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RELATED CORRESPONDENCE



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
HOUSTON LIGHTING & POWER COMPANY )  
(Allens Creek Nuclear Generating )  
Station, Unit 1) )

Docket No. 50-466

RESPONSE BY THE STATE OF TEXAS  
TO INTERROGATORIES FROM CARRO HINDERSTEIN

The State of Texas now files its Response to the First Set of Interrogatories from Carro Hinderstein. While the State of Texas does not acknowledge the legal responsibility to respond to interrogatories since the State is participating as an interested state only, the State will attempt to assist any party to this proceeding by answering reasonable interrogatories relevant to the contentions.

INTERROGATORY NO. 1. What is the amount of water in the Brazos River from the proposed Allens Creek site at southern tip of Austin County to the southern end of the river that is now available for use other than recreation and fishing, not including existing permits that may not be for use, by permit?

RESPONSE TO INTERROGATORY NO. 1. (a) An exact response to Interrogatory No. 1 would be impossible due to the fact that the water used and the water supply in the Brazos River Basin fluctuate, and present rights of water use on the river are only

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now being examined and adjudicated by the Texas Water Commission. Generally water in the river basin is available by permit from the Texas Water Commission for appropriation from the river and by contract with the Brazos River Authority for purchase from water stored by the Authority. The Brazos River Authority has the general responsibility for managing the water on the river and can sell water it stores in reservoirs. Houston Lighting & Power, for example, has a contract for the purchase of 176,000 acre-feet of water per year. Much of this water is for the Allens Creek Project, though some of it is apparently being used by HL&P at its Parrish Plant.

The water supplied by the Brazos River Authority (BRA) comes from dams owned by BRA including Possum Kingdom Dam, Granberry Dam, and Limestone Dam, and from the conservation storage capacity of a number of Corps of Engineers reservoirs, including Waco, Belton, Somerville, Granger, and Northfork Reservoirs. At the present time, BRA maintains that its long range yield of water from existing reservoirs is totally committed on existing contracts. While not all contract holders use the total amount of water, BRA cannot commit water to other uses in conflict with existing contracts. BRA has had to reject an offer from at least one industry, Phillips Petroleum, to buy water from it.

Without the completion of the adjudication of the Brazos River, it's more difficult to determine whether there is water available in the river for appropriation. An analysis of the

water in the river can be found in the document by the Texas Department of Water Resources entitled "Continuing Water Resources and Development for Texas," Volumes 1 and 2, May 1977. These documents are being sent to you under separate cover. There is and will likely continue to be some water available for appropriation in the lower part of the Brazos River Basin. However, permits for appropriation of the water may be tied to limitations on the time of the year the water can be appropriated and to limitations on infringement on the rights of prior appropriators.

Between 1972 and 1978 a total of 217 water rights permits were issued on the Brazos River Basin, including six in Zone 6 of the basin. (Zone 6 is a planning area in the lower part of the basin which corresponds closely to the area of the basin below Allens Creek. See Appendix A.) Surface water used during the period 1972 to 1977 rose from 517,885 acre-feet per year in the whole of the Brazos River Basin to 569,593 acre-feet per year (see Appendix B). Correspondingly, water used in Zone 6 rose from 263,366 acre-feet to 302,468 acre-feet per year during the same period. (Note also a significant transfer of water to a different basin.)

Permits are being issued for Section 6 of the river basin and, for example, the Texas Parks and Wildlife Department received a permit on April 10, 1978, allowing them to appropriate water for Hale Ranch State Park in Fort Bend County, Texas (see Appendix C). In addition, there is one application from the

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U. S. Department of Energy for appropriation of water from the Brazos that is presently pending before the Texas Water Commission (see Appendix D). The permits from the Texas Water Commission which allow HL&P to use water are attached as Appendix E. (b) See attached Appendices. (c) See attached Appendices. (d) The following individuals were relied on in answering this Interrogatory: Dr. Herb Grubb, Department of Water Resources, Austin, Texas (512)475-3821; Walter J. Wells, General Manager, Brazos River Authority, Post Office Box 7555, Waco, Texas 76710 (817)776-1441; Jerry Boyd, Texas Department of Water Resources, Austin, Texas (512)475-4311. (e) Both the Texas Department of Water Resources and the Brazos River Authority will continue to do water planning and projections of use and water availability for the Brazos River Watershed. At the present time, the Attorney General's Office does not intend to do further work related to this Interrogatory. (f) None.

INTERROGATORY NO. 2. Answer Interrogatory No. 1 for ten-year intervals from 1980 to 2020.

RESPONSE TO INTERROGATORY NO. 2. (a) Again, availability of water in the future is dependent on a number of factors. The Brazos River Authority has planned for several new reservoirs including the Millican and the Navasota Reservoirs which could provide additional water supplies through contracts with the BRA. In addition, some contracts for the use of water from BRA reservoirs will expire, and water presently being used for rice farming may be available for other uses. Brazos River Authority

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hopes to have Lake Millican built by 1990 and Lake Navasota built by the year 2000.

The water projections done by the Texas Department of Water Resources are found in the "Continuing Water Resources and Development for Texas." The summary of that information is available as Appendix B. (b) See Appendix B. (c) See Appendix B. (d) See part (d) of Response to Interrogatory No. 1. (e) See part (e) to Response to Interrogatory No. 1. (f) None.

INTERROGATORY NO. 3. What is the increase in Brazos River use from point south of Allens Creek site for the past five years by year and projected increase for the years in Interrogatory No. 2.

RESPONSE TO INTERROGATORY NO. 3. See Appendix B and the Responses to Interrogatories 1 and 2.

INTERROGATORY NO. 4. Would municipalities, industries, agricultural, recreational, and other water users in areas outside of the Lower Brazos Basin area from the Allens Creek site south be able to buy water from the Brazos River Authority if they needed it now and during the time interval in Interrogatory No. 2? If so, state how much would be available at each of these times, excluding the probable extension of existing permits.

RESPONSE TO INTERROGATORY NO. 4. (a) This information is found in the Response to Interrogatories Nos. 1 and 2. In addition, the Brazos River Authority has already contracted to supply water from the Millican Reservoir once the reservoir

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is built. The Brazos River Authority projects that increased demands will be met by increased reservoir construction, and change in current uses. (b) See Response to Interrogatories Nos. 1 and 2. (c) See Response to Interrogatories Nos. 1 and 2. (d) Walter J. Wells, General Manager, Brazos River Authority, Post Office Box 7355, Waco, Texas 76710. (e) See Response to Interrogatory No. 1. (f) None.

