in accordance with 30 TAC 36.3, the Executive Director has determined that the following municipal water rights with priority dates after February 14, 1942, may be suspended or adjusted at this time

while taking into consideration concerns related to public health, safety and welfare:

- Durham Overstreet Trust, Durham Phillips Trust, Overstreet Family LP, The Shores of Granbury Inc., and Overstreet Properties LP; Certificate of Adjudication No. 12-4060
 - ADTIN LLC; Permit No. 5164
 - City of Thorndale; Certificates of Adjudication Nos. 12-3754 & 12-3757
 - HD Howard; Certificates of Adjudication No. 12-4048
 - City of Rosebud; Certificate of Adjudication No. 12-4360
 - City of Mart; Permit No. 5000
 - City of Crawford; Permit No. 4135
 - Quail Valley Associates LLC; Certificate of Adjudication No. 12-4025
 - Wingshot LP; Certificate of Adjudication No. 12-4026
 - City of Teague; Certificate of Adjudication No. 12-5291 & 12-5292
 - City of Cleburne; Certificate of Adjudication No. 12-4258
 - City of Robinson, Permit No. 5085
 - Texas Water Development Board, Brazos River Authority, and City of Houston, Permit No. 2925
 - The City of Bryan; Certificate of Adjudication No. 12-5268
9. Based on Finding of Fact No. 22, in accordance with 30 TAC § 36.3, the City of Marlin's Certificate of Adjudication No. 12-4355 may be adjusted while taking into consideration concerns related to public health, safety and welfare, by suspending its diversion of water from the Brazos River.
 10. Based on Finding of Fact No. 23, in accordance with 30 TAC § 36.3, the City of Graford's Certificate of Adjudication No. 12-4004 may be adjusted while taking into consideration concerns related to public health, safety and welfare, by suspending the portion of its water right that is junior to February 14, 1942.
 11. Based on Finding of Fact No. 24, and in accordance with 30 TAC § 36.3, Somervell County Water District, Permit No. 5744, may be adjusted while taking into consideration concerns related to public health, safety and welfare by suspending its right to divert water from the Paluxy River.
 12. Based on Finding of Fact No. 25, and in accordance with 30 TAC § 36.3, the City of Clifton's water rights, Certificates of Adjudication No. 12-2291, Permit No. 5551, and the City of Meridian's water right Permit No. 5899 may be adjusted to a combined diversion rate of 4 cfs from the North Bosque River while taking into consideration concerns related to public health, safety and welfare.
 13. Based on Finding of Fact No. 26, and in accordance with 30 TAC § 36.3, the portions of the City of Temple's Certificate of Adjudication No. 12-2938 that are junior to February 14, 1942, may be suspended while taking into consideration concerns related to public health, safety and welfare.
 14. Based on Finding of Fact No. 27, and in accordance with 30 TAC § 36.3, the portions of the City of Waco's Certificate of Adjudication Nos. 12-2315 and Permit Nos. 5840 and 5094 that are junior to February 14, 1942 may be suspended, and Certificate of Adjudication 12-4340 may be adjusted to ensure that all inflows are

passed, while taking into consideration concerns related to public health, safety and welfare.

15. Based on Finding of Fact No. 28, and in accordance with 30 TAC § 36.3, the portion of Gulf Coast Water Authority's Certificates of Adjudication Nos. 12-5171 and 12-5322 that are junior to February 14, 1942, may be suspended while taking into consideration concerns related to public health, safety and welfare. Gulf Coast Water Authority's diversions from the Brazos River under Certificate of Adjudication No. 12-5322 are limited to the portion of the diversion rate that is senior to February 14, 1942.
16. Based on Findings of Fact Nos. 29 and 30, and in accordance 30 TAC § 36.3, the portions of Tradinghouse Power Company, LLC's Certificate of Adjudication No. 12-4342 that are junior to February 14, 1942, and Luminant Generation Company, LLC's Certificate of Adjudication No. 12-4345 may be suspended while taking into consideration concerns related to public health, safety and welfare.
17. Based on Finding of Fact No. 31, NRG can pass inflows generated from the Dry Creek watershed, as calculated in its approved accounting plan required by Certificate of Adjudication 12-5325 and maintain its operations.
18. Based on Finding of Fact No. 32, and in accordance 30 TAC § 36.3, the following water rights for impoundment of water may be suspended and the water right holders should provide pass-through plans to the Executive Director by July 17, 2013. These rights are:
 - Brazos River Authority – Certificates of Adjudication 12-5156, 12-5157, 12-5158, 12-5159, 12-5160, 12-5161, 12-5162, 12-5163, 12-5164, and 12-5165 (Lakes Granbury, Whitney, Aquila, Proctor, Belton, Stillhouse Hollow, Georgetown, Granger, Limestone, and Somerville)
 - City of Waco – Permit 5094 (junior portion of Lake Waco) and Lake Brazos
 - Eastland County Water Supply District– Certificate of Adjudication 12-3470 (Lake Leon)
 - City of Cleburne – Permit No. 4258 (Lake Pat Cleburne)
 - Palo Pinto Municipal Water District – Certificate of Adjudication 12-4031 (Lake Palo Pinto) and Permit 5447 (for watershed inflows)
 - City of Mineral Wells – Certificate of Adjudication 12-4039 (Lake Mineral Wells)
 - Bi-Stone Municipal Water District – Certificate of Adjudication 12-5287 (Lake Mexia)
 - City of Gordon – Certificate of Adjudication 12-4024
19. Findings of Fact Nos. 35-40, show that changed conditions, such as rainfall events, could temporarily provide water to suspended water right holders as well as Dow and there is a reasonable method available for allowing such temporary diversion and impoundment.

20. Based on Finding of Fact No. 41, it is reasonable for the Executive Director to require information to be maintained and produced by the water right holders to enforce the provisions of this order.
21. The Executive Director may require each of the junior municipal, non-exempt domestic, and power generation water rights holders that are not fully suspended to 1) provide information demonstrating that it has made reasonable efforts to obtain alternative water supplies to the Executive Director within 14 days, 2) provide its water use data to the Executive Director every 14 days, and 3) provide information on what it has done to identify long-term additional or alternative water sources within 30 days in accordance with 30 TAC § 36.5(c).
22. 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 following water rights are suspended:
Those water rights listed in Appendix A.
2. The following municipal and power generation water rights with priority dates after February 14, 1942 are suspended at this time while taking into consideration concerns related to public health, safety and welfare:
 - Durham Overstreet Trust, Durham Phillips Trust, Overstreet Family LP, The Shores of Granbury Inc., and Overstreet Properties LP: Certificate of Adjudication No. 12-4060
 - ADTIN LLC: Permit No. 5164
 - City of Thorndale: Certificates of Adjudication Nos. 12-3754 & 12-3757
 - HD Howard: Certificates of Adjudication No. 12-4048
 - City of Rosebud: Certificate of Adjudication No. 12-4360
 - City of Mart: Permit No. 5000
 - City of Crawford: Permit No. 4135
 - Quail Valley Associates LLC: Certificate of Adjudication No. 12-4025
 - Wingshot LP: Certificate of Adjudication No. 12-4026
 - City of Teague: Certificate of Adjudication No. 12-5291 & 12-5292
 - City of Cleburne: Permit No. 12-4258
 - City of Robinson, Permit No. 5085
 - Texas Water Development Board, Brazos River Authority, and City of Houston, Permit No. 2925
 - City of Bryan, Certificate of Adjudication No. 12-5268
 - Tradinghouse Power Company, LLC's Certificate of Adjudication No. 12-4342 and Luminant Generation Company, LLC's Certificate of Adjudication No. 12-4345
3. The following water rights are adjusted or partially suspended:
 - Based on Finding of Fact No. 31, NRG can pass inflows generated from the Dry Creek watershed, as calculated in its approved accounting plan

