

Certificate of Adjudication 05-4669

- H. The authorization to operate Lake Tawakoni and Lake Fork Reservoirs on a joint use basis does not authorize additional interbasin transfers of water.
- I. No customer of the Authority shall have the right or entitlement to any portion of the City of Dallas water in Lake Tawakoni or Lake Fork Reservoirs.

The locations of pertinent features related to this certificate are shown on Page 7 of the Upper Sabine 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 188th Judicial District Court of Gregg County, Texas, in Cause No. 86-255-A, In Re: The Adjudication of Water Rights in the Upper Sabine River Segment of the Sabine River Basin, dated June 9, 1986, and supersedes all rights of the owner asserted in that cause.

This certificate of adjudication is issued subject to the obligations of the State of Texas pursuant to the terms of the Sabine River Compact.

This certificate of adjudication is issued subject to senior and superior water rights in the Sabine 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

MAY 2 1988

ATTEST:

Karen A. Phillips
Karen A. Phillips, Chief Clerk

Joint Use
& Multi purpose
Permit
1996

THE STATE OF TEXAS
COUNTY OF TRAVIS
TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



I hereby certify that this is a true and correct copy of a
Texas Natural Resource Conservation Commission document
which is filed in the permanent records of the Commission
Given under my hand and the seal of office on

JUL 23 1996

AMENDMENT TO CERTIFICATE OF ADJUDICATION

Gloria A. Vasquez
Gloria A. Vasquez, Chief Clerk
Texas Natural Resource
Conservation Commission

APPLICATION NO. 05-4669B CERTIFICATE NO. 05-4669B TYPE: S11.122

Owner: Sabine River Authority of Texas Address: P.O. Box 579
Orange, Texas 77630

Filed: March 12, 1996 Granted: JUN 28 1996

Purposes: Industrial, Municipal and Irrigation Counties: Rains, Wood and Hopkins

Watercourse: Lake Fork Creek, tributary of the Sabine River Watershed: Sabine River Basin

WHEREAS, Certificate of Adjudication No. 08-2462, as amended once, includes authorization for the Sabine River Authority of Texas to maintain a dam and reservoir on Lake Fork Creek (Lake Fork Reservoir) and a channel dam and reservoir on the Sabine River downstream; and

WHEREAS, the "USE" paragraph in the certificate, as amended, authorizes use of a total of not to exceed 188,660 acre-feet of water per annum from Lake Fork Reservoir as follows:

- a. diversion and use of not to exceed 37,300 acre-feet of water per annum (including 20,000 acre-feet per annum committed under contract to the City of Longview) for municipal use within the Sabine River Basin;
- b. diversion and use of not to exceed 131,860 acre-feet of water per annum for municipal use by the City of Dallas (of which not to exceed 120,000 acre-feet per annum may be transferred to the Trinity River Basin and not to exceed 17,000 acre-feet per annum is subject to a possible future change in purpose of use to industrial purposes pursuant to an agreement between Texas Utilities Electric Company and the City of Dallas); and
- c. diversion and use of not to exceed 19,500 acre-feet of water per annum for industrial purposes within the Sabine River Basin by Texas Utilities Electric Company (of which 7500 acre-feet per annum is subject to a future change in purpose of use to municipal purposes in the Sabine River Basin pursuant to an agreement between the Sabine River Authority and the Texas Utilities Electric Company); and

WHEREAS, the "USE" paragraph in the certificate, as amended, also authorizes the Sabine River Authority to use the bed and banks of Lake Fork Creek and the Sabine River to transport water from Lake Fork Reservoir to the channel reservoir on the Sabine River and authorizes the river authority and the City of Dallas to operate Lake Fork and Lake Tawakoni reservoirs on a joint use basis.

WHEREAS, the applicant seeks to amend Certificate of Adjudication No. 04-4669, as amended, by adding irrigation use, reallocating the amounts of water authorized for the purposes of use and authorizing use of the bed and banks of Lake Fork Creek and the Sabine River to transport water from Lake Fork Reservoir for downstream customers; and

WHEREAS, the Texas Natural Resource Conservation Commission finds that jurisdiction over the application is established; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Natural Resource Conservation Commission in issuing this permit.

