

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 15, 2013

### **CERTIFIED MAIL**

Brazos River Authority  
PO Box 7555  
Waco, TX 76714-7555

Re: Certificates of Adjudication Nos. 12-5156, 12-5157, 12-5158, 12-5159, 12-5160, 12-5161, 12-5162, 12-5163, and 12-5164

As you are aware, Texas is experiencing widespread drought conditions. Even though portions of Texas have experienced recent rain events, drought conditions persist and no substantial relief is projected. You were previously notified that the Executive Director issued an Order suspending certain diversions in the Brazos River Basin below Lake Possum Kingdom. On December 5, 2012, the Commission voted to affirm that Order and modified it to include the requirements under 30 TAC Chapter 36.5. Your surface water right for **municipal use** was not suspended at that time for public health, safety, and welfare reasons, even though all or part of your water right is junior to the priority call.

**Based on your response, I have issued a modified order suspending your right to impound inflows to your reservoirs based on your surface water rights that are junior to February 14, 1942 in accordance with the attached Order. At the present time you are ordered to submit a pass-through plan to the Executive Director detailing how you will pass inflows through your reservoir and release water downstream to satisfy Dow's senior priority call. The modified Order is included in this mailing. Should conditions change such that you need to impound additional inflows in your reservoir to protect public health, safety, and welfare, please contact Ms. Melissa Keller, TCEQ Water Rights Liaison at 512-239-1768.**

Consistent with the January 8, 2013 Order, now included in the January 15, 2013 Order, suspended water rights may divert or impound water when flows at certain United States Geological Survey (USGS) gages are above specific levels. In addition, during this suspension, you may continue to divert water which was stored under the provisions of the attached Order, under the terms and conditions of your water right.

A hearing before the Commission will be held to affirm, modify, or set aside the order. This matter is scheduled for consideration at the Commission Agenda on January 30, 2013 at 9:30 a.m. at 12100 Park 35 Circle, Building E, Room 201S, Austin, Texas 78753.

Brazos River Authority

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January 15, 2013

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

Sincerely,

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Zak Covar  
Executive Director

Enclosure

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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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January 15, 2013

### **CERTIFIED MAIL**

Eastland County  
PO Box 16  
Ranger, TX 76470-0016

Re: Certificate of Adjudication No. 12-3470

As you are aware, Texas is experiencing widespread drought conditions. Even though portions of Texas have experienced recent rain events, drought conditions persist and no substantial relief is projected. You were previously notified that the Executive Director issued an Order suspending certain diversions in the Brazos River Basin below Lake Possum Kingdom. On December 5, 2012, the Commission voted to affirm that Order and modified it to include the requirements under 30 TAC Chapter 36.5. Your surface water right for **municipal use** was not suspended at that time for public health, safety, and welfare reasons, even though all or part of your water right is junior to the priority call.

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Eastland County  
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January 15, 2013

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January 15, 2013

### **CERTIFIED MAIL**

City of Cleburne  
PO Box 677  
Cleburne, TX 76033-0677

Re: Certificate of Adjudication No. 12-4106

As you are aware, Texas is experiencing widespread drought conditions. Even though portions of Texas have experienced recent rain events, drought conditions persist and no substantial relief is projected. You were previously notified that the Executive Director issued an Order suspending certain diversions in the Brazos River Basin below Lake Possum Kingdom. On December 5, 2012, the Commission voted to affirm that Order and modified it to include the requirements under 30 TAC Chapter 36.5. Your surface water right for **municipal use** was not suspended at that time for public health, safety, and welfare reasons, even though all or part of your water right is junior to the priority call.

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City of Cleburne  
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January 15, 2013

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### **CERTIFIED MAIL**

Palo Pinto Municipal Water District  
PO Box 387  
Mineral Wells, TX 76068-0387

Re: Certificate of Adjudication No. 12-4031 & Water Use Permit No. 5447

As you are aware, Texas is experiencing widespread drought conditions. Even though portions of Texas have experienced recent rain events, drought conditions persist and no substantial relief is projected. You were previously notified that the Executive Director issued an Order suspending certain diversions in the Brazos River Basin below Lake Possum Kingdom. On December 5, 2012, the Commission voted to affirm that Order and modified it to include the requirements under 30 TAC Chapter 36.5. Your surface water right for **municipal use** was not suspended at that time for public health, safety, and welfare reasons, even though all or part of your water right is junior to the priority call.

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Palo Pinto Municipal Water District

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### **CERTIFIED MAIL**

City of Mineral Wells  
Water Department  
PO Box 460  
Mineral Wells, TX 76068-0460

Re: Certificate of Adjudication No. 12-4039

As you are aware, Texas is experiencing widespread drought conditions. Even though portions of Texas have experienced recent rain events, drought conditions persist and no substantial relief is projected. You were previously notified that the Executive Director issued an Order suspending certain diversions in the Brazos River Basin below Lake Possum Kingdom. On December 5, 2012, the Commission voted to affirm that Order and modified it to include the requirements under 30 TAC Chapter 36.5. Your surface water right for **municipal use** was not suspended at that time for public health, safety, and welfare reasons, even though all or part of your water right is junior to the priority call.

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City of Mineral Wells

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### **CERTIFIED MAIL**

Bi-Stone Municipal Water Supply District  
PO Box 145  
Mexia, TX 76667-0145

Re: Certificate of Adjudication No. 12-5287

As you are aware, Texas is experiencing widespread drought conditions. Even though portions of Texas have experienced recent rain events, drought conditions persist and no substantial relief is projected. You were previously notified that the Executive Director issued an Order suspending certain diversions in the Brazos River Basin below Lake Possum Kingdom. On December 5, 2012, the Commission voted to affirm that Order and modified it to include the requirements under 30 TAC Chapter 36.5. Your surface water right for **municipal use** was not suspended at that time for public health, safety, and welfare reasons, even though all or part of your water right is junior to the priority call.

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Bi-Stone Municipal Water Supply District

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