- required by Certificate of Adjudication 12-5325 and maintain its operations. The City of Marlin's Certificate of Adjudication No. 12-4355 is adjusted by suspending its diversion of water from the Brazos River.
- The City of Graford's Certificate of Adjudication No. 12-4004 is adjusted by suspending the portion of its water right that is junior to February 14, 1942.
 - Somervell County Water District, Permit No. 5744, is adjusted by suspending its right to divert water from the Paluxy River.
4. The City of Clifton's water rights, Certificates of Adjudication No. 12-2291, Permit No. 5551, and the City of Meridian's water right Permit No. 5899 are adjusted by making the diversion rate from the North Bosque River to 4.0 cfs during times that the water right holder could otherwise divert under its water right.
 5. The City of Temple's Certificate of Adjudication No. 12-2938 that are junior to February 14, 1942, are suspended.
 6. The portions of the City of Waco's Certificate of Adjudication Nos. 12-2315 and 12-4340, and Permit Nos. 5840 and 5094 that are junior to February 14, 1942, are suspended.
 7. Gulf Coast Water Authority's Certificates of Adjudication Nos. 12-5171 and 12-5322 that are junior to February 14, 1942, are suspended.
 8. The water rights in Appendix D are adjusted as follows: If the reservoir currently impounds less than or equal to 200 acre-feet of water, no additional water may be stored that would increase the capacity to over 200 acre-feet. If the reservoir currently impounds more than 200 acre-feet of water, all inflows would need to be passed downstream to the senior call.
 9. The following water rights for impoundment of water may be suspended and the water right holders should provide pass-through plans to the Executive Director by July 17, 2013. These rights are:
 - Brazos River Authority – Certificates of Adjudication 12-5156, 12-5157, 12-5158, 12-5159, 12-5160, 12-5161, 12-5162, 12-5163, 12-5164, and 12-5165 (Lakes Granbury, Whitney, Aquila, Proctor, Belton, Stillhouse Hollow, Georgetown, Granger, Limestone, and Somerville)
 - City of Waco – Permit 5094 (junior portion of Lake Waco) and Lake Brazos
 - Eastland County Water Supply District– Certificate of Adjudication 12-3470 (Lake Leon)
 - City of Cleburne – Certificate of Adjudication 12-4106 (Lake Pat Cleburne)
 - Palo Pinto Municipal Water District – Certificate of Adjudication 12-4031 (Lake Palo Pinto) and Permit 5447 (for watershed inflows)
 - City of Mineral Wells – Certificate of Adjudication 12-4039 (Lake Mineral Wells)
 - Bi-Stone Municipal Water District – Certificate of Adjudication 12-5287 (Lake Mexia)
 - City of Gordon – Certificate of Adjudication 12-4024

10. If a suspended or adjusted water right holder with a municipal or power generation use believes that it should be allowed to take water that is under suspension or adjustment because there are public health, safety and welfare concerns, such as drinking water supply and fire suppression, those entities must provide information to the Executive Director detailing the need and the reasons why the suspended surface water right must be used.
11. In the event of possible temporary higher flow levels in the Brazos River, the water rights listed in Appendix A of this order, any water rights suspended or adjusted by this order, and any subsequently suspended or adjusted water rights may divert and impound water in accordance with the diversion or storage authorization in the water right if the flow level at the following gage in the affected area of the water right at issue is at or above the following streamflow level:

Gage	Affected Area	Streamflow Level (cfs)
USGS Gage 08091000 Brazos River near Glen Rose	All water rights on the main stem of the Brazos River and its tributaries below Lake Possum Kingdom and above Lake Whitney	106
USGS Gage 08095000 North Bosque River near Clifton	All water rights on the North Bosque River and its tributaries	9.8
USGS Gage 08100000 Leon River near Hamilton	All water rights on the Leon River and its tributaries above Lake Belton	5.7
USGS Gage 08106500 Little River near Cameron	All water rights on the Little River and its tributaries below Lake Belton and above its confluence with the Brazos River, including the Lampasas River	200
USGS Gage 08108700 Brazos River at SH 21 near Bryan	All water rights on the main stem of the Brazos River and its tributaries (excluding the Little River watershed) below Lake Whitney and above USGS gage 08108700, Brazos River at SH 21 near Bryan	882
USGS Gage 08111500 Brazos River near Hempstead	All water rights on the main stem of the Brazos River and its tributaries, including Yegua Creek and the Navasota River, below USGS Gage 081108700, Brazos River at SH 21 near Bryan and above USGS gage 08111500, Brazos River near Hempstead	1420
USGS Gage 08116650 Brazos River near Rosharon	All water rights on the main stem of the Brazos River and its tributaries below USGS gage 08111500, Brazos River near Hempstead	630

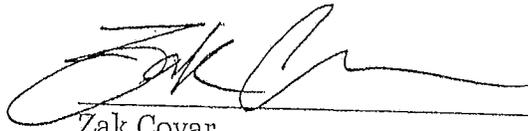
12. If any of the gages listed in the chart in Ordering Provision No. 10 are inoperable, water right holders shall use the next downstream gage that is listed in the chart during the inoperable period to determine if it can divert water or store inflows under this order.
13. If the streamflow levels are below the gage values in the chart in Ordering Provision No. 10 above, the water right holder must immediately cease diverting or impounding water.
14. Any water right holder impounding water under the terms of this order must record the level of water impounded as of July 2, 2013. For any additional water impounded under Order Provision No. 10, the water right holder shall record the streamflow level at the applicable gage when each impoundment is initiated, the time of the gage reading, and the level of impounded water. The water right holder shall record the latter level at the time that diversion and impoundment has ceased based on streamflow conditions outlined in this order or available capacity. The water right holder shall maintain these records for a minimum of two years from the issue date of this order and shall provide them to the Executive Director within 48 hours of a written request.
15. Any water right holder diverting water under the terms of this order must record the streamflow level at the applicable gage when the diversion is initiated and the time of the gage reading. The water right holder shall maintain these records for a minimum of two years from the issue date of this order and shall provide them to the Executive Director within 48 hours of a written request.
16. Any water lawfully stored prior to suspension or during temporary higher flow levels under the terms of this order are not required to be released.
17. This order shall be in effect until December 28, 2013, unless modified or terminated.
18. This order may be extended once for 90 days.
19. The junior water rights not suspended, and all junior water rights that are not fully suspended by this order, must submit the following information to the Executive Director within 14 days of the date of this order concerning efforts to conserve water and obtain addition or alternative sources:
 - 1) water use data indicating the amount, rate of diversion, place and purposes of use on a daily basis must be provided within 14 days of the date of this order and every 14 days thereafter during the term of this order;
 - 2) information demonstrating that the water rights holder has made reasonable efforts to obtain alternative water sources within 14 days; and
 - 3) information on what the water rights holder has done to identify long-term additional or alternative water sources within 30 days.
20. 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."