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 05-4669, as amended, is issued to the Sabine River Authority of Texas subject to the following terms and conditions:

*05-4669
Lake Fork*

In lieu of the "USE" authorization included in Certificate No. 05-4669, as amended, certificate owner is authorized to divert and use not to exceed 188,660 acre-feet of water per annum from Lake Fork Reservoir for municipal, industrial and irrigation purposes, subject to the following restrictions:

- a. The diversion and use of not to exceed 131,860 acre-feet of water per annum for use by the City of Dallas, however not to exceed 120,000 acre-feet per annum may be transferred to the Trinity River Basin. This authorization is specifically made subject to the option of Texas Utilities Electric Company to purchase up to 17,000 acre-feet of water per annum, said water to be purchased from the City of Dallas subject to that certain contract entitled "First Supplement of Water Supply Contract and Conveyance" dated July 30, 1986.

Upon occurrence of the contingency set out above, the Sabine River Authority of Texas shall promptly notify the Executive Director of the Commission in writing of such occurrence and shall promptly file the appropriate contract in accordance with a special condition contained in the original certificate of

adjudication herein and the authorization for diversion and use by the City of Dallas, set out above, shall be correspondingly reduced, while the appropriate purchaser (Texas Utilities Electric Company) is thereby granted the appropriate authorization.

- b. The diversion and use of not to exceed 12,000 acre-feet of water per annum for use within the Sabine River Basin by the Texas Utilities Electric Company.
- c. The Sabine River Authority of Texas and the City of Dallas are authorized to operate Lake Fork and Lake Tawakoni reservoirs on a joint use basis. As used herein, the term "Joint Use Basis" shall mean that method of operation of the two reservoirs by which either party may sell, deliver or withdraw from one reservoir water which has been authorized to be diverted from either reservoir regardless of whether such party has the physical means to transport water from one reservoir to the other subject to the special conditions contained herein.
- d. Irrigation use herein authorized shall be within the service area of the Sabine River Authority of Texas which is the Sabine River Basin in Texas.
- e. Owner is authorized to use the bed and banks of Lake Fork Creek and the Sabine River to transport water from Lake Fork Reservoir to the downstream channel reservoir on the Sabine River.
- f. Owner is authorized to use the bed and banks of Lake Fork Creek and the Sabine River to transport water from Lake Fork Reservoir for diversion by downstream customers.

Owner shall implement a water conservation plan that provides for the utilization of those practices, techniques and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water or prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plan shall include a requirement, to the extent possible, in every wholesale water supply contract entered into, on or after the issue date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement water conservation measures. If the customer intends to resell the water, then the contract for the resale of the water must have water conservation requirements so that each successive wholesale customer in the resale of the water will be required to implement water conservation measures.

Within 120 days of issuance of this amendment, owner shall respond to the Commission staff's memorandum of April 19, 1996 which includes a recommendation concerning the owner's water conservation plan.

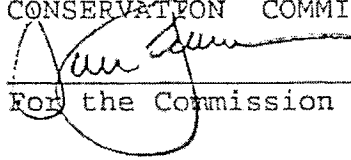
This amendment is issued subject to all superior and senior water rights in the Sabine River Basin.

Owner 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 Natural Resource Conservation Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION


For the Commission

DATE ISSUED: JUN 28 1996

ATTEST:


Gloria A. Vasquez, Chief Clerk

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a
Texas Commission on Environmental Quality document,
which is filed in the permanent records of the Commission.
Given under my hand and the seal of office on

AMENDMENT TO A
CERTIFICATE OF ADJUDICATION

LaDonna Castanuela JUL 30 2006

LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality

CERTIFICATE NO. 05-4669C

TYPE §§ 11.122, 11.085

Owner: Sabine River Authority

Address: P.O. Box 579
Orange, Texas 77630-0579

Filed: December 11, 2006

Granted: JUL 21 2008

Purpose: Municipal, Industrial, and
Agricultural (Irrigation)

Counties: Collin, Hunt, Kaufman,
Rockwall, Van Zandt,
Wood, Rains, and Hopkins

Watercourse: Lake Fork Creek, Tributary
Of the Sabine River

Watershed: Sabine River Basin and
Trinity River Basin

WHEREAS, Certificate of Adjudication No. 05-4669 authorizes Owner to maintain an existing dam and reservoir (Lake Fork Reservoir) on Lake Fork Creek, tributary of the Sabine River, Sabine River Basin, and impound therein not to exceed 675,819 acre-feet of water. Owner is also authorized to maintain a channel reservoir on the Sabine River and impound therein not to exceed 115 acre-feet of water; and

