

38024

AMENDMENT TO
PERMIT TO
APPROPRIATE STATE WATER

APPLICATION NO. 1351A PERMIT NO. 1262A TYPE: Amendment

| | | | |
|--------------|---|-------------|---|
| Permittee: | Brazos River Authority | Address: | P.O. Box 7555 Waco, Texas 76714-7555 |
| Filed: | November 7, 1986 | Granted: | January 27, 1987 |
| Purpose: | Interbasin Transfer | Counties: | Palo Pinto, Young, and Stephens |
| Watercourse: | Brazos River (Possum Kingdom Reservoir) | Watersheds: | Brazos River Basin and Trinity River Basin |

WHEREAS, Permit No. 1262, issued May 9, 1938, authorized permittee to construct and maintain Morris Sheppard Dam and Possum Kingdom Reservoir on the Brazos River, approximately 14 miles northwest of Palo Pinto, Palo Pinto County, Texas; and

WHEREAS, the "Final Determination of All Claims of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin Maintained by the Brazos River Authority, Fort Bend County Water Control and Improvement District No. 1, and Galveston County Water Authority", adopted on July 26, 1985 by the Texas Water Commission, recognizes BRA rights under Permit No. 1262, which includes a priority right to use not to exceed 230,750 acre-feet of water per annum for municipal, industrial, irrigation and mining purposes; and

WHEREAS, applicant has requested an amendment to Permit No. 1262 to authorize an interbasin transfer to the Trinity River Basin, pursuant to Section 11.085 of the Texas Water Code, of up to 5240 acre-feet of water per annum of the municipal authorization from Possum Kingdom Reservoir in the Brazos River Basin and to divert such water from a point on the Brazos River Authority's Lake Granbury;

WHEREAS, this water will be released from Possum Kingdom Reservoir and conveyed to Lake Granbury via the bed and banks of the Brazos River; and

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

WHEREAS, no person protested the granting of this application; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Water Commission in issuing this amendment.

NOW, THEREFORE, this amendment to Permit No. 1262 is issued to Brazos River Authority, subject to the following terms and conditions:

1. USE

Permittee is authorized an interbasin transfer of up to 5240 acre-feet of water per annum of the municipal authorization from Possum Kingdom Reservoir to the service area of permittee's customers in the Trinity River Basin.

2. DIVERSION

Point of Diversion: Through an intake structure on the east, or left shore of Lake Granbury, at a point N 42°30' W, 2200 feet from the most northerly corner of the N. Dotson Survey, Abstract No. 151, approximately 9 miles southeast of Granbury, Hood County, Texas.

3. PRIORITY

The time priority of this amendment is November 7, 1986.

This amendment is issued subject to all terms, conditions and provisions contained in Permit No. 1262, except as herein amended.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin and the Trinity River Basin.

Brazos River Authority agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Water Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS WATER COMMISSION

Paul Hopkins

Paul Hopkins, Chairman

DATE ISSUED:

February 9, 1987

ATTEST:

Ralph Roming

Ralph Roming, Commissioner

Mary Ann Hefner
Mary Ann Hefner, Chief Clerk

John O. Houchins
John O. Houchins, Commissioner

No. 4261 - Certificate of Record

THE STATE OF TEXAS } I, LaFonda Taack, Clerk of the County Court in and for said county, do hereby certify
County of Young }
that the foregoing instrument, dated the 9 day of Feb 19 87, with its Certificate of Authentication
was filed for record in my office the 17 day of Feb 19 87, at 11:02 o'clock A.M., and duly recorded
the 18 day of Feb, 19 87, at 10:00 o'clock A.M., in Water Permit Record of said
County, in Vol. 1 on pages 115.

Witness my hand and seal of County Court of said County, at office in Graham, Texas, the day and year last above written.