21. 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.
22. The commission will hold a hearing to determine whether to affirm, modify, or set aside this Executive Director order on July 26, 2013, at the Texas Commission Environmental Quality, 12100 Park 35 Circle, Building E, Room 201S, Austin, Texas. This order constitutes notice for that hearing. Any affected water right holder may attend the hearing and provide oral comment.

Issue Date:

7/2/2013



Zak Covar
Executive Director
Texas Commission on Environmental Quality

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	CILI LLC
Certificate of Adjudication	2235	7 M RANCH TRUST
Certificate of Adjudication	2236	CILI LLC
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
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	LUCIANO HAROS ET UX
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

Appendix A: Junior Water Rights Suspended by this Order

Water Right Type	Water Right	Owner
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	WILLIAM F GARRISON ET AL
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	DOUBLE SPRINGS PARTNERSHIP LTD
Certificate of Adjudication	2277	THOMAS G PETERS ET UX
Certificate of Adjudication	2278	TOMMY MOODY ET UX
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	BERGS RIVER RIDGE RANCH LTD
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 CROSLY 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

Appendix A: Junior Water Rights Suspended by this Order

Water Right Type	Water Right	Owner
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
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 GEYE ET AL
Juni	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	TOMMY K FUQUA, ET AL
Certificate of Adjudication	2834	WILLIE EYVONNE MANNING RAY
Certificate of Adjudication	2834	STEPHEN J BACKHAUS ET UX
Certificate of Adjudication	2835	WILLIAM MILTON NORTH
Certificate of Adjudication	2836	NELSON SHAVE
Certificate of Adjudication	2837	WADE N CARAWAY
Certificate of Adjudication	2838	CHRIS CRAIG
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

Appendix A: Junior Water Rights Suspended by this Order

Water Right Type	Water Right	Owner
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
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	ESTATE OF BETTY JEAN HARRIS TOOLEY
Certificate of Adjudication	2869	JIMMIE ESTILL
Certificate of Adjudication	2869	FOUR THIRTEEN INCORPORATED
Certificate of Adjudication	2872	VMK RANCH LLC
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	DAVID WILLIAM JENNY ET UX
Certificate of Adjudication	2900	CHARLES C POWELL

Appendix A: Junior Water Rights Suspended by this Order

Water Right Type	Water Right	Owner
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
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	RONNAL S 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
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

Appendix A: Junior Water Rights Suspended by this Order

Water Right Type	Water Right	Owner
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 PATTESON
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 NASH FAMILY LIMITED PARTNERSHIP
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 ET AL
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
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	3008	ELEANOR B TUTTLE
Certificate of Adjudication	3009	JOSEPH LEWIS ET UX
Certificate of Adjudication	3010	CLIFFORD D JONES

Appendix A: Junior Water Rights Suspended by this Order

Water Right Type	Water Right	Owner
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 PETTIT
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
Certificate of Adjudication	3490	JOHN J HOLLAND
Certificate of Adjudication	3492	G D LINDLEY
Certificate of Adjudication	3493	EDDIE LINDLEY
Certificate of Adjudication	3494	COURTNEY DOWELL
Certificate of Adjudication	3495	MOODY B KOONCE
Certificate of Adjudication	3496	PHILLIP V 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

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Water Right Type	Water Right	Owner
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	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, 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	ESTATE OF E A WALKER
Certificate of Adjudication	3546	AUTRY & PEGGY ANDRESS REVOCABLE TRUST
Certificate of Adjudication	3547	ELISABETH LEE SANDERS
Certificate of Adjudication	3548	GOLDEN & SONS INC
Certificate of Adjudication	3549	ARLA DEE WRIGHT
Certificate of Adjudication	3550	PAUL & OLGA MARTINEZ, JOSE & ANTONIA LEAL ESTRADA (UNVERIFIED OWNERS)
Certificate of Adjudication	3550	THOMAS A LEE JR ET UX
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	R MARK 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

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Water Right Type	Water Right	Owner
Certificate of Adjudication	3587	GEORGE E BINGHAM ET UX, GEORGE E BINGHAM ET AL
Certificate of Adjudication	3588	BILLY J GRESSETT ET AL
Certificate of Adjudication	3589	WILLIAM G MORGAN ET AL
Certificate of Adjudication	3590	RANDALL W GEYE
Certificate of Adjudication	3590	RICKY L GEYE
Certificate of Adjudication	3590	TAMI GEYE BUNTING
Certificate of Adjudication	3592	YANTIS RAND NICHOLS ET AL
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	NANCY ISHAM ET AL
Certificate of Adjudication	3612	FRED S DAVIS
Certificate of Adjudication	3612	DUSTIN K JONES ET AL
Certificate of Adjudication	3613	NANCY ISHAM ET AL, LUCILLE 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	DONALD 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	BR & WR EVANS FARMS INC
Certificate of Adjudication	3634	BEATRICE LOGGINS
Certificate of Adjudication	3635	JOE RILEY
Certificate of Adjudication	3636	NATURAL DAIRY GROWER CO
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

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Water Right Type	Water Right	Owner
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	ESTATE OF THOMAS E LUKER
Certificate of Adjudication	3646	LOU MARCENE F ROACH
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	KENNETH RAY RINEHART
Certificate of Adjudication	3654	CAROLYN RINEHART HAYES ET VIR
Certificate of Adjudication	3655	GARY KENT BOYD
Certificate of Adjudication	3656	MARTIN W & JUANITA SEIDER
Certificate of Adjudication	3657	DANNY DAVIS 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 UX
Certificate of Adjudication	3663	BILLIE JEAN BASHAM
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 L OGDEN 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
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	GRACE ELIZABETH RYLANDER
Certificate of Adjudication	3736	GRACE ELIZABETH RYLANDER
Certificate of Adjudication	3737	ALAMO CONCRETE PRODUCTS COMPANY
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

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Water Right Type	Water Right	Owner
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	3K RIVER RANCH LLC
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
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, GLEN MARECEK ET AL
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

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Water Right Type	Water Right	Owner
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	JAY LARRY BRUMBAUGH ET AL
Certificate of Adjudication	4009	ERNEST E AMMONS
Permit	4009	C H & BETTY JEAN WILLIAMSON
Certificate of Adjudication	4010	THE DOROTHY J WELCH MARITAL TRUST, THE CHARLES W WELCH IRREVOCABLE TRUST
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
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 UX
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
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	GATED RIVER ONE LLC
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

