

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Name Carol D. Blacklock

Address 1906 Coke

SAN ANGELES TX 76905-1223

ADJ 49329
48059

2005 OCT -3 AM 10:26

CHIEF CLERKS OFFICE

Adjudication Water Right Number 14-1399, Seniority Date 1-20-1914,
approximately 20 miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

OPA 

OCT 03 2005

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

BY 

I wish to request a contested case hearing on application to amend permit 14-1318 B and C
(issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my
senior water rights

Carol D. Blacklock



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Name Fred R. Campbell

Address Box 186
Paint Rock, Tx 76866

2005 OCT -3 AM 10:26

CHIEF CLERKS OFFICE

Adjudication Water Right Number 14- _____, Seniority Date _____,
approximately _____ miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

Domestic & Fire Use

To: LaDonna Castanuela
Office of Chief Clerk-TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

I wish to ~~request a contested case hearing~~ on application to amend permit 14-1318 B and C
(issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my
senior water rights

OPA H

OCT 03 2005

BY g

Fred R. Campbell

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Name City of Paint Rock
Address Box 157
Paint Rock Tx. 76866

2005 OCT -5 AM 10:09
CHIEF CLERKS OFFICE

ADJ
480059
49372

Adjudication Water Right Number 14-1388, Seniority Date March 5th 1914
approximately 50 miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

I wish to request a contested case hearing on application to amend permit 14-1318 B and C (issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my senior water rights

OPA H
OCT 05 2005
BY js

Rayton Carl cc
City of Paint Rock
Public Works Director

ad

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Name Gena M Reichert Day

Address P.O. Box 143

Terrell OK 73569-3215

2005 OCT -3 AM 10: 26

CHIEF CLERKS OFFICE

ADJ
480059
19399

Adjudication Water Right Number 14-1358, Seniority Date Dec 12, 1918,
approximately 20 miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

OPA *H*

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

OCT 03 2005

BY *J*

I wish to request a contested case hearing on application to amend permit 14-1318 B and C
(issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my
senior water rights

Gena M. Reichert Day
By Greg Schweitzer - Tenant
Representative of Gena Day Estate
P.O. Box 95
Miles Tx 76861

ad

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Name W.C. + WANDA DISHROON

Address P.O. Box 374

Miles Texas 76861

ADD
48059
49322

2005 OCT -3 AM 10: 27

CHIEF CLERKS OFFICE

Adjudication Water Right Number 14- 1364, Seniority Date Aug 13, 1913,
approximately 20 miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

OPA *gH*

OCT 03 2005

BY _____

I wish to request a contested case hearing on application to amend permit 14-1318 B and C (issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my senior water rights

Wynne Dishroon
For the above state of.

ad

Name W.G. & Wanda Dishnoon W.G. & Wanda Dishnoon

Address P.O. Box 374 miles P.O. 76861 P.O. Box 374
Miles, TX 76861

Adjudication Water Right Number 14-1364 Seniority Date 08-29-1913

Date 7-17-05

OPA

H JUL 20 2005

To: La Donna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADD
48059

BY KJ

I wish to request a contested case hearing on application to amend permit 14-1318 Twin Buttes Reservoir because they will impact and threaten my senior water rights.

Dwayne Dishnoon
Dwayne Dishnoon
Director
TCEQ
Austin, Texas

2005 JUL 20 AM 10:05
CHIEF CLERK OFFICE
COMMISSIONER
ON ENVIRONMENTAL
QUALITY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Name Thomas Everage

Address 16185 NY Rd PO Box 506

Miles, Tex 7686

2005 OCT -3 AM 10:29

CHIEF CLERKS OFFICE

ADD
48059
49379

Adjudication Water Right Number 14- 1369, Seniority Date 8-29-13,
approximately 20 miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

I wish to request a contested case hearing on application to amend permit 14-1318 B and C
(issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my
senior water rights

OPA 

OCT 03 2005

BY 

Thomas L. Everage



Thomas L. Etridge

Name THOMAS L ETRIDGE

Address Box 506
mile, Tex. 76861

Adjudication Water Right Number 14-1369 Seniority Date 08-29-1913

Date 7-12-2005

To: La Donna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADJ
48059

OPA
H JUL 20 2005
BY KY

I wish to request a contested case hearing on application to amend permit 14-1318 Twin Buttes Reservoir because they will impact and threaten my senior water rights.