By LaFonda Taack Deputy

LaFONDA TAACK
Clerk, County Court, Young County, Texas

J
2-9-87

B

38024

Texas Water Commission

40

Brazos River Authority

Recorded By 1-115
Compared By W and Q
Indexed By an

and water permit



FILED FOR RECORD
11:02 O'CLOCK AM

FEB 17 1987

La Boda Lacker
CO. CLERK, YOUNG COUNTY, TEXAS
BY AK DEPUTY

700

Ret: Mr. Carson Hoge,

Brazos River Authority

CERTIFICATE OF ADJUDICATION

CERTIFICATION OF ADJUDICATION: 12-5155 OWNER: Brazos River Authority
P. O. Box 7555
Waco, Texas 76714-7555

COUNTY: Palo Pinto PRIORITY DATES: April 6, 1938 and
November 7, 1986

WATERCOURSE: Brazos River BASIN: Brazos River

WHEREAS, by final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.C.I.D. No. One and Galveston County Water Authority dated November 24, 1986 a right was recognized under Permit 1262 authorizing the Brazos River Authority to appropriate waters of the State of Texas as set forth below:

WHEREAS, by an amendment to Permit 1262, issued on February 9, 1987, the Texas Water Commission authorized an interbasin transfer of 5240 acre-feet of water per annum of the municipal authorization from the Brazos River Basin to the Authority's service area customers in the Trinity River Basin;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Brazos River Basin is issued to the Brazos River Authority, subject to the following terms and conditions:

1. IMPOUNDMENT

Owner is authorized to maintain an existing dam and reservoir on the Brazos River (Possum Kingdom Reservoir) and impound therein not to exceed 724,739 acre-feet of water. The dam is located in the B.B.B. & C. RR Company Survey, Abstract 103 and the A. J. Berry Survey, Abstract 1315, Palo Pinto County, Texas.

2. USE

A. Owner is authorized a priority right to divert and use not to exceed 230,750 acre-feet of water per annum from the aforesaid reservoir for municipal, industrial, irrigation and mining purposes. The amount of this priority right may be used in computing the sum of priority rights for the purpose of system operation as authorized by Commission Order of July 23, 1964, as amended and as modified, by the Commission's final determination of all claims of water rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, the Fort Bend County W.C.I.D. No. One and the Galveston County Water Authority on June 26, 1985.

Certificate of Adjudication 12-5155

- B. For purposes of the system operation, the Authority is authorized to exceed the priority right and to annually divert and use from the aforesaid Possum Kingdom Reservoir not to exceed 175,000 acre-feet of water for municipal purposes, of which amount not more than 5240 acre-feet of the municipal authorization may be transferred to the Trinity River Basin for municipal use by the Authority's service area customers; 250,000 acre-feet of water for industrial purposes; 250,000 acre-feet of water for irrigation purposes and 49,800 acre-feet of water for mining purposes. All diversions and use of water from Possum Kingdom Reservoir in excess of 230,750 acre-feet in any one calendar year shall be charged against the sum of the amounts designated as priority rights in the other reservoirs included in the System Operation Order.
- C. Owner is also authorized to use the water impounded in Possum Kingdom Reservoir for non-consumptive recreation purposes.
- D. Owner is further authorized a non-priority right to the non-consumptive use of water released from or flowing out of the aforesaid reservoir for hydroelectric power generation.

3. DIVERSION

- A. Location:
At the perimeter of the aforesaid reservoir and releases through the dam.
- B. Maximum rate: Unspecified.

4. PRIORITY

The time priority of owner's right is April 6, 1938 for all rights authorized herein except for the interbasin transfer of water which is November 7, 1986.

5. SPECIAL CONDITIONS

- A. Owner shall maintain facilities necessary to allow the free passage of water through the aforesaid dam that owner is not entitled to divert or impound.
- B. Owner is authorized to use the bed and banks of the Brazos River, below the aforesaid dam, for the purpose of conveying all or part of the water to be appropriated hereunder to authorized points of diversion and use downstream, including points of diversion and use in the San Jacinto-Brazos Coastal Basin as authorized by Certificate of Adjudication 12-5167.