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Water Right Type	Water Right	Owner
Certificate of Adjudication	4034	HELEN H MCDANIEL
Certificate of Adjudication	4035	HELEN H MCDANIEL
Certificate of Adjudication	4036	FAWCETT LIMITED
Certificate of Adjudication	4037	BOB R SIMPSON
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	BRANSON CAPITAL PARTNERS LTD
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	MIKE LUTTRELL ET UX
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 JR
Certificate of Adjudication	4061	BURTON SMITH BURKS JR TRUST
Certificate of Adjudication	4061	EVELYN SUE SMITH
Certificate of Adjudication	4061	EVELYN SUE SMITH TRUST
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
Certificate of Adjudication	4063	PHILLIP JEFFREY RYAN ET UX
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

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Water Right Type	Water Right	Owner
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
Certificate of Adjudication	4074	LINDA JOY DAMRON
Certificate of Adjudication	4075	CHARCA LTD
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	WINDY HILL RENTS LLC
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
Permit	4105	BRAZOS RIVER CLUB
Certificate of Adjudication	4106	CITY OF CLEBURNE

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Water Right Type	Water Right	Owner
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	KACIR WHEELER LLC
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	CILI LLC
Permit	4128	FLOYD GUNN
Permit	4130	UNITED STATES ARMY CORP ENG
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
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	ALLAN R MCFARLAND
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

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Water Right Type	Water Right	Owner
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	SALLIE T ANDERSON ET AL
Certificate of Adjudication	4366	ELLEN WIESE BRIEN ET AL
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	4371	DESTEFANO 2008 DESCENDANTS TRUST
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	5077	PETE SCARMARDO 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

Appendix A: Junior Water Rights Suspended by this Order

Water Right Type	Water Right	Owner
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 ZUMWALT JR ET UX
Certificate of Adjudication	5270	LEISURE LAKE INC
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
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	BI-STONE 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

Appendix A: Junior Water Rights Suspended by this Order

Water Right Type	Water Right	Owner
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 BERMEL ET UX
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	US FISH AND WILDLIFE SERVICE
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	5665	ROBERT STARKS
Permit	5667	NNP-TERAVISTA LP

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: Counties Where Suspended Water Rights Are Located

County
Bell
Bosque
Burleson
Comanche
Eastland
Erath
Falls
Fort Bend
Freestone
Hill
Hood
Johnson
Leon
Limestone
McLennan
Palo Pinto
Parker
Robertson
Somervell
Washington
Williamson

Appendix C: Junior Water Rights Partially Suspended or Adjusted by this Order

Water Right Type	Water Right	Owner
Certificate of Adjudication	2291	CITY OF CLIFTON
Certificate of Adjudication	2315	CITY OF WACO
Permit	2925	TEXAS WATER DEVELOPMENT BOARD
Permit	2925	BRAZOS RIVER AUTHORITY
Permit	2925	CITY OF HOUSTON
Certificate of Adjudication	2938	CITY OF TEMPLE
Certificate of Adjudication	3470	EASTLAND CO WSD
Certificate of Adjudication	3754	CITY OF THORNDALE
Certificate of Adjudication	3757	CITY OF THORNDALE
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	4106	CITY OF CLEBURNE
Permit	4135	CITY OF CRAWFORD
Permit	4258	CITY OF CLEBURNE
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
Permit	5000	CITY OF MART
Permit	5085	CITY OF ROBINSON
Permit	5094	CITY OF WACO
Certificate of Adjudication	5156	BRAZOS RIVER AUTHORITY
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

Appendix C: Junior Water Rights Partially Suspended or Adjusted by this Order

Water Right Type	Water Right	Owner
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	5287	BI-STONE MUNICIPAL WSD
Certificate of Adjudication	5291	CITY OF TEAGUE
Certificate of Adjudication	5292	CITY OF TEAGUE
Certificate of Adjudication	5322	GULF COAST WATER AUTHORITY
Certificate of Adjudication	5325	NRG TEXAS POWER LLC
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: 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	2253	J P CATTLE COMPANY
Certificate of Adjudication	2311	W T HIX
Certificate of Adjudication	2954	HOMER MCCASLAND
Certificate of Adjudication	3515	ROBERT JESS HOFFMAN
Certificate of Adjudication	3516	RUBY JOHNSON
Certificate of Adjudication	3578	ORO PECANLANDS INC ET AL
Permit	3636	GEORGE CHASE
Permit	5227	FIVE WELLS RANCH COMPANY
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 B

TCEQ Interoffice Memorandum

To: Commissioners

Date: July 3, 2013

Thru: Bridget Bohac, Chief Clerk
Zak Covar, Executive Director
L'Oreal W. Stepney, P.E., Deputy Director, Office of Water
Ramiro Garcia, Jr., Deputy Director, Office of Compliance and Enforcement
Kellye Rila, Director, Water Availability Division
Ron Ellis, Manager, Water Rights Permitting and Availability Section

From: Kathy Alexander, Ph.D., Technical Specialist, Water Rights Permitting and Availability Section

Background

The Executive Director (ED) received a priority call from Dow Chemical Company (Dow) on June 26, 2013. 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 has an authorized diversion rate of 630 cfs from its diversion points on the Brazos River; however, Dow indicates that its current diversion rate is 240 cfs. Dow also indicates that it has diverted 73,527 acre-feet of water from the Brazos River, which includes water that Dow diverts for use by the Brazosport Water Authority (BWA) under BWA's Certificate of Adjudication 12-5366. 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. The authorizations in Dow's water right and its water use information support its request for a priority call under its February 14, 1942 priority date.

The Executive Director (ED) also received a priority call from Gulf Coast Water Authority (GCWA) on June 21, 2013 for water under Certificate of Adjudication 12-5322 at a priority date of March 14, 1955. On June 26, 2013, GCWA modified its call to December 12, 1950 under its Certificate of Adjudication 12-5171.

The priority date of the Dow call is senior to the date of GCWA's call. The determination below evaluates both calls in order of priority.

Brazos Basin Conditions

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): Ninety-nine 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): Streamflows at USGS gages 08116650, Brazos River near Rosharon, and 08114000, Brazos River at Richmond are below the 33rd percentile for the period of record

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 across much of the Brazos Basin for the preceding 90 days.

Field Investigations

TCEQ Regional Office staff conducted field investigations on June 21, 2013 and June 27, 2013 at 29 locations throughout the Brazos River watershed. Staff took photographs documenting streamflow conditions and also conducted streamflow measurements at each location, where possible. Results of the investigations indicate moderate to 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 in an amount that Dow could beneficially use.

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, which is senior to the date of Dow's priority call (February 14, 1942). Any potential streamflows generated through suspension or adjustment of water rights above Lake Possum Kingdom could 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: Rivers can lose water to evaporation and seepage into the bed and banks. Therefore, the amount of water available at an upstream point would be reduced as that water travels down the river. 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 could 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 and an adjustment for drought conditions.

- Loss Rates during drought conditions could be as much as 10% to 20% higher than average values. Staff's field investigations indicate dry conditions in 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 small permitted reservoirs. The owners of these reservoirs must pass inflows to a senior call in accordance with the priority doctrine, but TCEQ has no authority to require them to release stored water (TWC 11.053(a)(6)). It is likely that additional transit losses would occur as a result of conveying inflows through these reservoirs. These small reservoirs are not as closely monitored as larger reservoirs and inflows are not measured on a regular basis. Because of this, staff took a conservative view of the amount of potentially available flows. Therefore, staff reduced the potentially available flows based on the number of permitted small reservoirs in each watershed and calculated an adjustment factor based on the ratio of permitted storage to permitted diversions. The adjustment factors ranged from zero to 30%.