INTERROGATORY NO. 5. State if the Allens Creek site is within the subsidence district. If so, state what measures are being taken or are proposed to decrease the use of ground-water and increase the dependence on surface water. If so, state effect this would have on Brazos River water utilization in a quantitative way. If Allens Creek site is not in the subsidence district, state how far away it is from the boundaries.

RESPONSE TO INTERROGATORY NO. 5. (a) The Allens Creek site is not located within the subsidence district. That district includes Harris and Galveston Counties. Water from the Brazos River could be and currently is being used within the boundaries of the subsidence district through transfer by a canal system by the Galveston County Water Authority. The total amount of water that could be used to decrease the use of ground-water is subject to the same consideration as responded to in Interrogatories Nos. 1, 2, and 4. (In Appendix B note the export water to the San Jacinto-Brazos Coastal Basin.) (b) None. (c) None. (d) See part (d) of Response to Interrogatory No. 1. (e) None. (f) None.

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INTERROGATORY NO. 6. Does the Texas Department of Water Resources recommend that salt water be used as industrial coolant instead of fresh water wherever possible? State the reasons for your answer.

RESPONSE TO INTERROGATORY NO. 6. (a) It is the position of the Texas Department of Water Resources that saline water for cooling is preferable to fresh water where use of saline water is economically, environmentally, and technically feasible. The use of salt water would avoid the need of using fresh water, which is in demand for many other uses. (b) None. (c) None. (d) Dr. Herb Grubb, Department of Water Resources, Austin, Texas (512) 475-3821. (e) None. (f) None.

INTERROGATORY NO. 7. Does the Texas Department of Water Resources believe that conservation of Brazos River water Resources is important in view of increasing municipal, agricultural, industrial, and recreational and other needs of an increasing population?

RESPONSE TO INTERROGATORY NO. 7. (a) Yes. (b) Continuing Water Resources Planning and Development for Texas - 1977, published by the Texas Department of Water Resources. (c) None. (d) Dr. Herb Grubb, Texas Department of Water Resources, Austin, Texas (512) 475-3821. (e) Texas Department of Water Resources continues to review the status of water resources in the State. In addition, the Texas Water Commissioner, a part of the Texas Department of Water Resources, is proceeding with the adjudication of Texas rivers, including the Brazos River. Conservation of

water is a consideration in their adjudication proceedings, as well as consideration in permit proceedings. (f) None.

INTERROGATORY NO. 8. State the names of other state agencies interested in the conservation of fresh water, their addresses, and their primary reasons therefor.

RESPONSE TO INTERROGATORY NO. 8.

(a)

- |  |   |
|--|---|
| 1. Department of Agriculture<br>Stephen F. Austin Building<br>Austin, Texas 78711                                    | - Irrigation.   |
| 2. General Land Office<br>Stephen F. Austin Building<br>Austin, Texas 78711  | - Texas resources.  |
| 3. Parks & Wildlife Department<br>4200 Smith School Road<br>Austin, Texas 78744                                      | - Management and development of the fish, game, and other recreational resources. |
| 4. Texas Department of Health<br>1100 W. 49th Street<br>Austin, Texas 78756  | - Water supplies.   |
| 5. Harris/Galveston Coastal<br>Subsidence District<br>1730 Nasa 1, Building 11,<br>P. O. Box 58847<br>Houston, Texas | - Subsidence and ground-water withdrawal.   |
| 6. Texas River Authorities   | - Development of water resources.   |
| 7. Texas Department of<br>Water Resources<br>Stephen F. Austin Building<br>Austin, Texas 78711                       | - Development and conservation of Texas water resources.                          |

There are also other agencies whose responsibilities require their participation and recognition of the conservation of fresh water. (b) None. (c) None. (d) Dr. Herb Grubb, Texas Department of Water Resources, Austin, Texas (512) 475-3821. (e) None. (f) None.



INTERROGATORY NO. 9. State the names of the state agencies, if any, who have been involved in warmer than sea water, salt water discharged into the Gulf of Mexico, such as the Brian Mound Project. Describe the existing situations fully.

RESPONSE TO INTERROGATORY NO. 9. (a) Because of questions of water quality, water rights, and water resources, the Texas Department of Water Resources has been involved with warm salt water discharges into the Gulf of Mexico. Houston Lighting & Power, several petroleum refineries, and Dow Chemical Company discharge salt water at temperatures higher than the ambient temperature of the water surrounding the discharge points. In addition, whenever a state or federal permit is required for a project which results in the discharge of warm salt water, state agencies, including the Texas Parks and Wildlife Department, have an opportunity to review and comment on the project. (b) Continuing Water Resources Planning and Development for Texas. (c) None. (d) Dr. Herb Grubb, Texas Department of Water Resources, Austin, Texas (512) 475-3821. (e) None. (f) None.

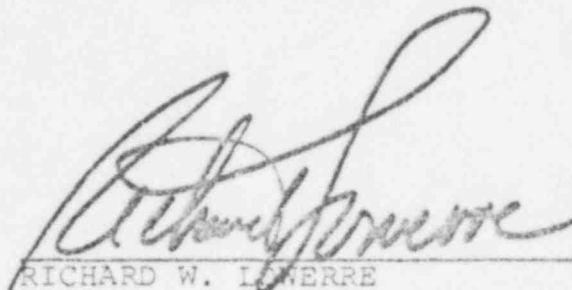
Respectfully submitted,

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P. O. Box 12548, Capitol Station  
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July 3, 1979

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )

HOUSTON LIGHTING & POWER COMPANY )

(Allens Creek Nuclear Generating )  
Station, Unit 1) )

Docket No. 50-466

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Response by the State of Texas to Interrogatories from Carro Hinderstein in the above-captioned proceeding have been served on the following by deposit in the United States Mail, First Class, this 3rd day of July, 1979.

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U.S. Nuclear Regulatory  
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Austin County Judge  
P. O. Box 310  
Bellville, Texas 77418

Hon. Jerry Sliva  
Mayor of the City of Wallis  
Wallis, Texas 77485

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Appeal Board  
U. S. Nuclear Regulatory  
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Attorney for the State of Texas

RELATED CORRESPONDENCE



APPENDIX A

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Figure II-1  
River and Coastal Basins and Zone Delineations

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APPENDIX B

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Summary of Surface Water Use in  
the Brazos River Basin as Reported to  
the TDWR Permits Control and Reports Section

Year	Total Water Use (Acre-feet Per Year)	Percent to Various Users		
		Mun.	Ind.	Irrig.
1972	517,885	16.6	25.8	57.6
1973	529,616	16.1	23.1	60.8
1974	536,841	18.3	23.4	58.3
1975	472,124	18.9	22.7	58.4
1976	468,927	22.0	26.1	51.9
1977	569,539	19.0	33.0	48.0

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Summary of Water Rights  
Issued in the Brazos River Basin  
from 1972 to 1978

Year	Total Basin			Zone 6	
	Number of Permits	Acre-Feet Permitted		Number of Permits	Acre-feet Permitted
1972	33	1,035,383(a)		1	750
1973	18	24,735		0	0
1974	32	135,496		2	36,200
1975	33	6,923		1	131
1976	36	3,337		2	363
1977	43	34,136		0	0
1978	22	2,417		0	0
TOTAL	217	1,242,427		6	37,444

(a) 1,029,285 acre-feet of this is for recirculating water in a groundwater-fed cooling reservoir with only a two mile watershed. The permit (No. 2792) allows for 6,888 ac-ft/yr of evaporation for a power plant but this is ground and not surface water use.

