

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 10-4963 OWNERS: San Jacinto River Authority
P. O. Box 329
Conroe, Texas 77305

City of Houston
Attn: Department of Public
Works
P. O. Box 1562
Houston, Texas 77007

Texas Water Development
Board
Water Availability Data &
Studies
P. O. Box 13231, Capitol
Station
Austin, Texas 78711

COUNTIES: Montgomery and Harris

PRIORITY DATES: January 12, 1959
and June 28, 1965

WATERCOURSE: West Fork San Jacinto
River, tributary of the
San Jacinto River

BASIN: San Jacinto River

WHEREAS, by final decree of the 155th Judicial District Court of Waller County, in Cause No. 10,023A, In Re: The Exceptions of the San Jacinto River Authority to the Adjudication of Water Rights in the San Jacinto River Basin dated December 1, 1966, a right was recognized under Permit 1962B authorizing the San Jacinto River Authority, the City of Houston and the Texas Water Development Board to appropriate waters of the State of Texas as set forth below;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the San Jacinto River Basin is issued to the San Jacinto River Authority, the City of Houston and the Texas Water Development Board, subject to the following terms and conditions:

1. IMPOUNDMENT

Owners are authorized to maintain an existing dam and reservoir on the West Fork San Jacinto River (Lake Conroe) and impound therein not to exceed 430,260 acre-feet of water. The dam is located in the James Smith Grant, Abstract 37; the James Edwards Survey, Abstract 189; the James Edwards Survey, Abstract 190; the Robert Marsh Survey, Abstract 355 and the James W. Singleton Survey, Abstract 496, Montgomery County, Texas.

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2. USE

A. Owners are authorized to divert or release and use not to exceed 100,000 acre-feet of water per annum from the aforesaid Lake Conroe for purposes as follows:

Municipal Purposes - - - - - 66,000 acre-feet

Industrial Purposes - - - - - 28,500 acre-feet

Mining Purposes - - - - - 5,500 acre-feet

B. Owners are also authorized to use the impounded water for recreation purposes.

3. DIVERSION

A. Location

At the perimeter of the aforesaid reservoir.

B. Maximum rate: 700.00 cfs (315,000 gpm).

4. PRIORITY

A. The time priority of owners' right is January 12, 1959 for the impoundment of 380,430 acre-feet of water and the diversion and use of water for purposes authorized herein.

B. The time priority of owners' right is June 28, 1965 for the impoundment of the additional 49,830 acre-feet of water.

5. SPECIAL CONDITIONS

A. Owners are authorized to use the bed and banks of the West Fork San Jacinto River for the purpose of conveying all or any part of the water authorized to be diverted hereunder from the place of impoundment (Lake Conroe) downstream to Lake Houston in Harris County.

B. Owners shall maintain a suitable outlet in the aforesaid dam authorized herein to allow the free passage of water that the owners are not entitled to divert or impound.

C. Owners shall install a metering instrument at each diversion point which will automatically record to within five percent of accuracy the total amount of water diverted. Owners shall make daily determinations of water surface elevations in the reservoir by means of a recording gage, set to mean sea level datum, which shall be protected by a well house designed for such purposes. Owners shall also install a recording

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streamflow station, set to mean sea level datum, to measure the inflow from the West Fork San Jacinto River into the reservoir. The Commission shall be furnished complete records of all determinations required herein.

The locations of pertinent features related to this certificate are shown on Pages 5 and 15 of the San Jacinto River Basin Certificates of Adjudication Maps, copies of which are located in the offices 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 155th Judicial District Court of Waller County, Texas, in Cause No. 10,023A, In Re: The Exceptions of the San Jacinto River Authority to the Adjudication of Water Rights in the San Jacinto River Basin dated December 1, 1986 and supersedes all rights of the owner asserted in that cause, provided, however, that no attempt has been made to adjudicate private contractual rights.

This certificate of adjudication is issued subject to senior and superior water rights in the San Jacinto 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, Chairman

DATE ISSUED:

FEB 25 1987

ATTEST:



Mary Ann Hefner, Chief Clerk

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO A CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 10-4963A

TYPE § 11.122

Owners: San Jacinto River Authority

Addresses: P.O. Box 329
Conroe, Texas 77305

City of Houston

P.O. Box 1562
Houston, Texas 77007

Filed: April 29, 2010

Granted: **JUL 20 2010**

Purpose: Industrial, Agricultural,
Municipal, Mining

Counties: Harris, Montgomery

Watercourse: West Fork San Jacinto,
tributary of San Jacinto River

Watershed: San Jacinto River Basin

WHEREAS, Certificate of Adjudication No. 10-4963 (Certificate) authorizes the San Jacinto River Authority and the City of Houston (Owners) to maintain an existing dam and reservoir (Lake Conroe) on the West Fork San Jacinto River, San Jacinto River Basin and to impound therein not to exceed 430,260 acre-feet of water for recreational purposes in Montgomery County; and

WHEREAS, Owners are also authorized to divert or release and use not to exceed 100,000 acre-feet of water per year from the perimeter of Lake Conroe at a maximum diversion rate of 700 cfs (315,000 gpm) as follows: 66,000 acre-feet for municipal purposes, 28,500 acre-feet for industrial purposes, and 5,500 acre-feet for mining purposes; and

WHEREAS, Owners are also authorized to use the bed and banks of the West Fork San Jacinto River to convey all or any part of the 100,000 acre-feet of water downstream to Lake Houston in Harris County; and

WHEREAS, the priority dates for this right are January 12, 1959 for the impoundment of 380,430 acre-feet of water and the diversion and use of the 100,000 acre-feet of water, and June 28, 1965 for the impoundment of an additional 49,830 acre-feet of water, and

WHEREAS, the Certificate contains Special Conditions; and

WHEREAS, Owners seek an amendment to Certificate of Adjudication No. 10-4963 to add multi-use (municipal, industrial, mining, and agricultural) to the 100,000 acre-feet of water currently authorized for diversion; and

WHEREAS, the Texas Commission on Environmental Quality (Commission) 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. 10-4963, designated Certificate of Adjudication No. 10-4963A, is issued to the San Jacinto River Authority and the City of Houston, subject to the following terms and conditions:

1. USE

- A. In lieu of the previous authorization to divert or release and use not to exceed 100,000 acre-feet of water per year for municipal purposes (66,000 acre-feet), industrial purposes (28,500 acre-feet), and mining purposes (5,500 acre-feet), Owners are now authorized to divert or release and use not to exceed 100,000 acre-feet of water per year for municipal, industrial, mining, and agricultural purposes.
- B. Any water diverted or released for agricultural purposes pursuant to Use paragraph 1.A. shall be utilized within the Owners' service areas in the San Jacinto River Basin.
- C. Owners are also authorized to use the impounded water for recreation purposes.

2. CONSERVATION

Owners 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 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 must have water conservation requirements so that each successive wholesale customer in the resale of the water be required to implement water conservation measures.

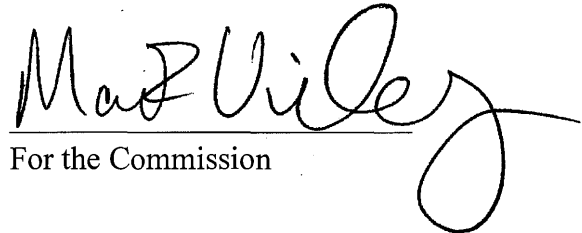
This amendment is issued subject to all terms, conditions and provisions contained in Certificate No. 10-4963 except as specifically amended herein.

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

Owners agree 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 20 2010**