Water Use Adjustment: Water rights in the area below Lake Possum Kingdom 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, based on very 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 based on 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.

Suspension of junior water rights above BRA's system of reservoirs could theoretically result in increased streamflows to BRA's reservoirs, and BRA would have to pass this water downstream. However, water rights in the lower Brazos Basin that have priority dates senior to the call February 14, 1942, including GCWA's water rights that are senior to February 14, 1942, would have access to this water first.

Results of the calculations for the Brazos River watershed below BRA's system of reservoirs are shown below.

Adjusted diversion rates for water rights Senior to the call	Adjusted diversion rates for water rights Junior to the call
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 February 14, 1942 (the priority date under which Dow made its call). Staff's review indicates that up to 500 cfs could be generated through suspension of water rights above BRA's reservoirs. The amount of water that could be generated from the watersheds above individual BRA reservoirs varies, with 50% of the water generated from above Lakes Waco and Belton. The 500 cfs value is an aggregated value across all of the contributing watersheds, therefore, the potentially available streamflow varies depending on the watershed with some watersheds generating smaller amounts and some generating larger amounts. However, any inflows generated by suspension or adjustment of water rights in these watersheds must be passed through those reservoirs.

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.

Adjustment

City of Clifton/City of Meridian – Clifton's Certificate of Adjudication 12-2291 authorizes diversion of water from the North Bosque River at a diversion rate of 4.01 cfs at a priority date of March 14, 1963. Clifton's Permit 5551 authorizes diversion of water from the diversion location authorized in Certificate 12-2291 on the North Bosque River at a diversion rate of an additional 8 cfs at a priority date of April 3, 1996. Meridian's Permit 5899 authorizes diversion of water from the North Bosque River from the diversion location authorized in Clifton's water rights at a diversion rate of an additional 8 cfs at a priority date of September 8, 2005. The maximum combined diversion rate from the North Bosque River under Clifton's and Meridian's water rights is 20 cfs. Streamflow restrictions apply to Clifton's Permit 5551 and Meridian's Permit 5899.

Clifton diverts water from the North Bosque River under Meridian's water right for use by Meridian. Clifton indicates that it has a groundwater supply. Clifton further indicates that it needs 1.3 acre-feet per day to maintain its surface water storage; however diversions from the river are limited during drought conditions due to special conditions in its water rights. In November of 2012, Clifton indicated that it only diverted water from the North Bosque River on 38 out of the past 365 days because of low flow conditions.

Clifton indicates that it diverts water from the North Bosque River at a rate between 4 and 8 cfs. Clifton's water supply is a combination of groundwater and surface water. Clifton and Meridian state that their groundwater can support their water needs, that surface water supply is used when the groundwater wells are undergoing maintenance or to provide additional water when available from the river to maintain its reservoir. Clifton is under combined voluntary and mandatory restrictions in their Drought Contingency Plan and the Meridian City Council will be considering their plan on July 8, 2013. Based on the availability of the alternate source, staff

recommends that the diversion rate from the North Bosque River be adjusted to 4.0 cfs during time the water right holder could otherwise divert under its water right.

Suspension of Junior Portion of Water Rights with Multiple Priority Dates

The following water rights authorize multiple priority dates for diversion and impoundment. These water right holders have indicated that the portion of their water rights that is senior to February 14, 1942 is sufficient to meet their demands. Staff recommends that the junior portion of these water rights be suspended.

1. City of Temple – Certificate of Adjudication 12-2938 authorizes diversion of 15,804 acre-feet of water at a diversion rate of 31 cfs with a priority date of October 30, 1915. This diversion and diversion rate are senior to the call. The Certificate also authorizes diversion of 20,000 acre-feet of water at an additional diversion rate of 30.7 cfs with a priority date of January 11, 1957, which is junior to the call.

The City indicates it is in voluntary restrictions under its Drought Contingency Plan. The City also indicates it has two contracts with the Brazos River Authority for 11,953 acre-feet of water per year. The City states that it is diverting water at a rate less than the senior diversion rate authorized in its certificate. To date, the City has used 7,082 acre-feet of its 15,804 acre-feet of senior water. Staff recommends suspension of the portion of Certificate 12-2938 that is junior to February 14, 1942.

2. City of Waco – The City of Waco owns multiple water rights. Certificate of Adjudication 12-2315 authorizes storage of 104,100 acre-feet of water in Lake Waco and diversion of 39,100 acre-feet of water per year from Lake Waco with a priority date of January 10, 1929. The Certificate also authorizes diversion of 19,100 acre-feet of water from Lake Waco with a priority date of April 16, 1958. Water Use Permit 5094 authorizes the storage of an additional 87,962 acre-feet of water in Lake Waco, and diversion of an additional 20,770 acre-feet of water from Lake Waco. The additional storage has a priority date of September 12, 1986 and the additional diversion has priority dates of September 12, 1986 and January 21, 1988. Water Use Permit 5840 authorizes the reuse of up to 42,175 acre-feet of Waco's surface water based return flows at a priority date of July 13, 2004.

The City is currently in voluntary restrictions under its Drought Contingency Plan. Regarding Permit 5840, the City indicates that it is directly reusing its return flows and is not using return flows under its water right. Regarding Lake Waco, the City indicates that it is using less water than the 39,100 acre-feet authorized under its senior water right. Storage in Lake Waco is above the amount authorized under the junior priority date in Permit 5094. Staff recommends that the City's water rights junior to February 14, 1942 under Certificate of Adjudication 12-2315 and Permits 5840 and 5094 be suspended. This would result in the suspension of a total of 82,045 acre-feet of diversions. Staff also recommends that the City submit a pass through plan for Lake Waco to ensure that inflows available for impoundment under its junior priority date are passed downstream to the senior call.

3. Gulf Coast Water Authority- GCWA owns three certificates that authorize diversion of water from the Brazos River.
 - a. Certificate of Adjudication 12-5168 authorizes diversion of 99,932 acre-feet of water authorized under the certificate or contract water purchased from the Brazos River Authority from two diversion points on the Brazos River at a maximum combined diversion rate of 685 cfs and a priority date of January 15, 1926, which is senior to the priority call.

- b. Certificate of Adjudication 12-5171 authorizes diversion of 125,000 acre-feet of water authorized under the certificate or contract water purchased from the Brazos River Authority from the diversion points authorized under Certificate 12-5168 at a maximum combined diversion rate of 600 cfs. The first 75,000 acre-feet has a priority date of February 1, 1939, which is senior to the priority call. The remaining 50,000 acre-feet has a priority date of December 12, 1950, which is junior to the priority call. These water rights authorize interbasin transfers and GCWA indicates it has additional water rights in other basins that can be used to meet its demand.
- c. Certificate of Adjudication 12-5322 authorizes diversion of 155,000 acre-feet from the Brazos River at a diversion rate of 900 cfs. The first 40,000 acre-feet of water and the first 400 cfs of the diversion rate have a priority date of February 8, 1929 and are senior to the priority call. The second 40,000 acre-feet and an additional 268 cfs of the diversion rate have a priority date of March 14, 1955 and are junior to the priority call. The remaining 75,000 acre-feet and an additional 232 cfs of the diversion rate have a priority date of July 25, 1983 and are junior to the priority call.