Summary of Surface Water Use in Zone 6  
Of the Brazos River Basin as Reported to the  
TDWR Permits Control and Reports Section

Year	Total Water Use (Acre-feet Per Year)	Percent to Various Users		
		Mun.	Ind.	Irrig.
1972	263,366	0	35	65
1973	254,699	0	38	62
1974	301,746	0	29	71
1975	293,766	0	26	74
1976	278,327	0.3	31.8	67.9
1977	302,468	0.4	31.5	68.0

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Projected Water Use in Zone 6  
of the Brazos River Basin  
in Thousands of Acre-Feet

	1974		2020	
	Surface Water	Total	Surface Water	Total
Municipal	0	9.1	24.8	41.7
Manufacturing	195.5	200.0	1,669.0	1,670.7
Steam-Electric	9.0	9.0	125.4	125.4
Irrigation	20.4	50.6	22.0	42.8
Mining	0.1	1.8	7.5	8.9
Livestock	2.9	3.4	4.2	5.0
Sub-Total <sup>1/</sup>	227.9	273.9	1,852.9	1,894.5
Export <sup>2/</sup>	237.3	237.3	715.4	715.4
TOTAL	465.2	511.2	2,568.3	2,609.9

<sup>1/</sup> Requirement includes mining and livestock water needs, which can be met from local unregulated supplies.

<sup>2/</sup> Municipal, manufacturing, and irrigation needs within the San Jacinto-Brazos Coastal Basin.

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APPENDIX C

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PERMIT TO  
APPROPRIATE STATE WATER

APPLICATION NO. 3951      PERMIT NO. 3959      TYPE: Section 11.121

Permittee : Texas Parks and Wildlife      Address : 4200 Smith School Rd.  
Department      Austin, Texas 78144

Received : April 10, 1978      Filed : December 11, 1978

Granted : March 23, 1979      County : Fort Bend

Watercourse: Unnamed tributaries of      Watershed: Brazos River Basin  
Big Creek and Big Creek,  
tributary of Brazos River

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

WHEREAS, a public hearing has been held and Texas Parks and Wildlife Department named as a party; and

WHEREAS, by law the Executive Director and the Public Interest Advocate of the Department of Water Resources are parties; and

WHEREAS, no person appeared to protest the granting of this application; and

WHEREAS, the issuance of this permit granting this application is not adverse to any party; and

WHEREAS, the Commission has assessed the effects of issuance of this permit on the bays and estuaries of Texas.

NOW, THEREFORE, this permit to appropriate and use State water is issued to Texas Parks and Wildlife Department subject to the following terms and conditions:

I. IMPOUNDMENT

Permittee is authorized to maintain ten existing reservoirs in Hale Ranch State Park, 15 miles SE of Richmond, Fort Bend County, Texas. Reservoirs No. 6, 9 acre-foot capacity; No. 7, 17 acre-foot capacity; and No. 10, 196 acre-foot capacity, are on unnamed tributaries of Big Creek. Reservoirs No. 1, 210 acre-foot capacity; No. 2, 61 acre-foot capacity; No. 3, 33 acre-foot capacity; No. 4, 12 acre-foot capacity; No. 5, 6 acre-foot capacity; No. 8, 96 acre-foot capacity; and No. 9, 60 acre-foot capacity, are off-channel. Reservoir No. 9 is in the K. W. Davis Survey, Abstract No. 12. All other reservoirs are in the William Barrett and Abner Harris Survey, Abstract No. 8. The 10 reservoirs are referenced to the NW corner of Edward Robertson Survey, Abstract No. 80, Fort Bend County, as follows:

Reservoir No. 1: N 32° 02' E, 4183 feet to the intersection of northernmost shoreline with center line of the west levee.

Reservoir No. 2: N 44° 54' E, 3065 feet to outlet end of culvert on west side of oxbow lake.

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Reservoir No. 3: N 56° 17' E, 4195 feet to midpoint of culvert connecting oxbow reservoirs Nos. 2 and 3.

Reservoir No. 4: N 25° 52' E, 5155 feet to southern end point of closure dam across the south leg of oxbow lake.

Reservoir No. 5: N 23° 22' E, 6820 feet to southernmost tip of west leg of oxbow.

Reservoir No. 6: N 80° 15' E, 7896 feet to west end of dam.

Reservoir No. 7: N 81° 17' E, 9285 feet to east end of dam.

Reservoir No. 8: N 84° 12' E, 10,155 feet to north end of dam across north leg of oxbow.

Reservoir No. 9: The NW corner of Edward Robertson Survey falls on the intersection of North and East Levees that impound water for Reservoir No. 9.

Reservoir No. 10: The NW corner of Edward Robertson Survey falls on the intersection of the centerline of the levee that crosses Pilant Lake and the north-south levee that separates Reservoir No. 9 from Pilant Lake.

## 2. USE

- (a) Permittee is authorized to directly divert and use not to exceed 310 acre-feet of water per annum from Big Creek as a supplement so as to maintain the water levels in the reservoirs.
- (b) Permittee is authorized to use the ten reservoirs for recreational purposes.

## 3. DIVERSION

- (a) Points of Diversion: All ties are to the NW corner of the aforesaid Robertson Survey:

Point No. 1: N 76° 51' E, 5587 feet on the NE corner of Reservoir No. 1.

Alternate Point No. 2: N 85° 57' E, 10,235 feet.

Alternate Point No. 3: N 76° 28' W, 325 feet.

Alternate Point No. 4: N 20° 12' W, 6575 feet.

Alternate Point No. 5: S 85° 32' E, 1005 feet.

- (b) Maximum Rate of Diversion: 6.6 cfs (3,000 gpm)

- (c) Operation: Water will be pumped directly from Big Creek into Reservoirs Nos. 1, 4, 5 and 8. Water will be transferred from Reservoir No. 1 by gravity flow to Reservoirs Nos. 2 and 3 and by gravity flow and/or pump to Reservoir No. 9. Reservoirs Nos. 1, 2 and 3 are connected by levee borrow ditches and connecting culverts to on-channel Reservoirs Nos. 5 and 10 so that diverted water may be conveyed through the two on-channel reservoirs.