Thomas L Etridge

CHIEF CLERKS OFFICE
2005 JUL 20 AM 9:05
TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

MW

Name Samie C. EWALL

Address 226 W Tubig

SAN ANGELO, TEX 76903

H OPA
SEP 30 2005
BY KY

Adjudication Water Right Number 14-1392, Seniority Date 12-31-57,
approximately 30 miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADD
48059
49320

I wish to request a contested case hearing on application to amend permit 14-1318 B and C
(issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my
senior water rights

Samie C Ewall

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2005 SEP 30 AM 9:14
CHIEF CLERKS OFFICE

MC

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 OCT -4 PM 10:42

CHIEF CLERK'S OFFICE

Name Leonard Hunter Jr
Address 15273 M^o MILLAW RD
MILES, TEXAS 76861

Adjudication Water Right Number 14- 1361, Seniority Date 12-31-51,
approximately 20 miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

AD 5
48059
49322

I wish to request a contested case hearing on application to amend permit 14-1318 B and C
(issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my
senior water rights

OPA H

OCT 04 2005

BY gr

L. Hunter Jr

MC

Name WILBURN BAILEY ESTATE By August Haeckler

2005 SEP 28 AM 9:40

Address PO Boyle

CHIEF CLERKS OFFICE

LOWAKE TR 76855-0011

Adjudication Water Right Number 14- 1382, Seniority Date 12-31-1905,
approximately 20 miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADJ
4932218059
OPAK
SEP 28 2005
BY [Signature]

I wish to request a contested case hearing on application to amend permit 14-1318 B and C
(issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my
senior water rights

THIS WILL THREATEN AND IMPACT MY SENIOR
WATER RIGHT. WATER IS THE REASON OUR FAMILY BOUGHT
THIS LAND IN 1903.

Wilburn Bailey Estate
By August Haeckler

[Handwritten mark]

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 OCT -4 11:15:12

CHIEF CLERKS OFFICE

Name Billy J Helwig
Address 5130 N Helwig Road
Miller Tx 76861

Adjudication Water Right Number 14- 1389, Seniority Date 6-29-14,
approximately 25 miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADJ
40059
49300

I wish to request a contested case hearing on application to amend permit 14-1318 B and C (issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my senior water rights

Billy J Helwig

OPA 

OCT 04 2005

BY 

Name Ben A Willberg Etal
Jennifer Hoelscher (Willberg) + Steven H Hoelscher
Address 2261 Country Club Rd.
San Angelo, TX 76704

Adjudication Water Right Number 14- 1384, Seniority Date Nov 10-1915,
approximately 35 miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

OPA
AD 5
48059
65087
493004
SEP 29 2005
BY KY

CHIEF CLERKS OFFICE
2005 SEP 29 AM 9:30
TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

I wish to request a contested case hearing on application to amend permit 14-1318 B and C
(issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my
senior water rights

Jennifer Hoelscher
Steven H Hoelscher

2

Name Jennifer Ann (Willberg) Hoelscher as Et. Al.
Address _____
Adjudication Water Right Number 001384 Seniority Date 03/09/1917

This permit

Date 7-16-05

To: La Donna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADJ/48059

H OPA
JUL 20 2005
BY KY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHIEF CLERK'S OFFICE
2005 JUL 20 AM 10:06

I wish to request a contested case hearing on application to amend permit 14-1318 Twin Buttes Reservoir because they will impact and threaten my senior water rights.

Jennifer Hoelscher
Steven H. Hoelscher & Steven H. Hoelscher
Secretary For
Concho River Basin
Water Conservancy Association

Hearing in Austin Testimony from Steven Hoelscher for Ben A. Willberg and others. *at SOAH*

I Steven H. Hoelscher am married to Ben A. Willberg's daughter, Jennifer (Willberg) Hoelscher, a landowner and water rights holder on the main body of the Concho River east of San Angelo, Tx. I am qualified to testify for Ben A. Willberg because of his health and age.

I am going to testify as to what I have seen happen to the Concho River in the last ten years because of higher water diversions. I am a farmer, a rancher, a hunter, and a fisherman and so my work and recreation has me on the banks of the rivers and the land bordering the rivers nearly every day. With me being around the river so much I have seen the demand for water skyrocket with new pumps being put into the river on a weekly basis.

When the city started dredging Lake Nasworthy they started capturing the natural flow into Twin Buttes Resiover and not letting any water pass through Lake Nasworthy. Once the dredging started I observed Twin Buttes Reservoir dropping at a consistent rate and being diverted into Lake Nasworthy. Several times pumps were used to transfer water into Lake Nasworthy because there was not enough water to flow through the gates. The whole time the dredging took place and up until the present date no natural flow has been released and passed through to the main body of the Concho River. Only on a few occasions when the algae bloom was killing the fish and the Lake Nasworthy flood gates were opened as required by law did a small amount of water get released into the Midkiff Dam Lake.