WHEREAS, Owner is authorized to operate Lake Fork Reservoir and Lake Tawakoni on a "joint use basis" with the City of Dallas; and

WHEREAS, Certificate of Adjudication No. 05-4669 authorizes Owner to divert and use, for municipal, industrial, and agricultural (irrigation) purposes, not to exceed 188,660 acre-feet of water per year from the perimeter of Lake Fork Reservoir at a maximum rate of 600 cfs (270,000 gpm) and from a point on the left bank of the channel reservoir at a maximum rate of 33.42 cfs (15,000 gpm), subject to the following restrictions:

- Not to exceed 131,680 acre-feet per year for the use by the City of Dallas, up to 120,000 acre-feet of which may be transferred to the Trinity River Basin, specifically subject to an option of TXU Generation Company LP (formerly known as Texas Utilities Electric Company) to purchase up to 17,000 acre-feet of water per year;
- Diversion and use of not to exceed 12,000 acre-feet of water per year for use within the Sabine River Basin by TXU Generation Company LP;

- Irrigation use of the water authorized by Certificate shall be within the service area of the Owner within the Sabine River Basin; and

2005 08 JUL WHEREAS, Owner entered into a contract in 1981 with the City of Dallas and Texas Utilities Generating Company, entitled *Water Supply Contract and Conveyance*, amended in 1984 by the First Supplement under which Dallas agreed to fund a percentage of the construction costs of Lake Fork reservoir in return for (1) a contractual right to diversion and use of 120,000 acre-feet of water per year in the Trinity River Basin from Lake Fork reservoir subject to an option in favor of Texas Utilities Generation Company to purchase from Dallas 17,000 acre-feet of water for use in the Sabine River Basin and (2) a contractual right to divert and use 11,680 acre-feet of water per annum in the Sabine River Basin; and

WHEREAS, Owner is authorized to use the bed and banks of Lake Fork Creek and the Sabine River to transport water from Lake Fork Reservoir to the downstream channel reservoir on the Sabine River and to downstream customers; and

WHEREAS, Certificate of Adjudication No. 05-4669 contains multiple priority dates, special conditions, and diversion rates; and

WHEREAS, pursuant to the *Upper Sabine River Basin Interim Water Supply Contract, Lake Tawakoni/Lake Fork System* dated May 10, 2006, between Owner and the North Texas Municipal Water District (District), Owner agrees to supply water for use in the District's service area in those counties that lie in both the Sabine River Basin and the Trinity River Basin; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 05-4669 to authorize:

- An increase in the maximum diversion rate from Lake Fork Reservoir from 600 cfs (270,000 gpm) to 1,010 cfs (452,694 gpm);
- An interbasin transfer authorization to allow additional water to be used in the Trinity River Basin in the District's service area in counties that are in both the Trinity River Basin and the Sabine River Basin, namely Hunt, Collin, Rockwall, Van Zandt, and Kaufman, or otherwise within the exempt transfers described in Texas Water Code § 11.085(v);
- Removal of USE paragraph B from Certificate of Adjudication No. 05-4669B that refers to a contract option the Sabine River Authority had with TXU Generation Company LP (formerly known as Texas Utilities Electric Company) to reflect TXU Generation Company LP releasing the option;
- To clarify the diversion rate limitation with respect to the joint use provision of Certificate of Adjudication No. 05-4669; and

WHEREAS, this amendment does not seek any change to the water contracted to Dallas;
and

WHEREAS, the Texas Commission on Environmental Quality (Commission) finds that jurisdiction over the application is established; and

WHEREAS, this application is subject to the obligations of the State of Texas pursuant to the terms of the Sabine River Compact; and

WHEREAS, the Executive Director has determined that the amount of water that may be diverted and used pursuant to this amendment should be limited to 56,800 acre-feet of water per year of the water authorized for diversion by this Certificate of Adjudication No. 05-4669; and

WHEREAS, the Executive Director recommends that special conditions should be included in the amendment to protect senior and superior water rights owners and to protect the instream uses and aquatic organisms in Lake Fork Reservoir; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 05-4669, designated Certificate of Adjudication No. 05-4669C, is issued to the Sabine River Authority, subject to the following terms and conditions:

1. USE

- A. In addition to the previously authorized place of use, Owner is also authorized an exempt interbasin transfer to convey not to exceed 56,800 acre-feet of additional water per year contracted to the North Texas Municipal Water District from Lake Fork for use in the Trinity River Basin in the service area of the North Texas Municipal Water District in counties that are in both the Trinity River Basin and the Sabine River Basin, specifically Hunt, Collin, Rockwall, Van Zandt, and Kaufman Counties.
- B. Paragraph B of Certificate of Adjudication No. 05-4669B that authorized the diversion and use of not to exceed 12,000 acre-feet of water per year for use within the Sabine River Basin by TXU Generation Company LP (formerly known as Texas Utilities Electric Company) is hereby removed from the Certificate.

2. DIVERSION

In lieu of the authority to divert the water authorized at a maximum rate of 600 cfs

(270,000 gpm), Owner is now authorized to divert the water authorized by Certificate of Adjudication No. 05-4669 at a maximum rate of 1,010 cfs (452,694 gpm), exclusive of water transported from Lake Tawakoni under Certificate of Adjudication No. 05-4670 and discharged into and stored or transported in Lake Fork.

3. CONSERVATION

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every wholesale water supply contract entered into on or after the date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water must have water conservation requirements so that each successive wholesale customer in the resale of the water be required to implement water conservation measures.

4. SPECIAL CONDITIONS

- A. The interbasin transfer authorization contained in USE Paragraph is subject to the continued maintenance of the *Upper Sabine River Basin Interim Water Supply Contract, Lake Tawakoni/Lake Fork System* between Owner and North Texas Municipal Water District. Upon expiration of the contract and extensions thereof, Owner shall immediately cease interbasin transfer of the water as described in USE Paragraph and either apply to amend the certificate or voluntarily forfeit the interbasin transfer authorization. If Owner fails to apply for an amendment to the certificate or forfeit the interbasin transfer authorization, the TCEQ may begin proceedings to cancel the interbasin transfer authorization. The Commission shall be notified immediately by the Owner upon amendment or expiration of the contract and all extensions thereof, and provided with copies of the appropriate documents effecting such changes.
- B. The maximum amount authorized for diversion from Lake Fork by Owner for use by the District within counties in the District's service area that lie within the Sabine and Trinity River Basins is 56,800 acre-feet of water per year.
- C. Prior to discharge of the water authorized for interbasin transfer into any stream or watercourse in the Trinity River Basin, the District shall apply

for and be granted the authorization to do so. Additionally, the Sabine River Basin water shall be included in the District's accounting plan for Lake Lavon.

- D. In order to protect the aquatic organisms in Lake Fork, for any diversion structures constructed or modified after the issuance date of this amendment, Owner shall install a screen with a mesh size of 0.75 inches or smaller on the diversion structures and shall implement a maximum flow-through screen velocity of 0.5 feet per second.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 05-4669, as amended, except as specifically amended herein.

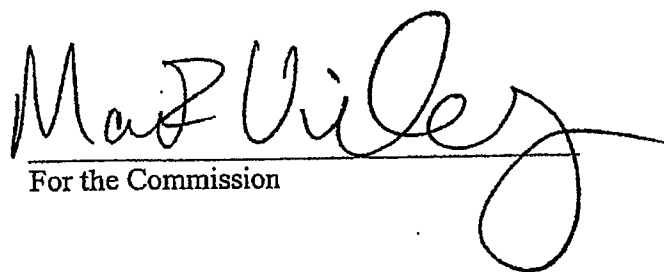
This amendment is issued subject to all superior and senior water rights in the Sabine River Basin.

This amendment is subject to the obligations of the State of Texas pursuant to the Sabine River Compact.

Owner 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 Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.