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4. TIME LIMITATIONS

Construction or installation of the direct diversion facilities herein authorized shall be commenced within 90 days and completed within one year from date of issuance of this permit.

5. SPECIAL CONDITION

Failure to begin construction of the diversion facilities within the period stated in Time Limitations shall cause this permit to expire and become of no further force and effect unless permittee applies for an extension of time prior to the date required in Time Limitations and the application is subsequently granted.

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

Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

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

This permit is issued subject to the Rules of the Texas Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

/s/ Felix McDonald

Felix McDonald, Chairman

/s/ Joe R. Carroll

Joe R. Carroll, Commissioner

/s/ Dorsey B. Hardeman

Dorsey B. Hardeman, Commissioner

Date Issued:

March 27, 1979

(SEAL)

Attest:

/s/ Mary Ann Reiner

Mary Ann Reiner, Chief Clerk

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## TEXAS DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT TO APPROPRIATE PUBLIC WATER  
(SECTION 11.121, TEXAS WATER CODE)

APR 10 1978

Application No.: \_\_\_\_\_ Date Received: \_\_\_\_\_  
 Hearing Set For: \_\_\_\_\_ Date Granted: \_\_\_\_\_

(Do not write above this line)

## 1. Personal Data of Applicant:

A. Name: Texas Parks and Wildlife Department  
 B. Mailing Address: 4200 SMITH SCHOOL ROAD Austin, Texas 78744  
 C. Telephone No.(s): Home: \_\_\_\_\_ Office: 512/475-4841

## 2. Dam and Reservoir Information and Data:

A. Type of Storage Reservoir: ☒ on-channel ☒ off-channel  
 Date of Construction 1960 to 1970

## B. Location of Structure:

(1) Watercourse: Big Creek, tributary of Brazos River  
 tributary of \_\_\_\_\_, tributary of \_\_\_\_\_ Basin.

(2) From County Seat and nearby town:  
 a. Location from County Seat: 25.6 miles in a SE direction from  
 Richmond, Ft. Bend County, Texas.  
 b. Location from nearby town (if other than County Seat): 12  
 miles in a SE direction from Canyon, Texas, a nearby town  
 shown on county highway map.

(3) Station \_\_\_\_\_ on the centerline of the dam is \_\_\_\_\_  
 (bearing) \_\_\_\_\_ feet (distance) from the \_\_\_\_\_ corner of \_\_\_\_\_  
 Original Survey No. \_\_\_\_\_ Abstract No. \_\_\_\_\_  
 in \_\_\_\_\_ County, Texas.

(4) Location of Dam: \_\_\_\_\_ Original Survey No. \_\_\_\_\_  
 Abstract No. \_\_\_\_\_ County, Texas.

## C. Reservoir:

(1) Acre-feet of water impounded by structure at normal maximum operating level  
 635.8 (Total for storage complex)

(2) Surface area in acres of reservoir at normal maximum operating level  
 455.9 (Total for storage complex)

D. (1) Is this a U.S. Soil Conservation Service floodwater-retarding structure?  
 Yes \_\_\_\_\_ No ☒ Site No. \_\_\_\_\_ Watershed Project.  
 (2) Do you request a permit to close the "ports" or "windows" in the service of  
 principal spillway? Yes \_\_\_\_\_ No \_\_\_\_\_

E. The drainage area above the dam is "Total" outside drainage area for storage complex is  
 1095.9 acres.

## 3. Appropriation:

## A. Appropriated water will be used as follows:

Purpose(s)*	Place of Use	Acre-Feet per Annum
(1) Recreation & Wildlife	Male Ranch State Park	310 Total for storage complex (maximum)
(2) _____	_____	_____
(3) _____	_____	_____

\* If irrigation, list crops to be irrigated \_\_\_\_\_

## B. Diversion:

(1) Location of point of diversion \_\_\_\_\_ (bearing) \_\_\_\_\_ feet (distance)  
 from the \_\_\_\_\_ corner of \_\_\_\_\_ Original Survey No. \_\_\_\_\_  
 Abstract No. \_\_\_\_\_ in \_\_\_\_\_ County, Texas.

(2) Location from nearby town: \_\_\_\_\_ miles in a \_\_\_\_\_ direction from  
 \_\_\_\_\_, a nearby town shown on attached vicinity map.

\*See attached supplement for additional information and explanations.

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(3) The diversion will be: (circle appropriate letter)

- a. Directly from the stream
- b. From an existing on-channel reservoir
- c. From a proposed on-channel reservoir
- d. From a stream to an existing off-channel reservoir
- e. From a stream to a proposed off-channel reservoir
- f. Other method (Explain fully--use additional sheets if necessary)

(4) Rate of Diversion:

- a. Maximum 3000 gpm
- b. Diversion Facility
  - 1. If by pumping plant:
    - a. Number of pumps 1
    - b. Type of pump centrifugal
    - c. Horsepower 30
    - d. Total Head 35 feet
    - e. Pump capacity each pump 3000 gpm
    - f. Portable pump Yes X No
  - 2. If by gravity: (check applicable provision)
    - a. Headgate
    - b. Diversion dam
    - c. Other method (Explain fully--use additional sheets if necessary)

\* C. Return Water or Return Flow

Water which is diverted but not consumed as a result of the above stated use will be returned to Big Creek, tributary of Brazos River, tributary of        Basin, at a point which is        (bearing)        feet (distance) from the        corner of        Original Survey No.       , Abstract No.       ,        County, Texas. Annual amount of return flow to said stream is        acre-feet.

\* D. Surplus Water

Water which is diverted but not used beneficially will be returned to       , tributary of       , tributary of which is        (bearing)        feet (distance) from the        corner of        Original Survey No.       , Abstract No.       ,        County, Texas.

\* 4. General Information:

Texas Parks & Wildlife Dept.

- A. The proposed works will be located on the land of       , whose mailing address is 4220 Smith School Road, Austin, Texas 78744. (If applicant does not own land and does not have the power of condemnation, a copy of the easement or option for easement must be furnished.)
- B. The lands proposed to be irrigated are described in a supplement attached to this application or on the application plans and contain        acres in the        Original Survey No.       , Abstract No.       , in        County, Texas. Out of this area        acres will be irrigated in any one year. (In the case of individuals, all owners of the land to be irrigated must join in the application.)
- C. If a permit for the appropriation is granted, either in whole or in part, construction works will be begun within        after such permit is issued. The proposed work will be completed within        from the date of issuance of permit.