Certificate of Adjudication 12-5155

- C. Owner is authorized to make total diversions or releases from all system reservoirs in any calendar year in an amount not to exceed the sum of the amounts authorized as priority rights in the reservoirs included in the system operation.
- D. The total amount of water diverted or released from any one system reservoir for a particular purpose may exceed the authorization for that purpose under that reservoir's certificate of adjudication, but may not exceed the total authorized diversions for all purposes from that reservoir in any calendar year.
- E. Any diversion or release in any calendar year from any one system reservoir in excess of the amount stated in the certificate of adjudication for that reservoir as its priority right shall be charged against the sum of the amounts designated as priority rights for the other reservoirs included in the system operation.
- F. Any diversions or releases in excess of 230,750 acre-feet of water shall have no priority or status as a vested appropriative water right and are subject to the authority of the Texas Water Commission to order owner to cease such diversions or releases and/or to take other appropriate action.
- G. No diversion or release of water from one system reservoir shall perfect owner's rights in any other reservoir.
- H. To assure that system operations will not impair the ability of each system reservoir to supply water for local needs within that reservoir's watershed, such reservoir shall be excluded from the system operations during any period of time in which the Authority's authorized storage space in such reservoir is less than 30 percent full. In such event, no releases shall be made from such reservoir except for local needs so long as any other system reservoir which can meet system needs remains more than 30 percent full. If all system reservoirs are below 30 percent full, the Authority may resume system operations until such time as any system reservoir refills to above 30 percent capacity.
- I. The Brazos River Authority's operation of Possum Kingdom Reservoir under the system operation order shall be subject to revocation or modification by the Commission with or without a hearing, without notice other than that provided to the Authority, or upon the Commission's own motion, upon application of the Executive Director, upon application by the Authority, or upon application by any party whose interests or

Certificate of Adjudication 12-5155

rights are affected by the system operation order or by system operations.

- J. Owner shall store in the system reservoirs only appropriable waters of the Brazos River and its tributaries, subject to the rights of holders of other water rights. Subsequent to the diversion or release of water from any system reservoir in excess of the amount authorized as a priority right for that reservoir, Owner's right to impound any additional water in that reservoir is subject to the rights of holders of downstream senior and junior water rights to require passage of inflows to which they would be entitled in the absence of this additional use under the system operations. Whenever the Commission determines that owner is storing any water to which holders of other water rights are entitled, the Authority shall release said water.
- K. All rights and privileges granted under the system operation order and the individual certificates, including but not limited to management and method of use of water, are subject to the continuing supervision of the Texas Water Commission, in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use or unreasonable method of diversion of said water.
- L. Owner shall keep a record on a monthly basis of the amount of water diverted or released from each system reservoir for each purpose authorized and shall report same annually on forms provided by the Commission.
- M. Owner shall, upon request of the Commission, provide information relative to daily reservoir levels, daily releases of water through the dam, daily inflows into the reservoir, sedimentation within the reservoir and the chemical quality of the stored water.

The locations of pertinent features related to this certificate are shown on Page 1 of the Brazos II River Segment Certificates of Adjudication Maps, copies of which are located in the office of the Texas Water Commission, Austin, Texas.

This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 26th Judicial District Court of Williamson County, Texas, in Cause No. 86-492-C, In Re: The Adjudication of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin maintained by the Brazos River Authority, Fort Bend County W.D.I.D. No. One and Galveston County Water Authority dated November 24, 1986 and supersedes all rights of the owner asserted in that cause.

Certificate of Adjudication 12-5155

This certificate of adjudication is issued subject to senior and superior water rights in the Brazos River Basin.

This certificate of adjudication is issued subject to the rules of the Texas Water Commission and its continuing right of supervision of State Water Resources consistent with the public policy of the State as set forth in the Texas Water Code.

TEXAS WATER COMMISSION

Paul Hopkins
Paul Hopkins, Chairman

DATE ISSUED:

DEC 14 1987

ATTEST:

Karen A. Phillips
Karen A. Phillips, Chief Clerk

THE STATE OF TEXAS
County of Palo Pinto

I, Bobbie Smith, Clerk of the County Court in and for said County do hereby

certify that the above instrument in writing, with its certificate of authentication, was filed for record in my office on the 16 day of Dec A.D. 19 87 at 8 o'clock A M. and recorded the 16 day of Dec A.D. 19 87 in the Book Records of said County in Volume 698 Pages 172

Witness my hand and official seal in Palo Pinto, Texas, the day and year last above written.

Bobbie Smith
County Clerk, Palo Pinto County, Texas

By Sandra Clark Deputy

7152

FILED FOR RECORD
AT 8 O'CLOCK A M.

DEC 16 1987

Bessie Smith
County Clerk, Palo Pinto County, Texas
By *[Signature]*

11 chg

Brasos River Authority
P.O. Box 7555
Dalco, TX 76714-
7555

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

WHEREAS, no person protested the granting of this application; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Water Commission in issuing this amendment.