GCWA indicates it is in voluntary restrictions under its Drought Contingency Plan. GCWA indicates that it has used 28,706 acre-feet of water under Certificate 12-5322 and that it has purchased stored water from the Brazos River Authority. Based on its water use information and alternate supply, staff recommends that junior diversion authorizations under this permit be completely suspended. This would result in the suspension of 115,000 acre-feet of junior diversion rights under Certificate 12-5322. GCWA would need to ensure that its diversion rate at the location of the water right did not exceed its senior rate of 400 cfs unless all the water it is diverting at Canal J is contract water.

GCWA indicates that it used 59,734 acre-feet per year from the two diversion points authorized in Certificate of Adjudication Nos. 12-5168 and 12-5171. The amount of water authorized GCWA's senior water right (12-5168 for 99,932 acre-feet) and the senior portion of its rights under Certificate 12-5171 (75,000 acre-feet) total 174,932 acre-feet. Based on this, GCWA's senior water rights are sufficient to meet its needs and staff recommends that the junior portion of Certificate 12-5171 (50,000 acre-feet) be completely suspended.

- 4. NRG Texas Power LLC – NRG owns two certificates which are used for the W.A. Parish Electric Generating Station. Certificate of Adjudication 12-5320 authorizes the diversion of 40,000 acre-feet from the Brazos River at a diversion rate of 355 cfs and a priority date of October 23, 1926. NRG is authorized to transport the diverted water to Smithers Lake, authorized under Certificate of Adjudication 12-5325. NRG also has a water supply contract with the Brazos River Authority under Contractual Permit 325 for 83,000 acre-feet of water.

Certificate of Adjudication 12-5325 authorizes impoundment of 18,750 acre-feet of water in Smithers Lake, located on Dry Creek. NRG is authorized to divert, circulate, and re-circulate water to consumptively use 123,750 acre-feet per year, of which 28,711 acre-feet can be appropriated from the Dry Creek watershed. The priority date for the first 8,000 acre-feet appropriated from the Dry Creek watershed is December 16, 1955 and the priority date for the remaining 20,711 acre-feet from the Dry Creek watershed is October 10, 1978.

Certificate of Adjudication 12-5325 requires NRG to maintain a daily accounting plan which, among other things, calculates inflows from the Dry Creek watershed. NRG indicates that it can pass these inflows and maintain its operations. Therefore, staff recommends that NRG's right to impound inflows from the Dry Creek watershed be

completely suspended and that NRG be required to pass inflows from the Dry Creek watershed as those inflows are calculated in its approved accounting plan. If NRG needs to impound these inflows in the future in order to support power generation, it can notify the Executive Director.

Pass Through Plans

The following water rights divert stored water under their junior water rights. Under TWC §11.053(b)(6) the Executive Director's Order would not apply to water in storage on the date of the Order. These water rights are likely diverting stored water. However, new inflows that would refill storage at a priority date junior to February 14, 1942 would need to be passed downstream to the senior call. Staff recommends that the following water right holders submit pass through plans demonstrating compliance with the Order.

Brazos River Authority – Certificates of Adjudication 12-5156, 12-5157, 12-5158, 12-5159, 12-5160, 12-5161, 12-5162, 12-5163, 12-5164, and 12-5165 (Lakes Granbury, Whitney, Aquila, Proctor, Belton, Stillhouse Hollow, Georgetown, Granger, Limestone, and Somerville)

City of Waco – Permit 5094 (junior portion of Lake Waco) and Lake Brazos

Eastland County – Certificate of Adjudication 12-3470 (Lake Leon)

City of Cleburne – Certificate of Adjudication 12-4106 (Lake Pat Cleburne)

Palo Pinto Municipal Water District – Certificate of Adjudication 12-4031 (Lake Palo Pinto) and Permit 5447 (for watershed inflows)

City of Mineral Wells – Certificate of Adjudication 12-4039 (Lake Mineral Wells)

Bi-Stone Municipal Water District – Certificate of Adjudication 12-5287 (Lake Mexia)

City of Gordon – Certificate of Adjudication 12-4024

No Adjustment at This Time

1. Brazosport Water Authority (BWA) – Certificate of Adjudication 12-5366 authorizes the diversion of 45,000 acre-feet from the Brazos River at a priority date of April 4, 1960. Dow diverts water from the Brazos River for BWA under its existing diversion rate. BWA is a wholesale water supplier to 7 cities, 2 state prisons and it provides potable water to Dow's facilities. Four of its customers (Brazoria, Freeport and 2 state prisons, Clemens and Wayne Scott units) have no other source of water. BWA is in voluntary restrictions under its Drought Contingency Plan and is holding its customers to reduced flows. Based on BWA's physical diversion location (coincident with the diversion point for the senior call), staff is recommending no suspension or adjustment at this time.
2. U.S. Department of the Army – Certificate of Adjudication 12-2936 authorizes the Army to store 12,000 acre-feet of water in Lake Belton and divert 12,000 acre-feet of water from that storage. The diversion of stored water from Lake Belton has priority dates of August 24, 1953 and August 23, 1954.

The Army indicates that it has no feasible alternate sources. It is in mandatory restrictions under its Drought Contingency Plan. The Army indicates that Fort Hood has not been fully manned for the past 3 years due to the deployment of a significant number of troops overseas. As a result, there could be some increase in future water use as deployed units return to Fort Hood in 2013 and 2014. Because the Army diverts stored water from Lake Belton, and BRA will be submitting a pass through plan for the majority of the storage in the lake, staff recommends no suspension or adjustment at this time.

3. City of Waco - Certificate of Adjudication 12-4340 authorizes storage of 3,537 acre-feet of water in Lake Brazos and diversion of 5,600 acre-feet of water. The priority date for

diversion of water is June 29, 1914, which is senior to the priority call. The priority date for storage of water is January 8, 1968, which is junior to the call.

The City indicates that it is not using water under its senior diversion right. In addition, the City indicates that Lake Brazos is a passive structure operated with an uncontrolled spillway which passes all inflows in the Brazos River downstream. Staff recommends that inflows to Lake Brazos should be monitored under the City's pass through plan.