5. Maps, plans, and drawings accompany this application as required by the Commission's Rules

Witness        hand at Austin, Texas, this the 14th day of April, 1978.

Barney B. Smith  
DIRECTOR, TEXAS PARKS & WILDLIFE DEPT.

Subscribed and sworn to as being true and correct before me on this the 7th day of April, 1978.

James H. House  
Notary Public, Texas County, Texas

My Commission Expires 12/31/79

TOWNSHIP  
FORM 7-1-1

POOR  
ORIGINAL

786222



Supplement to Application of  
Texas Parks and Wildlife  
Water Storage Complex  
Hale Ranch State Park

This application covers an existing water storage complex located on Hale Ranch State Park. Ten (10) separate but interrelated impoundments that will be used for recreation and wildlife are included. The source of the impounded water is from direct rainfall, rainfall runoff from landsurface drainage, infrequent overflow from floodwaters of Big Creek and the Brazos River and pump diversion from Big Creek.

The attached drawings show the locations of the various impoundments within the park area. Also attached is the storage, structural, and operations plan for each of the ten impoundments.

Maximum annual diversion needs are based on the drouth period of 1950-56 using a net freesurface evaporation of 25 inches (PWDB Report 64) and an annual runoff for the surface area draining into the ponds of 2.4 inches, again based on the 1950-56 period. Seepage should be insignificant and was not considered as a loss.

Diversion of replenishment water will be by portable pumping unit. The source of water diverted will be from Big Creek. The pump locations are shown on the attached maps.

Due to the fact that reservoirs 1-2-3-6 and 10 are interconnected by levee barrow ditches and connecting culverts, diverted water may be pumped into one reservoir and then transferred into one of the others by gravity flow. The principal pump location will be at NE corner of Reservoir No.1.

The pumping unit will have an internal combustion engine of approximately 40 horse power and will be capable of pumping 3000 gallons per minute against a total head of 35 feet. The unit will have a centrifical pump and portable conduit will be used on the discharge side.

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WATER RESOURCES

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3

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APR 10 1978

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WATER RESOURCES

APPENDIX D

POOR  
ORIGINAL

7862214

PARSONS-GILBANE  
A JOINT VENTURE

POOR ORIGINAL



OIL IN THE GROUND

P. O. BOX 23702 300 COMMERCE ROAD, WEST NEW ORLEANS, LA. 70183 (504) 733-8517

In Reply  
Refer To

HO-ENG-7585

March 22, 1979

Texas Department of Water Resources  
Water Rights Division  
P. O. Box 13246  
Austin, Texas 78711

Subject: Bryan Mound Salt Dome, Brazoria County, Texas  
Storage for Strategic Petroleum Reserve

Gentlemen:

The Department of Energy has selected the Bryan Mound Salt Dome, in Brazoria County, Texas, to be a crude oil storage facility for the Strategic Petroleum Reserve.

Part of the planned construction for the facility is a water intake structure and canal connecting it to the Brazos River Diversion Channel.

Enclosed are six (6) copies of the Texas Water Rights Division application for a permit to appropriate public water with attached drawings. The appropriation of public water is necessary for the operation of the water intake system.

The information provided herein is being submitted for your consideration and review. To the best of my knowledge, the information provided in the application and attachments is correct.

If you have any questions concerning the application or facility, please advise me or my staff of Parsons-Gilbane (Acting Representative and Contracting Managers for the Department of Energy).

Sincerely,

Parsons-Gilbane

D. E. Carroll  
Chief, Permits & Real Estate

786225

DEC/FF/11

TEXAS DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT TO APPROPRIATE PUBLIC WATER  
(SECTION 11.121, TEXAS WATER CODE)

Application No.: \_\_\_\_\_ Date Received: \_\_\_\_\_  
Hearing Set For: \_\_\_\_\_ Date Granted: \_\_\_\_\_

(Do not write above this line)

1. Personal Data of Applicant:

A. Name: Department of Energy, Strategic Petroleum Reserve Office  
B. Mailing Address: 1725 N. Street, N.W., Washington, D.C. 20461  
C. Telephone No.(s): Home: 202/834-5500 Office: \_\_\_\_\_

2. Dam and Reservoir Information and Data:

A. Type of Storage Reservoir: ☐ on-channel ☐ off channel  
Date of Construction: \_\_\_\_\_

B. Location of Structure: Intake structure

- (1) Watercourse: Brazos River Div., tributary of \_\_\_\_\_  
tributary of \_\_\_\_\_, tributary of \_\_\_\_\_ Basin.  
(2) From County Seat and nearby town:  
a. Location from County Seat: 20 miles in a Southerly direction from  
Angleton, Brazoria County, Texas.  
b. Location from nearby town (if other than County Seat): \_\_\_\_\_  
miles in a SW direction from Freeport, a nearby town  
shown on county highway map.  
(3) Station: N/A on the centerline of the dam is \_\_\_\_\_  
(bearing) \_\_\_\_\_ feet (distance) from the \_\_\_\_\_ corner of \_\_\_\_\_  
Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_  
in \_\_\_\_\_ County, Texas.  
(4) Location of Dam: \_\_\_\_\_ Original Survey No. \_\_\_\_\_  
Abstract No. \_\_\_\_\_, \_\_\_\_\_ County, Texas.

C. Reservoir: N/A

- (1) Acre-feet of water impounded by structure at normal maximum operating level  
(2) Surface area in acres of reservoir at normal maximum operating level: N/A

- D. (1) Is this a U.S. Soil Conservation Service floodwater-retarding structure?  
Yes \_\_\_\_\_ No X Site No. \_\_\_\_\_ Watershed Project.  
(2) Do you request a permit to close the "ports" or "windows" in the service of  
principal spillway? Yes \_\_\_\_\_ No X

E. The drainage area above the dam is: No Dam \_\_\_\_\_

3. Appropriation:

A. Appropriated water will be used as follows:

Purpose*	Place of Use	Acre-Feet per Annum
(1) Displace OIL from Underground Storage	Bryan Mound Salt Dome	20,000 (which could be done a maximum of 5 times)
(2) Leach New Caverns One-time	Bryan Mound Salt Dome operation	11,000 per year (3 years duration)
(3) _____	_____	_____

\* If irrigation, list crop(s) to be irrigated \_\_\_\_\_

B. Diversion:

- (1) Location of point of diversion: 354' N.W. (bearing) 2700 feet (distance)  
from the NW corner of S. F. Austin Survey Original Survey No. \_\_\_\_\_  
Abstract No. 15, in Brazoria County, Texas.  
(2) Location from nearby town: 3 miles in a SW direction from  
Freeport, TX, a nearby town shown on attached vicinity map.