NOW, THEREFORE, this amendment to Permit No. 1262 is issued to Brazos River Authority, subject to the following terms and conditions:

1. USE

Permittee is authorized an interbasin transfer of up to 5240 acre-feet of water per annum of the municipal authorization from Possum Kingdom Reservoir to the service area of permittee's customers in the Trinity River Basin.

2. DIVERSION

Point of Diversion: Through an intake structure on the east, or left shore of Lake Granbury, at a point N 42°30' W, 2200 feet from the most northerly corner of the N. Dotson Survey, Abstract No. 151, approximately 9 miles southeast of Granbury, Hood County, Texas.

3. PRIORITY

The time priority of this amendment is November 7, 1986.

This amendment is issued subject to all terms, conditions and provisions contained in Permit No. 1262, except as herein amended.

This amendment is issued subject to all superior and senior water rights in the Brazos River Basin and the Trinity River Basin.

Brazos River Authority agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

ANY PROVISION HEREIN WHICH
RESTRICTS THE SALE, RENTAL,
OR USE OF THE DESCRIBED
REAL PROPERTY BECAUSE OF
COLOR OR RACE IS INVALID
AND UNENFORCEABLE UNDER
FEDERAL LAW.

This amendment is issued subject to the Rules of the Texas Water Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS WATER COMMISSION

Paul Hopkins

Paul Hopkins, Chairman

DATE ISSUED:

February 9, 1987

ATTEST:

Ralph Roming
Ralph Roming, Commissioner

Mary Ann Hefner
Mary Ann Hefner, Chief Clerk

John O. Houchins
John O. Houchins, Commissioner

STATE OF TEXAS
COUNTY OF TRAVIS

I, Mary Ann Hefner, Chief Clerk of the Texas Water Commission, do hereby certify that *the foregoing* is a true and correct copy of an instrument on file in permanent records of said Commission

Given under my hand and the seal of the Texas Water Commission this the 12th day of February A. D., 1987.

Mary Ann Hefner
Mary Ann Hefner, Chief Clerk

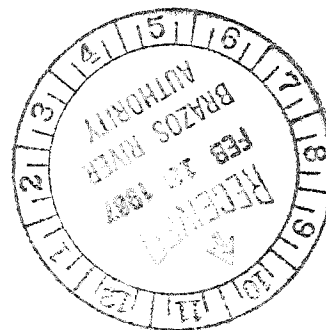
THE STATE OF TEXAS
County of Palo Pinto

I, Bobbie Smith, Clerk of the County Court in and for said County do hereby certify that the above instrument in writing, with its certificate of authentication, was filed for record in my office on the 17 day of Feb. A.D. 1987 at 8 o'clock A M. and recorded the 17 day of Feb. A.D. 1987 in the Deed Records of said County in Volume 684 Pages 71

Witness my hand and official seal in Palo Pinto, Texas, the day and year last above written.

Sandra Clark
By Deputy

Bobbie Smith
County Clerk, Palo Pinto County, Texas



FILED
At 8 O'Clock A M.

FEB 17 1987
Bobbie Smith
Clerk of the County Court
Palo Pinto County, Texas

By *Maurice H. [unclear]* Deputy

*Mr. Carson Hogg
Brazos River Authority
4400 Cobble Drive
P.O. Box 7555
Waco, TX 76714*

682

AMENDMENT TO
PERMIT TO
APPROPRIATE STATE WATER

APPLICATION NO. 1351A

PERMIT NO. 1262A

TYPE: Amendment

Permittee: Brazos River Authority Address: P.O. Box 7555
Waco, Texas 76714-7555

Filed: November 7, 1986 Granted: January 27, 1987

Purpose: Interbasin Transfer Counties: Palo Pinto, Young, and
Stephens

Watercourse: Brazos River Watersheds: Brazos River Basin and
(Possum Kingdom Reservoir) Trinity River Basin

WHEREAS, Permit No. 1262, issued May 9, 1938, authorized permittee to construct and maintain Morris Sheppard Dam and Possum Kingdom Reservoir on the Brazos River, approximately 14 miles northwest of Palo Pinto, Palo Pinto County, Texas; and