For the Commission

ISSUED: JUL 21 2008

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



110 13 2013

AMENDMENT TO CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 05-4669D

TYPE: 11.122

Owner:	Sabine River Authority	Address:	12777 Hwy. 87 North Orange, Texas 77632
Filed:	October 16, 2012	Granted:	March 6, 2013
Purpose:	Municipal, Industrial, Agricultural, Recreational, and Mining	Counties:	Wood, Rains, and Hopkins
Watercourse:	Lake Fork Creek, Tributary Of the Sabine River	Watershed:	Sabine River Basin

WHEREAS, the Sabine River Authority owns Certificate of Adjudication No. 05-4669 which authorizes the Owner to maintain an existing dam and reservoir (Lake Fork Reservoir), on Lake Fork Creek, tributary of the Sabine River, Sabine River Basin, and impound therein not to exceed 675,819 acre-feet of water in Wood, Rains, and Hopkins Counties; and

WHEREAS, Owner is also authorized to divert and use not to exceed 188,660 acre-feet of water per year from the perimeter of Lake Fork Reservoir, at a maximum rate of 1,010 cfs (452,694 gpm) for municipal, industrial, and agricultural purposes; and

WHEREAS, the Certificate also authorizes the Sabine River Authority and the City of Dallas to operate Lake Fork and Lake Tawakoni on a "joint use" basis and further authorizes an exempt interbasin transfer. Multiple priority dates and special conditions exist; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 05-4669 to authorize 5,000 acre-feet of water per year, out of the 188,660 acre-feet of water per year, from Lake Fork Reservoir for municipal, industrial, agricultural, recreational, and mining use. Applicant also requests the remaining 183,660 acre-feet per year be authorized for municipal, industrial, agricultural, and recreational use; and

WHEREAS, this application is subject to the obligations of the state of Texas pursuant to the terms of the Sabine River Compact; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, no requests for a contested case hearing were received for this application; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment;

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 05-4669, designated Certificate of Adjudication No. 05-4669D, is issued to the Sabine River Authority, subject to the following terms and conditions:

1. USE

In lieu of the Owner's previous authorization to divert and use not to exceed 188,660 acre-feet of water per year from the perimeter of Lake Fork Reservoir for municipal, industrial, and agricultural purposes, Owner is now authorized to divert 5,000 acre-feet per year, of the 188,660 acre-feet per year for municipal, industrial, agricultural, recreational, and mining uses and the remaining 183,660 acre-feet per year for municipal, industrial, agricultural, and recreational uses.

2. CONSERVATION

Owner shall implement water conservation plans that provide for the utilization of those practices, techniques, and technologies that reduce or maintain the consumption of water, prevent or reduce the loss or waste of water, maintain or improve the efficiency in the use of water, increase the recycling and reuse of water, or prevent the pollution of water, so that a water supply is made available for future or alternative uses. Such plans shall include a requirement that in every water supply contract entered into, on or after the effective date of this amendment, including any contract extension or renewal, that each successive wholesale customer develop and implement conservation measures. If the customer intends to resell the water, then the contract for resale of the water shall have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate of Adjudication No. 05-4669, as amended, except as specifically amended herein.

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

This amendment is issued subject to the obligations of the State of Texas pursuant to the terms of the Sabine River Compact.

Owner 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 Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.


For the Commission

Date Issued: **March 6, 2013**



(409) 746-2192
FAX (409) 746-3780



SABINE RIVER AUTHORITY of Texas

P.O. BOX 579
ORANGE, TEXAS
77631

October 13, 2014

Ms. Jo M. Puckett, P.E.
Director, Dallas Water Utilities
1500 Marilla, 4An
Dallas, Texas 75201

RE: *Water Supply Contract and Conveyance By and Among City of Dallas, Texas, Sabine River Authority of Texas, and Texas Utilities Generating Company, Dated As Of October 1, 1981 ("Lake Fork Contract")*

Dear Jody,

On October 9, 2014, the Sabine River Authority ("Authority") Board of Directors approved the additional compensation ("compensation payment") for the next forty-year renewal term of the Lake Fork Contract, per Section 6.02 of such contract. The compensation payment is payable in addition to the Service Charge (as defined in the Lake Fork Contract) and will be adjusted annually based on the Consumer Price Index. Effective November 2, 2014, the City of Dallas's compensation payment will be based on \$0.5613 per 1,000 gallons payable on a "take or pay" basis on 131,860 acre-feet/year.

The Authority appreciates the long-standing relationship we have enjoyed with the City and would like to take this opportunity to assure you that we will continue to do everything in our power to supply you with a dependable source of water.

If you have any questions or concerns, please call me at 409-746-2192.

Very best regards,

David Montagne
Executive Vice-President & General Manager