POOR  
ORIGINAL

786226

(3) The diversion will be: (circle appropriate letter)

- a. Directly from the stream
- b. From an existing on-channel reservoir
- c. From a proposed on-channel reservoir
- d. From a stream to an existing off-channel reservoir
- e. From a stream to a proposed off-channel reservoir
- f. Other method (Explain fully--use additional sheets if necessary)

(4) Rate of Diversion:

a. Maximum 32,400 gpm

b. Diversion Facility

1. If by pumping plant:

a. Number of pumps 4(1 is spare)

b. Type of pump vert

c. Horsepower 500

d. Total Head 110 feet

e. Pump capacity each pump  
11,840 gpm

f. Portable pump Yes       
No X

2. If by gravity: (check applicable provision)

a. Headgate

b. Diversion dam

c. Other method (explain fully--use additional sheets if necessary)

C. Return Water or Return Flow N/A

Water which is diverted but not consumed as a result of the above stated use will be returned to     , tributary of     , tributary of     , at a point which is      (bearing)      feet (distance) from the      corner of      Original Survey No.     , Abstract No.     ,      County, Texas. Annual amount of return flow to said stream is      acre-feet.

D. Surplus Water N/A

Water which is diverted but not used beneficially will be returned to     , tributary of     , tributary of which is      (bearing)      feet (distance) from the      corner of      Original Survey No.     , Abstract No.     ,      County, Texas.

4. General Information:

Department

A. The proposed works will be located on the land of Department of Energy, whose mailing address is 1726 M. Street, N.W., Washington, D.C. 20461. (If applicant does not own land and does not have the power of condemnation, a copy of the easement or option for easement must be furnished.)

B. The lands proposed to be irrigated are described in a supplement attached to this application or on the application plans and contain N/A acres in the      Original Survey No.     , Abstract No.     , in      County, Texas. Out of this area      acres will be irrigated in any one year. (In the case of individuals, all owners of the land to be irrigated must join in the application.)

C. If a permit for the appropriation is granted, either in whole or in part, construction works will be begun within      after such permit is issued. The proposed work will be completed within      from the date of issuance of permit.

5. Maps, plats, and drawings accompany this application as required by the Commission's Rules.

Witness      hand at     , Texas, this the      day of     , 19     .

Subscribed and sworn to as being true and correct before me on this the      day of     , 19     .

POOR  
ORIGINAL

      
Notary Public, Jefferson County, Texas  
My commission expires on 1/1/11

FD-302 (Rev. 1-2-60)

785227

APPENDIX E

POOR  
ORIGINAL

786228

AMENDMENT TO  
PERMIT TO  
APPROPRIATE STATE WATER

APPLICATION NO. 3194A	PERMIT NO. 2925A	TYPE: Amendment
Permittee : Houston Lighting & Power Company	Address : P. O. Box 1700 Houston Texas 77001	
Received : July 20, 1977	Filed : October 17, 1977	
Granted : November 14, 1977	County : Austin	
Watercourse : Allens Creek, tribu- tary of Brazos River	Watershed: Brazos River Basin	

WHEREAS, the Texas Water Commission finds that jurisdiction of the appli-  
cant as is established, due notice and publication thereof and of the public hearing  
therein having been accomplished, all in accordance with the Texas Water Code  
and the Rules of the Texas Department of Water Resources and of this Commission;  
and

WHEREAS, Permit No. 2925, issued May 15, 1974, authorized permission  
to construct and maintain a dam and reservoir on Allens Creek to impound  
thereon not to exceed 152,441 acre-feet of water at 115 feet maximum in sea  
level, and to divert, circulate and re-circulate same to consummately use for  
industrial purposes not to exceed 46,256 acre-feet of water per annum from  
the stream flows of Allens Creek and other waters to be impounded in the  
reservoir pursuant to Contractual Permit No. CP-245; and

WHEREAS, the anticipated capacity of the proposed Allens Creek Storage  
Generating Station for which the water was to be appropriated has been reduced  
from 4600 megawatts to 2400 megawatts; and

WHEREAS, applicant has requested an amendment to Permit No. 2925  
in order to reduce the amount of water impounded, diverted, circulate,  
re-circulated and consummately used, to reduce the maximum diversion rate,  
to reduce the amount of water temporarily appropriated for the partial filling  
of the reservoir, and to change the point of return flow; and

WHEREAS, a public hearing has been held and Houston Lighting & Power  
Company named as a party; and

WHEREAS, by act the Governor, the Director of the Department of Water  
Resources and the State Engineer have declared this to be;

WHEREAS, no person appeared to protest the granting of this application;  
and

WHEREAS, the proposed amendment to Permit No. 2925 is hereby  
noted as follows:

NOW, THEREFORE, this amendment to Permit No. 2925 is hereby  
granted to Houston Lighting & Power Company, such that the following terms and condi-  
tions govern the total appropriative rights of the permittee under the afore-  
said permit:

POOR  
ORIGINAL

## 1. IMPONDMENT

Permittee is authorized to construct, and before acquiring any right hereunder shall construct, a dam and reservoir on Allens Creek and impound therein not to exceed 93,132 acre-feet of water at 110 feet above mean sea level. The dam will be in the following surveys in Austin County, Texas: Miles N. Allen Survey, Abstract No. 3; Antonio Mancini Survey, Abstract No. 69; H. M. Williamson Survey, Abstract No. 103; Stephen Richardson Survey, Abstract No. 81 and David H. Allen and Thomas Davis Survey, Abstract No. 71. Station 262 + 50 on the centerline of the dam will be N 33° 30' E, 13,750 feet from the east corner of the Jesse Boykin Heisk Survey, Abstract No. 131, Austin County, 23 miles SE of Bellville, Texas.

## 2. USE

(a) Permittee is authorized to divert, circulate and recirculate so as to consummatively use from the reservoir not to exceed 36,200 acre-feet of water per annum from the proposed on-channel reservoir for industrial purposes (forced evaporative cooling and auxiliary plant operation) in connection with the proposed 2400-mw Hewitt Allens Creek Nuclear Generating Station in Austin County, Texas. The 36,200 acre-feet of water shall consist of not to exceed 31,257 acre-feet of previously unappropriated water in Allens Creek when available, with the remainder provided by diversions from the Brazos River pursuant to permittee's contract with Brazos River Authority and Construction Permit No. C-19-275.

(b) Permittee is authorized to divert and use 1 acre-foot of water from the unappropriated capacity of Allens Creek under the Brazos River for construction of permittee's power generating plant, including the dam and reservoir authorized by this permit.