I have witnessed on Lake Nasworthy the city lake lot holders watering their yards with lake water and the city has started charging for this water. The local golf course has two six inch turbine pumps coming directly out of Lake Nasworthy for them to water their course. I have also witnessed since the dredging has been completed that the city has pumped and released water into Lake Nasworthy for the last year and a half and they have not used any of it for drinking or for the natural flow releases. During the fall of 2002 I observed the city pump the South pool of Twin Buttes into nothing but a mud hole. We watched them go out with dirt escavators and dig diversion ditches to pump the water over the dam and into Lake Nasworthy while all of this water was normal stream flow of the South Concho River. During this whole time the city of San Angelo sold this water to lease lot holders and golf courses while our water rights and livelihoods were threatened.

I have not seen any water go over Ben Ficklin Dam or the Lone Wolf Dam since 1998. The reason why I know is I operate three farms between Lake Nasworthy and Lone Wolf Dam, none of which have water rights. I am on these farms on a daily basis so my observations are accurate. My immediate family operates farms on the South Concho River, Dove Creek, and Spring Creek and they all have adjudicated water rights. I am on my family's farms on a regular basis and see stream flows dwindling.

On the way to the Ben A. Willberg ranch and farm I have witnessed on the Loop 306 crossing the Concho River being pumped to a point that it would all but go dry. Then the next day I would go across the same crossing and the river would be full and no water had been released from Lake Nasworthy and we had no rain. I drove up river to the Bell street Dam and noticed two new very large valves that had been installed. As I looked down river you could tell water had been released the night before. Then I

SOAH

*Part of The
Natural Flow
is Being
Released
Since Jan.*

*Started
January*

realized that the day before I came by the Quicksand golf course their holding ponds were extremely low and today they were full again as was the river. At this point I knew our water rights and our livelihoods all were being threatened.

Since the beginning of all this (around 1998) the normal stream flow that is not being passed through Twin Buttes Reservoir has caused the Concho River to quit flowing and go dry in many areas including our ranch in Concho County. We have not been able to irrigate efficiently and cannot keep our cattle and sheep from crossing the river at these dry times. I have seen our game fish populations diminish and all we have is gar and carp and even the turtles have died. The river stinks so bad that I wouldn't fish or swim in it anymore. Up until the mid 90's this river was still very pristine, had very good fishing, and the pecan trees were all in good shape. My knowledge of the meaning of a river is that there is flowing water in it and a river without water is nothing but a mud hole. If this situation is not corrected the Concho Valley will not have a Concho River!

On the night of October 6, 2002 the Concho River Basin Water Conservancy Association hosted a meeting for all the land and water rights owners on the Concho River. This meeting was called because Steven Brown, who was supposedly representing the City of San Angelo, threatened the water rights holders with condemnation if they would not sell them. The offers he made were terribly low and no one there considered them acceptable. During the question and answer period the mayor said he absolutely did not know anything about talk of condemnation. Then the city manager, Tom Adams, got up and told us they did not have any conversations about the condemnations either. Then after a few more questions he admitted to talking about condemnation in executive session (the truth did come out!). After the meeting A. J. Jones and I were talking with Tom Adams about our water rights being threatened and that was the reason why we made a legal call for water. He immediately got very offensive and told us in a threatening manner, "We are capturing the natural flow in Twin Buttes Reservoir and we will go all the way to the Supreme Court before we let any water go through". The "we" in this quote refers to the City of San Angelo or more specifically Tom Adams and Steven Brown. I took this as a very serious threat to our seniority water right holders and to the ecosystem of the Concho River.

Steven H Hoelscher

Steven H Hoelscher

1-6-03

STEVEN HOELSCHER
2261 COUNTRY CLUB RD.
SAN ANGELO, TEXAS 76904

La Donna Castaneda
P.O. Bx 13087
Austin Texas 78711-3087



RECEIVED

JUL 20 2005

TCEQ MAIL CENTER

78711#3087



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

9/20/05

Name Hudson MANAGEMENT LTD

SEP 23 AM 9:36

OPA

Address 8193 Thompson Rd

CHIEF CLERKS OFFICE

HR

SEP 23 2005

MILES, TEXAS 76861

BY

Jay

Adjudication Water Right Number 14- 1340, Seniority Date 6-27-1914,
approximately 19 miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

AD to
49059
49322

I wish to request a contested case hearing on application to amend permit 14-1318 B and C
(issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my
senior water rights

Wanda Hudson

(Handwritten mark)

Name Hudson Management LTD

Address 8193 Thompson Rd
Miles, TX 76861

Adjudication Water Right Number 14-1340 Seniority Date 06-07-1914

Date 7-15-05

To: La Donna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

AD5
48059

H OPA

JUL 20 2005

BY *KY*

I wish to request a contested case hearing on application to amend permit 14-1318 Twin Buttes Reservoir because they will impact and threaten my senior water rights.