Complete Suspension of Junior Municipal and Power Generation Water Rights

Not Using Junior Water Right for Municipal Purposes

The following water right holders indicated that they were not using surface water under their water rights for municipal purposes. These water rights have not reported water use for municipal purposes on their water use reports for the past five years. Staff recommends that these water right holders' surface water rights that are junior to February 14, 1942 be completely suspended:

1. Durham Overstreet Trust, Durham Phillips Trust, Overstreet Family, LP, The Shores of Granbury Inc., and Overstreet Properties, LP – The water right holders own Certificate of Adjudication 12-4060, which authorizes diversion from the Brazos River at a combined diversion rate of 1 cfs at a priority date of July 31, 1950. The water right holders state that they are not using water for municipal purposes under their water right. Staff recommends that the water right be completely suspended.
2. ADTIN LLC – Water Use Permit 5164 authorizes diversion from a reservoir on Wilson Creek at a diversion rate of 0.36 cfs and a priority date of December 11, 1987. ADTIN states that it is not using water under its water right for municipal purposes. Staff recommends that the water right be completely suspended.
3. City of Thorndale – Certificate of Adjudication 12-3754 authorizes diversion from a reservoir on Rocky Creek at a diversion rate of 1.11 cfs and a priority date of June 20, 1961. Certificate of Adjudication 12-3757 authorizes diversion from a reservoir on Spring Branch at a diversion rate of 1.56 cfs. The diversion rate and diversion of 100 acre-feet of water have a priority date of September 15, 1966 and the diversion of an additional 150 acre-feet of water has a priority date of September 20, 1982. The City states that it uses groundwater to meet its needs and has not diverted surface water since 1990. The City does not have the infrastructure to divert and use its surface water right. Staff recommends that the water right be completely suspended.
4. HD Howard – Certificate of Adjudication 12-4048 authorizes diversion from a reservoir on Kickapoo Creek at a diversion rate of 2.89 cfs and a priority date of November 8, 1976. The water right holder indicates it is not using surface water under its water right for municipal purposes. Staff recommends that the water right be completely suspended.
5. City of Rosebud – Certificate of Adjudication 12-4360 authorizes the diversion of water from City Lake, located on an unnamed tributary of Pond Creek at a diversion rate of 0.66 cfs and from Pond Creek at a diversion rate of 6 cfs. The priority dates of the water right are November 28, 1961 and July 15, 1974. The City states that it does not divert water from City Lake and meets its demand from water supplied by Central Texas

Waterworks Systems from the Brazos River Authority's Lake Stillhouse Hollow. Staff recommends that the water right be completely suspended.

6. City of Mart – Water Use Permit 5000 authorizes diversion of water from New Lake Mart, located on an unnamed tributary of Tradinghouse Creek at a priority date of September 3, 1985.

The City indicates that it using groundwater wells to meet its demands. Staff recommends that the water right be completely suspended.

7. Texas Water Development Board, Brazos River Authority, and City of Houston – Permit 2925 authorizes Allens Creek reservoir. This reservoir is not constructed so water is not currently used under the Permit. Staff recommends that the water right be completely suspended.

8. City of Cleburne – Water Use Permit 4258 authorizes diversion from a reservoir on West Buffalo Creek at a priority date of May 21, 1985. The City indicates that there are no connections and it is not using surface water under this permit for municipal purposes. Staff recommends that the water right be completely suspended.

Not Using Junior Water Right For Power Generation But May in the Future

The following water right holders indicate that they were not using surface water under their water rights but may need to use that water in the future. These water right holders indicated their generating units are currently idle and not expected to operate within the next six to twelve months. Staff recommends that these water right holders' surface water rights that are junior to February 14, 1942 be completely suspended at this time. If these water right holders need to use their suspended water rights for power generation purposes, they may notify the Executive Director.

1. Tradinghouse Power Company, LLC - Certificate of Adjudication No. 12-4342 authorizes diversion of 12,000 acre-feet of water from the Brazos River with a priority date of August 21, 1926. The certificate also authorizes a 37,800 acre-foot impoundment on Tradinghouse Creek and diversion of 15,000 acre-feet of water from the reservoir with a priority date of September 16, 1966.

The water right holder states that it is not using water for power generation purposes at this time. Staff recommends that the junior portion of the water right be completely suspended.

2. Luminant Generation Company, LLC - Certificate of Adjudication No. 12-4345 authorizes diversion of 8,996 acre-feet of water from the Brazos River, a reservoir on Manos Creek impounding 8,500 acre-feet of water, and diversion of 10,000 acre-feet of water from the reservoir. The priority date for diversion of water from the Brazos River, diversion of water from the reservoir and 8,000 acre-feet of storage is March 6, 1951. The priority date for impoundment of the remaining 500 acre-feet of water is March 5, 1952.

The water right holder states that it is not using water for power generation purposes at this time. Staff recommends that the water right be completely suspended.

3. City of Bryan - Certificate of Adjudication 12-5268 authorizes a 15,227 acre-foot reservoir on unnamed tributaries of Thompson's Creek and the Little Brazos River and the diversion, circulation, and re-circulation of 55,708 acre-feet of water so as to

consumptively use 850 acre-feet of water for power generation with a priority date of May 30, 1972. The certificate limits use of state water to 85 acre-feet. The certificate also requires the City to maintain the reservoir with groundwater.

The water right holder states that it is not using state water for power generation purposes at this time and that its needs are fully supported by groundwater. Staff recommends that the water right be completely suspended.

Not Using Junior Water Right For Municipal Purposes But May in the Future

The following water right holders indicate that they were not using surface water under their water rights but may need to use that water in the future. These water right holders indicated that surface water under their water rights was not needed at this time to protect public health, safety, and welfare but that they might need to use their surface water for this reason in the future. Staff recommends that these water right holders' surface water rights that are junior to February 14, 1942 be completely suspended at this time. These water right holders can divert water they currently have in storage. Should surface water under these water rights be needed to protect public health, safety, and welfare at a future date, staff could re-evaluate the suspension:

1. Bi-Stone Municipal Water Supply District – Certificate of Adjudication 12-5287 authorizes diversion from Lake Mexia, which impounds 9,600 acre-feet of water, on the Navasota River at a diversion rate of 6.67 cfs and a priority date of April 15, 1957.

Bi-Stone states that it currently meets its demands from groundwater and will need to use its surface water right to meet additional demands by August. Bi-Stone's reservoir storage should be sufficient to meet its additional needs. Staff recommends that the authorization to impound inflows be completely suspended at this time and that Bi-Stone be required to submit a pass through plan as described above.

2. City of Crawford – Water Use Permit 4135 authorizes the City to divert water from Tonk Creek to an off-channel reservoir at a diversion rate of 4.5 cfs at a priority date of May 15, 1984. The City can divert water from Tonk Creek under its water right when the flow of Tonk Creek is greater than 14 cfs from October through March and greater than 28 cfs from April through September.

The City indicates that it is in mandatory restrictions under its Drought Contingency Plan and that it has groundwater to meet its demands. Staff recommends that the water right be completely suspended at this time.

3. Quail Valley Associates LLC – Certificate of Adjudication 12-4025 authorizes diversion of 60 acre-feet of water for municipal purposes from a 700 acre-foot reservoir located on Gibson Creek at a diversion rate of 1 cfs and a priority date of October 15, 1973. The use of the reservoir is also authorized under Certificate 12-4026.

The water right holder indicates it is not diverting surface water for municipal use at this time because the lake is dry due to dam repairs. Staff recommends that the water right be completely suspended at this time.

4. Wingshot LP – Certificate of Adjudication 12-4026 authorizes diversion from a 700 acre-foot reservoir located on Gibson Creek at a diversion rate of 0.33 cfs with a priority date of October 15, 1973. The use of the reservoir is also authorized under Certificate 12-4025.