(c) Permittee is authorized to divert and use, not to exceed 134,322 acre-feet from Allens Creek and/or the Brazos River during the initial filling of the reservoir over a 40-month period.

## 3. DIVERSION

(a) Point of Diversion: On the west or right shore of the reservoir at 1 mile Allen is N 12° W, 13,150 feet from the east corner of the aforesaid Jesse Boykin Heisk Survey.

(b) Maximum Diversion Rate: 4445 cfs (12,600,000 gpm).

## 4. TERMINATION

(a) This permit shall not expire, and shall be extended as to expiration at a point where (a) 100 ft, 17,250 feet from the east corner of the aforesaid Jesse Boykin Heisk Survey.

(b) Subject to the permittee's right will be for and on the 100 ft (a) 100 ft from N 091° 00' E, 16,400 feet from the east corner of the

Tract 100 ft from

Construction of the dam is authorized and shall be completed within two years and shall be completed within six years from the date of issuance of this permit.

POOR  
ORIGINAL

786230



6. SPECIAL CONDITIONS

- (a) Permittee is authorized to divert water from the Brazos River for construction purposes or for initial filling of the reservoir only when the gaged flows of the Brazos River at USGS Gaging Station No. 08114000, Richmond, Texas (the Richmond gage), when corrected to deduct upstream reservoir releases by Brazos River Authority to serve contractual permits downstream of the Richmond gage, equal or exceed 1100 cfs at the Richmond gage.
- (b) Inflow from Allens Creek Watershed shall be passed through the reservoir whenever Brazos River flow at the Richmond gage, when corrected to deduct upstream reservoir releases by Brazos River Authority to serve contractual permits downstream of the Richmond gage, is less than 1100 cfs; provided, however, permittee is authorized to substitute for inflow from Allens Creek an equal quantity of water released by Brazos River Authority for this purpose from upstream reservoirs.

This amendment is issued subject to all water rights in the Brazos River Basin which are superior and senior to those rights provided in Permit No. 2925, as amended hereby.

Permittee 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 review of the Texas Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TENNESSEE WATER COMMISSION

/s/ Dorsey B. Hardeman

Dorsey B. Hardeman, Acting Chairman

/s/ Joe R. Carroll

Joe R. Carroll, Commissioner

Date Issued:

November 20, 1977

(SEAL)

Attest:

/s/ Mary Ann Heffner

Mary Ann Heffner, Clerk

POOR  
ORIGINAL

786231

PERMIT TO  
APPROPRIATE STATE WATER

EXHIBIT A

APPLICATION NO. 3194

PERMIT NO. 2935

TYPE: Regular

Permittee : Houston Lighting  
& Power Company

Address : Box 1700  
Houston, Texas 77001

Received : November 2, 1973

Filed : December 17, 1973

Granted : February 5, 1974

County : Austin

Watercourse : Allens Creek, trib-  
utary of the Brazos  
River

Watershed: Brazos River Basin

WHEREAS, the Texas Water Rights Commission finds that jurisdiction of the application is established, due notice and publication thereof having been accomplished, and hearing having been held, all in accordance with the Texas Water Code and the Rules and Regulations of the Commission.

NOW, THEREFORE, this permit to appropriate State water is issued to Houston Lighting & Power Company, subject to the following terms and conditions:

1. IMPOUNDMENT

Permittee is authorized to construct, and before acquiring any right hereunder shall construct, a dam and reservoir on Allens Creek and impound therein not to exceed 138,441 acre-feet of water (at 118 feet above mean sea level). Station 332 + 50 on the centerline of the dam is N 53° 30' E, 13,750 feet from the east corner of the Jesse Boykin Hairs Survey, Abstract No. 131, Austin County, Texas, 23 miles SE of Bellville, Texas.

2. USE

- (a) Permittee is authorized to impound, divert, circulate and recirculate, and to consumptively use from the reservoir for industrial purposes not to exceed 46,256 acre-feet of water per annum from the stream flows of Allens Creek and other waters as may be provided by contract from Brazos River Authority and impounded in the reservoir in accordance with contractual permit. Approximately 2000 acre-feet of the above authorized water may be used for ancillary functions in and around permittee's power generating plant.
- (b) Permittee is further authorized to divert and use 500 acre-feet of water from the unappropriated waters of Allens Creek and/or the Brazos River for construction of permittee's power generating plant, including the dam and reservoir authorized by this permit.
- (c) Permittee is further authorized to divert and use 189,181 acre-feet of water from Allens Creek and/or the Brazos River over a three-year period during the initial filling of the reservoir.

3. DIVERSION

- (a) Point of Diversion: On the west or right shore of the reservoir at a point which is N 12° W, 13,350 feet from the east corner of the Jesse Boykin Hairs Survey, Abstract No. 131, Austin County, Texas.
- (b) Maximum Diversion Rate: 3,800 cfs (4,000,000 gpm).

POOR  
ORIGINAL

4. POINTS OF RETURN

- (a) Water diverted for plant use but not consumptively used will be returned to the reservoir at a point N 19° 15' W, 17,400 feet from the aforesaid survey corner.
- (b) Surplus water not beneficially used will be returned to the Brazos River at a point N 60° 30' E, 16,350 feet from the aforesaid survey corner.

5. TIME LIMITATIONS

Construction or installation of all works herein authorized shall commence within 2 years and be completed within 5 years from the date of issuance of this permit unless extended by the Commission.

6. SPECIAL CONDITIONS

- (a) Diversions from the Brazos River authorized by this permit for construction purposes or for the initial filling of the reservoir shall be limited to such times as the flow rate at the Richmond gaging station (when corrected to deduct upstream reservoir releases by the Brazos River Authority to serve contractual permits downstream of the Richmond gage) does not reduce the flow rate below 1100 cfs at said gaging station.
- (b) Inflow from Allens Creek Watershed shall be passed through the reservoir whenever flow at the Richmond gaging station (when corrected to deduct upstream reservoir releases by Brazos River Authority to serve contractual permits downstream of the Richmond gage) is less than 1100 cfs, provided, however, permittee is authorized to substitute for inflow from Allens Creek an equal quantity of water released by Brazos River Authority from upstream reservoirs for this purpose.

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

Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

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

This permit is issued subject to the rules and regulations of the Texas Water Rights Commission and to its right of continual supervision.

