

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

Durham Overstreet Trust
c/o Dan Addison Trustee
9931 Allison Ct
Lipan, TX 76462-6604

Re: Certificate of Adjudication No. 12-4060

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. You provided information under 30 TAC Chapter 36.5 indicating that you are not using surface water under your water right for municipal purposes.

Based on your response, I have issued a modified order suspending your surface water right that is junior to February 14, 1942 until further notice. That order is included in this mailing. Should conditions change such that surface water under your water right is needed 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.

The TCEQ continues to monitor the situation closely. Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought. Should senior

Durham Overstreet Trust

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January 15, 2013

needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to enforce the priority call. If conditions improve, we may be able to lift restrictions.

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,

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

Zak Covar
Executive Director

Enclosure

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 15, 2013

CERTIFIED MAIL

Durham Phillips Trust
Attn: Jacquie Overstreet
200 Bahama Ct
Granbury, TX 76048-2589

Re: Certificate of Adjudication No. 12-4060

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. You provided information under 30 TAC Chapter 36.5 indicating that you are not using surface water under your water right for municipal purposes.

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 15, 2013

CERTIFIED MAIL

Overstreet Properties, LP
Attn: Jacquie Overstreet
200 Bahama Ct
Granbury, TX 76048-2589

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 15, 2013

CERTIFIED MAIL

The Shores of Granbury Inc.
Attn: Jacquie Overstreet
200 Bahama Ct
Granbury, TX 76048-2589

Re: Certificate of Adjudication No. 12-4060

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The Shores of Granbury Inc.

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 15, 2013

CERTIFIED MAIL

City of Marlin
c/o Superintendant Water Dept.
PO Box 980
Marlin, TX 76661-0980

Re: Certificate of Adjudication No. 12-4355

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. You provided information under 30 TAC Chapter 36.5 indicating that your surface water contract is sufficient to meet your needs.

Based on your response, I have issued a modified order suspending your surface water right that is junior to February 14, 1942 until further notice. That order is included in this mailing. Should conditions change such that surface water under your water right is needed to protect public health, safety, and welfare, please contact Ms. Melissa Keller, TCEQ Water Rights Liaison at 512-239-1768.

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City of Marlin
Page 2
January 15, 2013

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 15, 2013

CERTIFIED MAIL

City of Graford
c/o Wiley Francies
PO Box 97
Graford, TX 76449-0097

Re: Certificate of Adjudication No. 12-4004

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. You provided information under 30 TAC Chapter 36.5 indicating that you are not using surface water under your water right and that your surface water contract is sufficient to meet your needs.

Based on your response, I have issued a modified order suspending your surface water right that is junior to February 14, 1942 until further notice. That order is included in this mailing. Should conditions change such that surface water under your water right is needed to protect public health, safety, and welfare, please contact Ms. Melissa Keller, TCEQ Water Rights Liaison at 512-239-1768.

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City of Graford
Page 2
January 15, 2013

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 15, 2013

CERTIFIED MAIL

Bi-Stone Municipal WSD
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. You provided information under 30 TAC Chapter 36.5 indicating that you are not using surface water under your water right at this time.

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 15, 2013

CERTIFIED MAIL

ADTIN LLC
6421 Camp Bowie Blvd, Suite 302
Fort Worth, TX 76116-5421

Re: Water Use Permit No. 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. You provided information under 30 TAC Chapter 36.5 indicating that you are not using surface water under your water right for municipal purposes.

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 15, 2013

CERTIFIED MAIL

City of Crawford
PO Box 7
Crawford, TX 76638-0007

Re: Water Use Permit No. 4135

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. You provided information under 30 TAC Chapter 36.5 indicating that you are not using surface water under your water right for municipal purposes at this time.

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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January 15, 2013

CERTIFIED MAIL

City of Teague
c/o City Manager
105 S 4th Ave
Teague, TX 75860-1600

Re: Certificates of Adjudication Nos. 12-5291 & 12-5292

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. You provided information under 30 TAC Chapter 36.5 indicating that you are not using surface water under your water right and that your groundwater supply is sufficient to meet your needs.