The water right holder indicated it is not diverting surface water for municipal use at this time because the lake is dry due to dam repairs. Staff recommends that the water right be completely suspended at this time.

Not Using Junior Water Right for Municipal Purposes and Have Alternate Sources

The following water right holders indicated that their contract water or groundwater was sufficient to meet their needs. Staff recommends that these water right holders' surface water rights that are junior to February 14, 1942 be completely suspended at this time. These water right holders could divert water they currently have in storage. Should surface water under these water rights be needed to protect public health, safety, and welfare at a future date, staff could re-evaluate the suspension:

1. City of Marlin – Certificate of Adjudication 12-4355 authorizes two reservoirs on Big Sandy Creek, a reservoir on Brushy Creek and diversions from the Brazos River at a diversion rate of 12 cfs. The certificate has multiple priority dates (1948, 1956, 1976, 1982 and 1990). The priority date for diversion of 6.2 cfs from the Brazos River is November 27, 1956, the priority date for the additional 5.8 cfs is December 3, 1990, and a seasonal limitation applies (October 1-April 30).

The City indicates that it has contract water from the Brazos River Authority and that it is in mandatory restrictions under its Drought Contingency Plan. The City would also be able to divert stored water from its reservoirs. Staff recommends that the diversion of water from the Brazos River be completely suspended at this time.

2. City of Graford – Certificate of Adjudication 12-4004 authorizes the diversion of 55 acre-feet of water from a reservoir located on Keechi Creek. The City has five acre-feet of water with a priority date of March 18, 1932, which is senior to the priority call. The remainder of the City's water right has a priority date of February 1, 1957. The City indicates it has not used surface water under its water right for 12 years. The City gets its water supply from the City of Mineral Wells. Staff recommends that the junior portion of the water right be completely suspended.

3. City of Teague – Certificate of Adjudication 12-5291 authorizes diversion from Teague City Lake located on Holman Creek with priority dates of August 14, 1952 and March 11, 1957 for the diversion and impoundment. Certificate of Adjudication 12-5292 authorizes diversion of water from Lower Club Lake located on Jeter Creek with priority dates of January 6, 1975 and September 10, 1985. The City indicates that it is not using its surface water right and gets its water supply entirely from groundwater. The City is under mandatory restrictions in its Drought Contingency Plan. Staff recommends that the water right be completely suspended.

4. Somervell County Water District – Water Use Permit 5744 authorizes a 4,118 acre-foot impoundment on Wheeler Branch, tributary of the Paluxy River. The permit further authorizes the District to divert water from the Paluxy River to the Wheeler Branch Reservoir at a diversion rate of 22,500 gpm. The priority date of the permit is June 27, 2001. Streamflow restrictions apply to the diversion from the Paluxy River.

The District indicates it is currently diverting stored water from the Wheeler Branch Reservoir. When its streamflow restrictions are met, the District diverts water from the Paluxy River at a rate of up to 14,000 gpm; however, no water was diverted from the Paluxy River from May - December 2012 because of the streamflow restrictions in the water right. The District is currently under voluntary restrictions in its Drought Contingency Plan. Staff recommends suspending the District's right to divert water from the Paluxy River.

5. City of Robinson – Water Use Permit 5085 authorizes diversion of water from the Brazos River to off channel reservoirs at a priority date of August 14, 1986. The permit authorizes a diversion rate of 46,100 gpm. Streamflow restrictions apply to the diversion from the Brazos River.

The City indicates it also supplies water to the City of Lorena. The City has five groundwater wells and can divert surface water for the City of Lorena under the City of Lorena's water supply contract with the Brazos River Authority. The City indicates that its storage reservoirs are 90% full. The City is currently under mandatory restrictions in its Drought Contingency Plan.

Because the City has additional sources of water, staff recommends that diversions of water from the Brazos River under Water Use Permit 5085 be completely suspended. The City can continue to divert contract water from the river and can use groundwater and its stored water.

Domestic and Livestock Water Rights

There are eighteen water rights junior to February 14, 1942 that authorize over 200 acre-feet of storage for domestic and livestock purposes. Staff recommends that these water rights be adjusted such if the reservoir currently impounds less than or equal to 200 acre-feet of water, no additional water may be stored that would increase the capacity to over 200 acre-feet. If the reservoir currently impounds more than 200 acre-feet of water, all inflows would need to be passed downstream to the senior call.

Diversions Under High Streamflow Conditions

High flow events can occur during generally dry conditions as a result of periodic rainfall. At these higher flow levels, Dow could not beneficially use all of the water in the river. Allowing suspended water right holders to divert and impound surface water under their water right during certain high flow events will maximize the beneficial use of water, minimize the impact on water right holders, and prevent the waste of water.

The 33rd percentile flow is the streamflow value below which 33 percent of the daily streamflow observations for the period of record available for certain gages in the Brazos River can be found. Flows at or above the 33rd percentile are at a reasonable level to allow the diversion and impoundment of water because a streamflow level below the 33rd percentile flow indicates drought conditions. For USGS gage 08116650, Brazos River near Rosharon, a different flow value below the 33rd percentile applies because the gage is directly above Dow's diversion point and the 33rd percentile flow is more than the 240 cfs that Dow is currently able to divert due to pump capacity. Therefore, Dow's authorized diversion rate of 630 cfs is used as the applicable rate at USGS gage 08116650, Brazos River near Rosharon. The flow values in the table below will make water available for suspended water right holders during temporary high flow levels and not impair Dow's senior priority call.

Gage	Affected Area	Streamflow Level (cfs)
USGS Gage 08091000 Brazos River near Glen Rose	All water rights on the main stem of the Brazos River and its tributaries below Lake Possum Kingdom and above Lake Whitney	106
USGS Gage 08095000 North Bosque River near Clifton	All water rights on the North Bosque River and its tributaries	9.8
USGS Gage 08100000 Leon River near Hamilton	All water rights on the Leon River and its tributaries above Lake Belton	5.7
USGS Gage 08106500 Little River near Cameron	All water rights on the Little River and its tributaries below Lake Belton and above its confluence with the Brazos River, including the Lampasas River	200
USGS Gage 08108700 Brazos River at SH 21 near Bryan	All water rights on the main stem of the Brazos River and its tributaries (excluding the Little River watershed) below Lake Whitney and above USGS gage 08108700, Brazos River at SH 21 near Bryan	882
USGS Gage 08111500 Brazos River near Hempstead	All water rights on the main stem of the Brazos River and its tributaries, including Yegua Creek and the Navasota River, below USGS Gage 081108700, Brazos River at SH 21 near Bryan and above USGS gage 08111500, Brazos River near Hempstead	1420
USGS Gage 08116650 Brazos River near Rosharon	All water rights on the main stem of the Brazos River and its tributaries below USGS gage 08111500, Brazos River near Hempstead	630

Conclusion

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

Although this review indicates that water could be generated from suspension of junior water rights, the actual amount of available streamflow could be less because 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.

Staff recommends suspending water rights junior to February 14, 1942 as discussed above and including provisions in the Order to allow diversions and impoundment of water by suspended water rights during specific high rainfall events.

ATTACHMENT C

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