TEXAS WATER RIGHTS COMMISSION

Date Issued:

May 15, 1974

/s/ Joe D. Carter

Joe D. Carter, Chairman

(SEAL)

/s/ O. F. Dent

O. F. Dent, Commissioner

Attest:

/s/ Audrey Strandtman  
Audrey Strandtman, Secretary

/s/ Dorsey B. Hardeman  
Dorsey B. Hardeman, Commissioner

PERMIT TO  
APPROPRIATE STATE WATER

APPLICATION NO. CA-235A	PERMIT NO. CP-235A	TYPE: Amendment
Permittee : Houston Lighting and Power Company	Address : P. O. Box 1700 Houston, Texas 77001	
Received : April 27, 1978	Filed : October 10, 1978	
Granted : November 27, 1978	County : Fort Bend	
Watercourse : Brazos River	Watershed: Brazos River Basin	

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

WHEREAS, applicant has requested an amendment to Contractual Permit No. 235 to authorize an additional diversion point and the transportation of water diverted through applicant's canal facilities to a point on Dry Creek and bed and bank conveyance to the reservoir known as Smithers Lake, authorized by Permit No. 1812, as amended, which is held by the applicant; and

WHEREAS, a public hearing has been held and Houston Lighting and Power Company named as a party; and

WHEREAS, by law the Executive Director and the Public Interest Advocate of the Department of Water Resources are parties; and

WHEREAS, no person appeared to protest the granting of this application; and

WHEREAS, the issuance of this permit pending this application is not adverse to any party.

NOW, THEREFORE, this amendment to Contractual Permit No. 235 is issued to Houston Lighting and Power Company subject to the following terms and conditions:

I. DIVERSION

- (a) Point of Diversion: Permittee is authorized to divert at an additional point on the east, or right, bank of the Brazos River S 45 W, 3295 feet from the NW corner of the Jane H. Long Survey Abstract No. 55, about 1/4 mile NW of Richmond, Fort Bend County, Texas.
- (b) Permittee is authorized to transport the water diverted through its canal facilities to a point in the BHH&C RR Co. Survey, Abstract No. 129, Fort Bend County, Texas, which point intercepts Dry Creek, thence via bed and banks of Dry Creek into Smithers Lake for subsequent use at the W. A. Parish Electric Power Generating Station, 10 miles SE of Richmond, Texas.
- (c) Maximum Rate of Diversion: 45 cfs (150,315 gpm).

This amendment is issued subject to all terms, conditions and restrictions contained in Contractual Permit No. CP-235, inasmuch as herein amended.

POOR  
ORIGINAL

786234

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

Contractual permittee 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 Department of Water Resources and to the right of continual supervision of State water resources exercised by the Department.

TEXAS WATER COMMISSION

/s/ Felix McDonald

Felix McDonald, Chairman

/s/ Joe R. Carroll

Joe R. Carroll, Commissioner

Date Issued:

December 3, 1978

( )

Attest:

/s/ Mary Ann Helmer

Mary Ann Helmer, Chief Clerk

POCR  
ORIGINAL

PERMIT TO  
APPROPRIATE STATE WATER

APPLICATION NO. CA-235	PERMIT NO. CP-235	TYPE: Contractual
Permittee : Houston Lighting & Power Company	Address : Box 1700 Houston, Texas 77001	
Received : November 2, 1973	Filed : December 17, 1973	
Granted : February 6, 1974	County : Austin	
Watercourse : Brazos River	Watershed: Brazos River Basin	

WHEREAS, the Texas Water Rights Commission finds that jurisdiction has been established and has duly considered the application.

NOW, THEREFORE, this permit to use State water is issued to Houston Lighting & Power Company, based on a contract dated as of August 1, 1972, with Brazos River Authority, owner of Permits Nos. 1262, 2107, 2108, 2109, 2110, 2111 (as amended), 2366 and 2367, which authorize the use of water granted by this permit. The terms and conditions of this permit are as follows:

1. IMPOUNDMENT

Lake Possum Kingdom, Proctor Lake, Lake Belton, Stillhouse Hollow Lake, Somerville Reservoir, Lake Granbury, Laneport Reservoir and North Fork Reservoir as authorized by Permits Nos. 1262, 2107, 2108, 2109, 2110, 2111 (as amended), 2366 and 2367.

2. USE

Permittee is authorized to divert, impound, circulate and recirculate and to consumptively use not to exceed 176,000 acre-feet of water per annum. The water, released from reservoirs in the Brazos River Watershed owned or having storage capacity leased by the Brazos River Authority and diverted from the Brazos River, will be used for industrial purposes (cooling and operating water) at permittee's electric power generating plant on Allens Creek, Austin County, Texas, or at other facilities of permittee for which additional points of diversion are authorized in accordance with this permit.

3. DIVERSION

(a) Points of Diversion

- (1) On the right bank of the Brazos River N 41° E, 10,450 feet from the east corner of the Jesse Boykin Heirs Survey, Abstract No. 121, Austin County, Texas;
- (2) From any other point on the Brazos River downstream of the mouth of the Navasota River after applying to the Commission to establish the location of new diversion points and rates of diversion at the points, and upon receiving the approval of the Commission.

- (b) The maximum rate of diversion at the point authorized in paragraph 3(a)(1) above is 660 cfs (296,000 gpm).

POOR  
ORIGINAL

786236

4. SPECIAL CONDITIONS

- (a) Nothing in this permit shall be construed as authorizing an appropriate right in excess of that held by Brazos River Authority as evidenced by the aforementioned permits. Those public waters diverted pursuant to this permit shall consist wholly of waters authorized to be diverted by Brazos River Authority, which waters shall either (1) be released from the reservoirs designated above in such quantities as will satisfy commitments under the terms of the aforementioned contract as well as all channel losses resulting from said releases and occurring between the point of release and the point of diversion herein specified or (2) be waters which the Brazos River Authority may from time to time be authorized to supply by future appropriations.
- (b) Brazos River Authority shall measure and keep records of daily releases made from the reservoirs for the purpose of satisfying its contractual obligations and the Special Conditions of this permit; and permittee shall measure and keep records of daily diversions made at the authorized point of diversion. Both permittee and Brazos River Authority shall report to the Commission annually in such form and manner as the Commission may from time to time prescribe:
- (1) All diversions and the location of same made under provisions of this permit; and
- (2) All releases of water from the reservoirs for use under the provisions of this permit.
- (c) Upon termination of the aforementioned contract by either party, this permit shall lapse and be of no further force and effect.

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

Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this permit.

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

This permit is issued subject to the rules and regulations of the Texas Water Rights Commission and to its right of continual supervision.

TEXAS WATER RIGHTS COMMISSION

Date Issued:

May 15, 1974

/s/ Joe D. Carter

Joe D. Carter, Chairman

(SEAL)

Attest:

/s/ O. F. Dent

O. F. Dent, Commissioner

/s/ Audrey Strandman

Audrey Strandman, Secretary

/s/ Dorsey B. Hardeman

Dorsey B. Hardeman, Commissioner

POOR ORIGINAL