Based on your response, I have issued a modified order suspending your water right. That order is included in this mailing. The purpose of this letter is to direct you to immediately suspend all diversions with a priority date of February 14, 1942 or later until further notice. Should conditions change such that surface water under your water right is needed 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.

City of Teague
Page 2
January 15, 2013

The TCEQ continues to monitor the situation closely. Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought. Should senior needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to enforce the priority call. If conditions improve, we may be able to lift restrictions.

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,

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

Zak Covar
Executive Director

Enclosure

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

Quail Valley Associates LLC
201 Main Street, Suit 1900
Fort Worth, TX 76102-3135

Re: Certificate of Adjudication No. 12-4025

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. You provided information under 30 TAC Chapter 36.5 indicating that you are not using surface water under your water right for municipal purposes at this time.

Based on your response, I have issued a modified order suspending your surface water right that is junior to February 14, 1942 until further notice. That order is included in this mailing. Should conditions change such that surface water under your water right is needed 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.

The TCEQ continues to monitor the situation closely. Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought. Should senior

Quail Valley Associates LLC

Page 2

January 15, 2013

needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to enforce the priority call. If conditions improve, we may be able to lift restrictions.

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

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

Wingshot LP
201 Main Street, Suite 1900
Fort Worth, TX 76102-3135

Re: Certificate of Adjudication No. 12-4026

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. You provided information under 30 TAC Chapter 36.5 indicating that you are not using surface water under your water right for municipal purposes at this time.

Based on your response, I have issued a modified order suspending your surface water right that is junior to February 14, 1942 until further notice. That order is included in this mailing. Should conditions change such that surface water under your water right is needed 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.

The TCEQ continues to monitor the situation closely. Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought. Should senior

Wingshot LP
Page 2
January 15, 2013

needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to enforce the priority call. If conditions improve, we may be able to lift restrictions.

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,

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

Zak Covar
Executive Director

Enclosure

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

City of Thorndale
PO Box 308
Thorndale, TX 76577-0308

Re: Certificates of Adjudication Nos. 12-3754 & 12-3757

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. You provided information under 30 TAC Chapter 36.5 indicating that you are not using surface water under your water right for municipal purposes.

Based on your response, I have issued a modified order suspending your surface water right that is junior to February 14, 1942 until further notice. That order is included in this mailing. Should conditions change such that surface water under your water right is needed 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.

The TCEQ continues to monitor the situation closely. Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought. Should senior needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may

City of Thorndale
Page 2
January 15, 2013

take additional actions to enforce the priority call. If conditions improve, we may be able to lift restrictions.

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

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

H D Howard Estate
PO Box 187
Lipan, TX 76462-0187

Re: Certificate of Adjudication No. 12-4048

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. You provided information under 30 TAC Chapter 36.5 indicating that you are not using surface water under your water right for municipal purposes.

Based on your response, I have issued a modified order suspending your surface water right that is junior to February 14, 1942 until further notice. That order is included in this mailing. Should conditions change such that surface water under your water right is needed 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.

The TCEQ continues to monitor the situation closely. Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought. Should senior needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may

H D Howard Estate

Page 2

January 15, 2013

take additional actions to enforce the priority call. If conditions improve, we may be able to lift restrictions.

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

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

City of Temple
c/o City Manager
2 North Main Street
Temple, TX 76501

Re: Certificate of Adjudication No. 12-2938

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. You provided information under 30 TAC Chapter 36.5 indicating that the senior portion of your water right and your surface water contracts are sufficient to meet your needs.

Based on your response, I have issued a modified order suspending your surface water right that is junior to February 14, 1942 until further notice. That order is included in this mailing. Should conditions change such that surface water under your water right is needed 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.