WHEREAS, the "Final Determination of All Claims of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin Maintained by the Brazos River Authority, Fort Bend County Water Control and Improvement District No. 1, and Galveston County Water Authority", adopted on July 26, 1985 by the Texas Water Commission, recognizes BRA rights under Permit No. 1262, which includes a priority right to use not to exceed 230,750 acre-feet of water per annum for municipal, industrial, irrigation and mining purposes; and

WHEREAS, applicant has requested an amendment to Permit No. 1262 to authorize an interbasin transfer to the Trinity River Basin, pursuant to Section 11.085 of the Texas Water Code, of up to 5240 acre-feet of water per annum of the municipal authorization from Possum Kingdom Reservoir in the Brazos River Basin and to divert such water from a point on the Brazos River Authority's Lake Granbury;

WHEREAS, this water will be released from Possum Kingdom Reservoir and conveyed to Lake Granbury via the bed and banks of the Brazos River; and

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

WHEREAS, no person protested the granting of this application; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Water Commission in issuing this amendment.

NOW, THEREFORE, this amendment to Permit No. 1262 is issued to Brazos River Authority, subject to the following terms and conditions:

1. USE

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Brazos River Authority agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Water Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS WATER COMMISSION

Paul Hopkins

Paul Hopkins, Chairman

DATE ISSUED:

February 9, 1987

Ralph Roming

Ralph Roming, Commissioner

ATTEST:

Mary Ann Hefner
Mary Ann Hefner, Chief Clerk

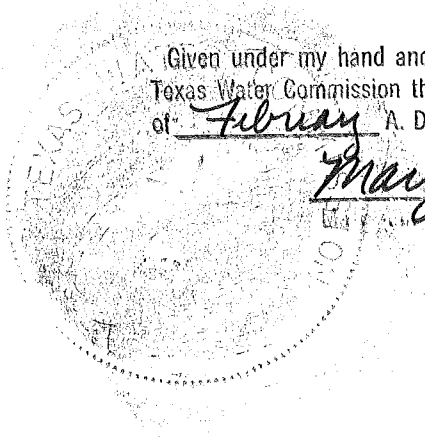
John O. Houchins
John O. Houchins, Commissioner

STATE OF TEXAS
COUNTY OF TRAVIS

I, Mary Ann Hefner, Chief Clerk of the Texas Water Commission, do hereby certify that *the foregoing* is a true and correct copy of an instrument on file in permanent records of said Commission

Given under my hand and the seal of the Texas Water Commission this the *10th* day of *February* A. D., 19 *87*.

Mary Ann Hefner
Mary Ann Hefner, Chief Clerk



REGISTERED 682

COMPARED

RECEIVED AND FILED FOR RECORD

At 10:30 O'Clock A.M.

FEB 20 1987

HELEN HADDOCK Co. Clerk STEPHENS COUNTY TEXAS

By *Helen Haddock* Deputy

STATE OF TEXAS COUNTY OF STEPHENS
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED ON THE DATE AND TIME STAMPED HEREON BY ME AND WAS DULY RECORDED IN THE VOLUME AND PAGE OF THE OFFICIAL PUBLIC RECORDS OF STEPHENS COUNTY AS STAMPED HERE ON BY ME.

RECORDED FEB 26 1987

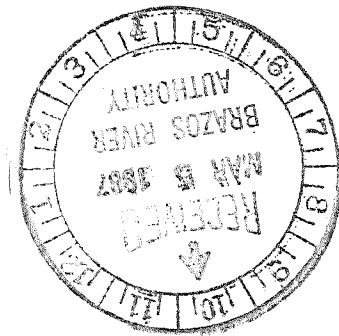


water permit

Helen Haddock
HELEN HADDOCK, COUNTY CLERK
STEPHENS COUNTY, TEXAS

PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICT THE SALE, RENTAL OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR ARE INVALID UNDER FEDERAL LAW AND ARE UNENFORCEABLE.

