

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 04-4590 OWNER: Northeast Texas Municipal
Water District
P. O. Box 955
Hughes Springs, Texas
75656

COUNTY: Marion PRIORITY DATE: September 16, 1957

WATERCOURSE: Johnson Creek, tributary BASIN: Cypress Creek
of Cypress Creek and
Cypress Creek
(Lake O' the Pines)

WHEREAS, by-final decree of the 188th Judicial District Court of Gregg County, in Cause No. 86-257-A, In Re: The Adjudication of Water Rights in the Cypress Creek Basin dated June 9, 1986 a right was recognized under Permit 1897ABC authorizing the Northeast Texas Municipal Water District 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 Cypress Creek Basin is issued to the Northeast Texas Municipal Water District, subject to the following terms and conditions:

1. IMPOUNDMENT

Owner is authorized to store 251,000 acre feet of water in an existing dam and reservoir on Cypress Creek, known as Lake O' the Pines, which is owned by the United States of America and operated by the U.S. Corps of Engineers, between elevation 201 feet and elevation 228.5 feet above mean sea level. The dam is located in the A. Abram Survey, Abstract 3; the Joseph French Survey, Abstract 131; the Mrs. E.T. Jones Survey, Abstract 232; the T.B. Morton Survey, Abstract 283 and the David Chote Survey, Abstract 80, Marion County, Texas.

2. USE

A. Owner is authorized to divert and use not to exceed 42,000 acre-feet of water per annum from the aforesaid reservoir and Lake Bob Sandlin for municipal and domestic purposes of which not more than 1930 acre-feet of water per annum may be diverted from Lake Bob Sandlin by the City of Pittsburg in accordance with the trilateral agreement between the Titus County Fresh Water Supply District No. 1; the City of Pittsburg and the owner of this certificate.

B. Owner is authorized to divert and use not to exceed 161,800 acre-feet of water per annum from the aforesaid reservoir and

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Lake Bob Sandlin for industrial purposes of which not more than 10,000 acre feet of water per annum may be diverted from Lake Bob Sandlin.

- C. Owner is authorized to release sufficient amounts of industrial use water from Lake O' the Pines, to provide for the transwatershed diversion of 18,000 acre-feet of water per annum to the Sabine River Basin. Released water will be diverted from Cypress Creek and transported via pipeline for storage in Southwestern Electric Power Company's cooling Pond on Brady Branch, tributary of the Sabine River, Sabine River Basin.
- D. Owner is also authorized to use the impounded water of the aforesaid reservoir for recreation purposes.

3. DIVERSION

- A. Location:
At the perimeter of the aforesaid reservoir and from the perimeter of Lake Bob Sandlin under the Reservoir Operation Agreement.
- B. Maximum rates are as shown:
 - (1) 1300.00 cfs (585,000 gpm) from Lake O' the Pines.
 - (2) 85.00 cfs (38,250 gpm) from Lake Bob Sandlin.

4. PRIORITY

The time priority of owner's right is September 16, 1957.

5. SPECIAL CONDITIONS

- A. Owner shall maintain a suitable outlet in the aforesaid dam authorized herein to allow the free passage of water that owner is not entitled to divert or impound.
- B. Owner is authorized to use the bed and banks of Cypress Creek, below the aforesaid dam, to convey and deliver water to be appropriated hereunder to downstream diversion points.
- C. Owner's rights hereunder are subject to an agreement for reservoir operations on Cypress Creek between the Texas Water Development Board, the Titus County Fresh Water Supply District No. 1, the Franklin County Water District, the Northeast Texas Municipal Water District and the Lone Star Steel Company, dated January 1, 1973 and to subsequent amendments to that agreement or basin operation orders issued by the Commission.

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The locations of pertinent features related to this certificate are shown on Page 6 of the Cypress Creek Basin Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Water Commission, Austin, Texas and the office of the County Clerk of Morris and Marion Counties.

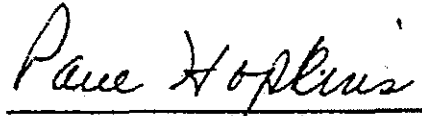
This certificate of adjudication is issued subject to all terms, conditions and provisions in the final decree of the 188th Judicial District Court of Gregg County, Texas, in Cause No. 86-257-A, In Re: The Adjudication of Water Rights in the Cypress Creek Basin dated June 9, 1986 and supersedes all rights of the owner asserted in that cause.

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

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

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.

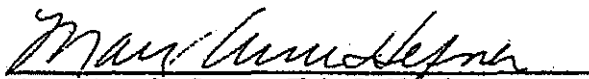
TEXAS WATER COMMISSION


Paul Hopkins, Chairman

DATE ISSUED:

OCT 13 1986

ATTEST:


Mary Ann Hefner, Chief Clerk

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



Lake O' the Pines

AMENDMENT TO
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 04-4590A

Permittee	: Northeast Texas Municipal Water District	Address	: P.O. Box 955 Hughes Springs, Texas 75656
Filed	: August 22, 1995	Granted	: DEC 15 1995
Purpose	: Municipal, Domestic, Industrial And Recreation	County	: Marion
Watercourse	: Johnson Creek, tributary of Cypress Creek and Cypress Creek	Watershed	: Cypress Basin

WHEREAS, Certificate of Adjudication No. 04-4590 was issued to the Northeast Texas Municipal Water District on October 13, 1986 and authorized certificate owner to store 251,000 acre-feet of water in an existing dam and reservoir on Cypress Creek known as Lake O' the Pines; and

WHEREAS, owner is authorized: to divert and use not to exceed 42,000 acre-feet of water per annum from the aforesaid reservoir and Lake Bob Sandlin (immediately upstream of Lake O' the Pines) for municipal and domestic purposes; to divert and use not to exceed 161,800 care-feet of water per annum from the aforesaid reservoir and Lake Bob Sandlin for industrial purposes of which not more than 10,000 acre-feet of water per annum may be diverted from Lake Bob Sandlin and to use the impounded water of Lake O' the Pines for recreational purposes; and

WHEREAS, an application was received from Northeast Texas Municipal Water District wherein applicant seeks to amend the certificate by authorizing transwatershed diversion of an additional 20,000 acre-feet of water per annum from Lake O' the Pines into the Sabine River Basin for municipal and industrial use by the City of Longview; and

WHEREAS, the water will be diverted from the perimeter of the reservoir on the south shore of Lake O' the Pines at a rate of diversion not to exceed 100 cfs (44,883 gpm); 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 amendment; and

NOW, THEREFORE, this amendment to Certificate No. 04-4590 is issued to Northeast Texas Municipal Water District, subject to the following terms and conditions:

1. USE

In addition to the uses contained in Certificate No. 04-4590, owner is authorized to provide for the transwatershed diversion of 20,000 acre-feet of water per annum for municipal and industrial uses from Lake O' the Pines to the Sabine River Basin for use by the City of Longview, Texas.

2. DIVERSION RATE

Water diverted from the perimeter of the reservoir at a maximum rate of 100 cfs (44,883 gpm)

3. WATER CONSERVATION

Owner shall maintain 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 use or alternative uses. Such plan shall include a requirement in every wholesale water supply contract entered into, on or after the effective date of this permit, 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.

3. TIME PRIORITY

The time priority of this amendment is September 6, 1957.

This amendment is issued subject to all terms, conditions and provisions contained in Certificate No. 04-4590, except as specifically amended herein.


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

Certificate 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: DEC 15 1955

ATTEST:


Gloria A. Vasquez, Chief Clerk