City of Temple
Page 2
January 15, 2013

The TCEQ continues to monitor the situation closely. Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought. Should senior needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to enforce the priority call. If conditions improve, we may be able to lift restrictions.

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

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

City of Waco
c/o City Attorney
PO Box 2570
Waco, TX 76702

Re: Certificates of Adjudication Nos. 12-2315 & 12-4340 and Water Use Permits 5094 & 5840

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. You provided information under 30 TAC Chapter 36.5 indicating that your senior water right is sufficient to meet your needs. You also indicated that your junior rights under Permits 5840 and 5094 were not currently being used.

Based on your response, I have issued a modified order suspending your junior diversion right under Permit 5094 and your junior rights under Certificate 12-2315 and Permit 5840. I am also requiring you to submit a pass-through plan demonstrating that any inflows that would refill your junior storage in Lake Waco are being passed downstream to the senior call. In addition, the pass-through plan should address the junior impoundment rights under Certificate of Adjudication 12-4340. That order is included in this mailing. Should conditions change such that junior surface water under your water right is needed 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.

City of Waco
Page 2
January 15, 2013

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.

The TCEQ continues to monitor the situation closely. Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought. Should senior needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to enforce the priority call. If conditions improve, we may be able to lift restrictions.

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

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

City of Rosebud
c/o City Manager
PO Box 657
Rosebud, TX 76570

Re: Certificate of Adjudication No. 12-4360

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. You provided information under 30 TAC Chapter 36.5 indicating that you are not using surface water under your water right for municipal purposes.

Based on your response, I have issued a modified order suspending your surface water right that is junior to February 14, 1942 until further notice. That order is included in this mailing. Should conditions change such that surface water under your water right is needed 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.

The TCEQ continues to monitor the situation closely. Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought. Should senior

City of Rosebud
Page 2
January 15, 2013

needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to enforce the priority call. If conditions improve, we may be able to lift restrictions.

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,

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

Zak Covar
Executive Director

Enclosure

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

Gulf Coast Water Authority
3630 FM 1765
Texas City, TX 77591

Re: Certificates of Adjudication Nos. 12-5171 & 12-5322

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. You provided information under 30 TAC Chapter 36.5 indicating that the senior portion of your water right is sufficient to meet your needs.

Based on your response, I have issued a modified order suspending your junior diversion rights under Certificate of Adjudication Nos. 12-5171 and 12-5322. When diverting under Certificate of Adjudication No. 12-5322, your diversion rate is limited to 400 cfs, which is that portion of your diversion rate that is senior to the priority call. That order is included in this mailing. Should conditions change such that junior surface water under your water right is needed 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.

Gulf Coast Water Authority

Page 2

January 15, 2013

The TCEQ continues to monitor the situation closely. Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought. Should senior needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to enforce the priority call. If conditions improve, we may be able to lift restrictions.

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

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

Texas Water Development Board
Water Uses Section
PO Box 13231
Austin, Texas 78711-3231

Re: Water Use Permit No. 2925

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. You provided information under 30 TAC Chapter 36.5 indicating that Allens Creek Reservoir was not constructed and water was not being used for municipal purposes under this water right.

Based on your response, I have issued a modified order suspending your surface water right that is junior to February 14, 1942 until further notice. That order is included in this mailing. Should conditions change such that surface water under your water right is needed 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.

Texas Water Development Board

Page 2

January 15, 2013

The TCEQ continues to monitor the situation closely. Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought. Should senior needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to enforce the priority call. If conditions improve, we may be able to lift restrictions.

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

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: Water Use Permit No. 2925

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. You provided information under 30 TAC Chapter 36.5 indicating that Allens Creek Reservoir was not constructed and water was not being used for municipal purposes under this water right.

Based on your response, I have issued a modified order suspending your surface water right that is junior to February 14, 1942 until further notice. That order is included in this mailing. Should conditions change such that surface water under your water right is needed 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.

The TCEQ continues to monitor the situation closely. Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought. Should senior

Brazos River Authority

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January 15, 2013

needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to enforce the priority call. If conditions improve, we may be able to lift restrictions.