9.00 PD.



*Brazos River Authority
P O Box 7555
Waco, Texas
76714-2555*

AMENDMENT TO
PERMIT TO
APPROPRIATE STATE WATER

APPLICATION NO. 1351A

PERMIT NO. 1262A

TYPE: Amendment

Permittee: Brazos River Authority Address: P.O. Box 7555
Waco, Texas 76714-7555

Filed: November 7, 1986 Granted: January 27, 1987

Purpose: Interbasin Transfer Counties: Palo Pinto, Young, and
Stephens

Watercourse: Brazos River Watersheds: Brazos River Basin and
(Possum Kingdom Trinity River Basin
Reservoir)

WHEREAS, Permit No. 1262, issued May 9, 1938, authorized permittee to construct and maintain Morris Sheppard Dam and Possum Kingdom Reservoir on the Brazos River, approximately 14 miles northwest of Palo Pinto, Palo Pinto County, Texas; and

WHEREAS, the "Final Determination of All Claims of Water Rights in the Brazos River Basin and the San Jacinto-Brazos Coastal Basin Maintained by the Brazos River Authority, Fort Bend County Water Control and Improvement District No. 1, and Galveston County Water Authority", adopted on July 26, 1985 by the Texas Water Commission, recognizes BRA rights under Permit No. 1262, which includes a priority right to use not to exceed 230,750 acre-feet of water per annum for municipal, industrial, irrigation and mining purposes; and

WHEREAS, applicant has requested an amendment to Permit No. 1262 to authorize an interbasin transfer to the Trinity River Basin, pursuant to Section 11.085 of the Texas Water Code, of up to 5240 acre-feet of water per annum of the municipal authorization from Possum Kingdom Reservoir in the Brazos River Basin and to divert such water from a point on the Brazos River Authority's Lake Granbury;

WHEREAS, this water will be released from Possum Kingdom Reservoir and conveyed to Lake Granbury via the bed and banks of the Brazos River; and

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

WHEREAS, no person protested the granting of this application; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Water Commission in issuing this amendment.

NOW, THEREFORE, this amendment to Permit No. 1262 is issued to Brazos River Authority, subject to the following terms and conditions:

1. USE

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All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Water Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS WATER COMMISSION

DATE ISSUED:

February 9, 1987

ATTEST:

/s/ Paul Hopkins
Paul Hopkins, Chairman

/s/ Ralph Roming
Ralph Roming, Commissioner

/s/ Mary Ann Hefner
Mary Ann Hefner, Chief Clerk

/s/ John O. Houchins
John O. Houchins, Commissioner

TEXAS WATER RIGHTS COMMISSION



AN ORDER approving final plans and specifications for construction of a project authorized by Permit No. 1262 of Brazos River Authority.

On May 9, 1938, the Texas Water Rights Commission issued Permit No. 1262 to the Brazos River Authority authorizing the construction of a dam and reservoir on the Brazos River, Brazos River Basin, and provided that all construction work would be done in accordance with plans and specifications approved by the Commission and that any substantial changes or alterations made in the plans would be filed with the Commission and its approval obtained before construction.

On July 15, 1970, permittee filed construction plans and specifications pertaining to the repair of the Spillway Gates of Morris Sheppard Dam as authorized under the permit. The Commission has reviewed the plans and specifications and finds that they are in order and should be approved.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS WATER RIGHTS COMMISSION that the plans and specifications relating to subject project by Brazos River Authority be and the same are in all things approved.

The construction shall be under the continuous supervision of the permittee's engineer, who shall make periodic reports with construction progress to the Commission.

This order shall not be construed as in any way amending, modifying or changing the terms, conditions and provisions of Permit No. 1262, as issued, except as may be specifically provided herein.

Executed and entered of record, this the 21st day of July, 1970.

TEXAS WATER RIGHTS COMMISSION

/s/ O. F. Dent
O. F. Dent, Chairman

/s/ Joe D. Carter
Joe D. Carter, Commissioner

ATTEST:

/s/ Audrey Strandtman
Audrey Strandtman, Secretary

STATE OF TEXAS |
 |
COUNTY OF TRAVIS |

I, Audrey Strandtman, Secretary of the Texas Water Rights Commission, do hereby certify that the foregoing and attached is a true and correct copy of an order of said Commission, the original of which is filed in the permanent records of said Commission.

Given under my hand and the seal of the Texas Water Rights Commission, this the 21st day of July, A.D. 1970.

Audrey Strandtman
Audrey Strandtman, Secretary

P E R M I T
T O
A P P R O P R I A T E P U B L I C W A T E R S
O F T H E
S T A T E O F T E X A S

No. 1262.

WHEREAS, the Brazos River Conservation and Reclamation District, the postoffice address of which is Temple, Texas, did on the 6th day of April, A. D. 1938, file with the Board of Water Engineers for the State of Texas, its application, No. 1351, for a permit to appropriate from the public resources of the State of Texas sufficient water for the purposes of Domestic, Municipal, Industrial, Mining, Power Generation, Recreation and for irrigation;

WHEREAS, the said Board of Water Engineers did on the 9th day of May, A. D. 1938, at its office in Austin, Texas, hold a public hearing, as prescribed by law, at which hearing all the evidence affecting said application was duly heard and considered, and in pursuance thereof did make and cause to be entered an order granting said application.

NOW, THEREFORE, the Board of Water Engineers for the State of Texas, does by these presents GRANT THIS PERMIT unto the said BRAZOS RIVER CONSERVATION AND RECLAMATION DISTRICT, to IMPOUND, divert, appropriate and use from the source of supply hereinafter named, and by the means hereinafter described, an amount of the public waters of the state, to consist of the unappropriated flow of the Brazos River, in Palo Pinto County, Texas, not to exceed One Million Five Hundred Thousand (1,500,000) acre-feet of water per annum, or so much thereof as may be necessary, when beneficially used for the purposes of Domestic, Municipal, Industrial, Mining, Power Generation, Recreation and for Irrigation.

PROVIDED, that the said Brazos River Conservation and Reclamation District, the beneficiary hereunder, is authorized to construct a dam in and across the bed of the Brazos River, in Palo Pinto County, Texas, said dam to be of Concrete and Earth, one hundred and Thirty (130) feet in height, Twenty-two Hundred Forty (2240) feet in length, having a bottom width of Two Hundred (200) feet, and a top width of Twelve (12) feet, thus creating a reservoir having an average width of one (1) mile, length of impounded water Sixty-three (63) miles, an average depth of stored water Sixty-five (65) feet, and having a storage capacity of Seven Hundred and Fifty Thousand (750,000) acre-feet; said dam to be located at a point which bears South 1°25' West, 3,250 feet from the Northwest corner of the B. B. B. & C.-R. R. Co. Survey No. 66, on the North bank of the Brazos River, in Palo Pinto County, Texas, distant in a Northwesterly direction from Palo Pinto, Texas, fourteen (14) miles; and to impound in said reservoir and divert therefrom not to exceed One Million Five Hundred Thousand (1,500,000) acre-feet of water per annum for the purposes herein stated.

The lands proposed to be irrigated are lands situated downstream within the watershed of the Brazos River that have now secured, or may hereafter secure, a right from the State to use the stored water for irrigation within the capacity of the reservoir.

PROVIDED, that the above allowance as to quantity is based upon the beneficial use of One Million Five Hundred Thousand (1,500,000) acre-feet of water per annum, and is made with the express proviso

that the amount of water which the said appropriator is permitted to impound, divert and appropriate from the storm and flood waters of the Brazos River, in Palo Pinto County, Texas, shall be available at the point of diversion from the said source of supply by the process of impounding only, and the right herein granted does not, and shall not, extend to any of the waters of the said Brazos River at any point or points other than at the point herein described, and for the specific purposes herein stated.

PROVIDED, that the said grantee shall be permitted to impound the waters of said stream, subject to all the rights of prior appropriators below the said dam, and whenever the grantee shall impound any water, to which lower and prior appropriators are entitled, it shall be required to release same to said lower appropriators on the order of this Board.

IN ORDER TO COMPLY with the last foregoing condition, the grantee shall construct a sluiceway in said dam, having a diameter of not less than four (4) feet, to be equipped with a regulating gate or valve, for the purpose of permitting the free passage of such water as lower appropriators may be entitled to, through the dam during the irrigating season, or at such other times as prior appropriators may desire to appropriate same.

PROVIDED, that the said grantee shall at no time be permitted to impound any part of the normal flow of said stream, or any part of the storm or flood water of said stream, when the same is required or demanded for the use of prior appropriators below the location of said dam, or when the supply of the normal flow below said dam for domestic use is insufficient.