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,

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

Zak Covar
Executive Director

Enclosure

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

City of Houston
Attn: Surface Water Rights
611 Walker Street, Floor 21
Houston, TX 77002-4903

Re: Water Use Permit No. 2925

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. You provided information under 30 TAC Chapter 36.5 indicating that Allens Creek Reservoir was not constructed and water was not being used for municipal purposes under this water right.

Based on your response, I have issued a modified order suspending your surface water right that is junior to February 14, 1942 until further notice. That order is included in this mailing. Should conditions change such that surface water under your water right is needed 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.

City of Houston
Page 2
January 15, 2013

The TCEQ continues to monitor the situation closely. Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought. Should senior needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to enforce the priority call. If conditions improve, we may be able to lift restrictions.

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

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 15, 2013

CERTIFIED MAIL

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

Re: Water Use Permit No. 4258

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. You provided information under 30 TAC Chapter 36.5 indicating that you are not using surface water under your water right for municipal purposes.

Based on your response, I have issued a modified order suspending your surface water right that is junior to February 14, 1942 until further notice. That order is included in this mailing. Should conditions change such that surface water under your water right is needed 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.

The TCEQ continues to monitor the situation closely. Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought. Should senior needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may

City of Cleburne
Page 2
January 15, 2013

take additional actions to enforce the priority call. If conditions improve, we may be able to lift restrictions.

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.

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Executive Director

Enclosure

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Carlos Rubinstein, *Commissioner*
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Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 15, 2013

CERTIFIED MAIL

City of Mart
PO Box 360
Mart, TX 76664-0360

Re: Water Use Permit No. 5000

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. You provided information under 30 TAC Chapter 36.5 indicating that you are not using surface water under your water right and that your groundwater supply is sufficient to meet your needs.

Based on your response, I have issued a modified order suspending your water right. That order is included in this mailing. The purpose of this letter is to direct you to immediately suspend all diversions with a priority date of February 14, 1942 or later until further notice. Should conditions change such that surface water under your water right is needed 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.

City of Mart
Page 2
January 15, 2013

The TCEQ continues to monitor the situation closely. Water is a precious resource – all Texans are encouraged to conserve, especially during times of drought. Should senior needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to enforce the priority call. If conditions improve, we may be able to lift restrictions.

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.

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Enclosure

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Carlos Rubinstein, *Commissioner*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 15, 2013

CERTIFIED MAIL

Tradinghouse Power Co LLC
1601 Bryan Street
Dallas, TX 75201

Re: Certificate of Adjudication No. 12-4342

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 **power generation purposes** 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. You provided information under 30 TAC Chapter 36.5 indicating that you are not using surface water under your water right for power generation purposes.

Based on your response, I have issued a modified order suspending the portion of your surface water right that is junior to February 14, 1942 until further notice. That order is included in this mailing. Should conditions change such that surface water under your water right is needed 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.

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Tradinghouse Power Co LLC

Page 2

January 15, 2013

needs not be fulfilled as a result of these suspensions, please be aware that TCEQ may take additional actions to enforce the priority call. If conditions improve, we may be able to lift restrictions.

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.

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 15, 2013

CERTIFIED MAIL

Luminant Generation Co LLC
Lake Creek Steam Electric Station
1601 Bryan Street
Dallas, TX 75201

Re: Certificate of Adjudication No. 12-4345

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 **power generation purposes** 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. You provided information under 30 TAC Chapter 36.5 indicating that you are not using surface water under your water right for power generation purposes.

Based on your response, I have issued a modified order suspending your surface water right that is junior to February 14, 1942 until further notice. That order is included in this mailing. Should conditions change such that surface water under your water right is needed to protect public health, safety, and welfare, please contact Ms. Melissa Keller, TCEQ Water Rights Liaison at 512-239-1768.

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Luminant Generation Co LLC

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January 15, 2013

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