The privileges granted by this permit are subsidiary to the rights of any appropriator of water from the said source, who began or completed any storage or irrigation plant, and diverted any water prior to July 1, 1913, for any purpose prescribed by law, and filed a record of such appropriation with the Board of Water Engineers prior to April 1, 1916, or to the rights of any appropriator of water from the same source, who has heretofore been granted a permit by this Board to appropriate water from said source of supply.

It is especially provided in granting this permit that if at any time a specific complaint is made to the Board that the impounding and diversion of water by the grantee herein named is to the detriment of the rights of prior appropriators, and an investigation by the Board finds the facts so stated in said complaint to be true, that this appropriation may be immediately limited to meet the conditions at that time existing to provide for the protection of those who have prior rights on the Brazos River.

This permit is granted with the express proviso that the grantee, its heirs or assigns, or any beneficiary hereunder, shall comply with all the rules and regulations of the Board of Water Engineers formulated by it in pursuance of the authority given in the General Irrigation Act of this State by virtue of which this Board was created, or in pursuance of any subsequent and appropriate act.

Unless otherwise ordered by the Board, construction work on the herein described works must begin within Two (2) years, and shall be completed within Six (6) years from the date hereof.

Given under the hand and seal of the Board of Water Engineers for the State of Texas, this the 9th day of May, A. D. 1938.



ATTEST:

D. W. M. Donald

Secretary:

B. S. Clark

A. H. Dunlap

John W. Pritchett

BOARD OF WATER ENGINEERS:

May 9, 1938.

IN RE: APPLICATION OF BRAZOS RIVER CONSERVATION AND RECLAMATION DISTRICT:

The Board on this day, a quorum being present, in pursuance of a notice of hearing heretofore issued, published and certified, considered the application of the Brazos River Conservation and Reclamation District, the postoffice address of which is Temple, Texas, the same being numbered 1351, for a permit to impound, divert and appropriate certain public waters of the State, as described in said application, and after fully considering all the facts adduced on the hearing, together with the law applicable thereto, made and ordered entered the following order and decision, to wit:

That the application of the said Brazos River Conservation and Reclamation District for a permit to impound, divert and appropriate certain public waters from the Brazos River, in Palo Pinto County, Texas, for the purposes of domestic, municipal, industrial, mining, power generation, recreation and for irrigation, be granted; that the said Brazos River Conservation and Reclamation District be authorized to construct a dam, as described in said application, and create a reservoir having a storage capacity of Seven Hundred and Fifty Thousand (750,000) acrefeet, and to impound therein from time to time, as the unappropriated flow of the said Brazos River is available, sufficient water for the purposes herein stated, not to exceed One Million Five Hundred Thousand (1,500,000) acrefeet per annum.

The lands proposed to be irrigated are lands situated downstream within the watershed of the Brazos River that have now secured, or may hereafter secure, a right from the State to use the stored water for irrigation within the capacity of the reservoir.

The said Brazos River Conservation and Reclamation District is required under the terms of this order to construct a sluiceway in said dam, having a diameter of not less than four (4) feet.

It is ordered that permit issue under restrictions of the terms of this order, subject to the rights of all prior appropriators, with the express proviso that the grantee shall comply with all the rules and regulations of this Board, and that construction shall begin within Two (2) years, and shall be completed within Six (6) years from date of permit.



Attest:

A. W. McDonald
Secretary.

C. S. Clark
Chairman.

April 6, 1938.

IN RE: APPLICATION OF BRAZOS RIVER CONSERVATION & RECLAMATION DISTRICT:

The Board on this day, a quorum being present, considered the application of the Brazos River Conservation and Reclamation District, the postoffice address of which is Temple, Texas, the same being numbered 1351, for a permit to impound, divert and appropriate certain public waters of the State, from the Brazos River, in Palo Pinto County, Texas, for the purposes of Domestic, municipal, industrial, power generation, recreation and irrigation, and said application being in form and accompanied by the required fees, was ordered filed and recorded.

A hearing on the application of the said Brazos River Conservation and Reclamation District was set for Monday, May 9th, A. D. 1938, same to be held in the office of the Board at Austin, Texas, at ten o'clock A. M., on said date, and the Secretary was directed to issue notice of hearing as the law requires.

C. S. Clark

Chairman.

Attest:

A. W. McDonald

Secretary.