Wanda Hudson Pk.
Wayne Hudson Gen Pk.

CHIEF CLERK'S OFFICE

JUL 20 AM 10:05

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Douglas John
Name Douglas John
Address P.O. Box 545
Milan, TX 76861

Adjudication Water Right Number _____ Seniority Date _____

Date 7-11-05

To: La Donna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADD
48059

OPA
4 JUL 20 2005
BY KY

I wish to request a contested case hearing on application to amend permit 14-1318 Twin Buttes Reservoir because they will impact and threaten my senior water rights.

Douglas John

2005 JUL 20 AM 10:04
CHIEF CLERK'S OFFICE
COMMISSIONER
ON ENVIRONMENTAL
QUALITY

MW

A.J. Jones, Jr.
P.O. Box 537
Miles, Texas 76861

July 1, 2005

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

H OPA
SEP 13 2005
BY D

ADJ
18059

CHIEF CLERK'S OFFICE

2005 SEP 12 11 3 19

CONFIDENTIAL

Re: Standard Times Legal Notice of Amended Permit 14-1318 of June 28, 2005

Notice of an Application to Amend Certificate of Adjudication Application No. 14-1318B of San Angelo Water Supply Corporation 1318 to modify Special Section 5C of the Original Certificate.

I wish to give you notice and again with this letter to request a contested Case Hearing on Permit No. 14-1318 on Twin Buttes Dam, as requested in my attached letter on May 5, 2005.

Reasons for requesting this Contested Case Hearing are the proposed amendments and modifications to their permit. These amendments and modifications will impact and threaten my senior water rights, Adjudication #14-1397.

To be a little more specific, the following reasons are listed:

1. The word storage is being used in this permit. I believe that impoundment would be a better word because it is my understanding that impounded water, due to natural flows and all impounded waters, must be passed through on request to downstream senior water rights holders.
2. Amended permit wants to store Twin Buttes released water in Nasworthy Lake. All water released from Twin Buttes should be passed on through Nasworthy Lake to downstream senior water rights holders and not stored.
3. In the past, water has been sold and pumped from Nasworthy Lake to Bent Wood Country Club. There is no permit of a diversion point for these two pumps used. Also, water is sold by the City of San Angelo to Nasworthy Lake Residents around the lake. There is no permitting for these locations. Furthermore, Nasworthy Lake is a man constructed lake and not naturally formed lake as is Lake Caddo, and does not qualify as a domestic and livestock use. Most of the residents on Nasworthy Lake lease the lots and do not own the land. If the water is stored in Nasworthy, the water is used up thus depriving the rights of my senior 1913-1914 water rights. There are many other senior water right holders downstream on the Concho that are deprived of the water they are due and their senior water rights are threatened and harmed. Domestic and livestock rights are also deprived of water and threatened and harmed.

4. As to changing the elevation levels on the Twin Buttes Dam gates and conduits from 1883.5 to 1885 feet above mean sea level. This will also threaten all downstream senior water right holders and domestic and livestock rights. This also endangers the integrity of the Concho River below the Twin Buttes Dam. In the past, this has deprived senior water right holders and domestic and livestock water rights of their water that they are entitled. This was ruled on as in SOAH hearing the week of June 2002 and by TCEQ Commissioners in August 2004 commission hearing. We have been damaged and harmed by the elevation of these gates and no proper natural flow conduit to carry the natural flow downstream and will continue to suffer, damage, and harm in the future; if these gates and conduit are at the 1885 feet above mean sea level.
5. Modification of Permit in Twin Buttes reservoir 14-1318 would legalize the present illegal pump San Angelo is using to convey water over the Dam at the present time. This allows them to play all kinds of manipulations with the water. This pump should be removed and the 5 feet or larger natural flow conduit as called for in the lake permit at 1883.5 feet above mean sea level should be properly installed. As shown in hearings, San Angelo is definitely failing to pass required water downstream, even at the request of senior water rights calls on water.

Also, all proper gauges should be reinstalled at proper places in the stream tributaries to the lake and as called in the lake permit as soon as possible. Gauging it would be in the best interest of the City of San Angelo and all downstream water right holders. These gauges should be maintained properly in the future. It would be advantageous for the information on stream flows to be disclosed on the Internet. These recording flow gauges were illegally dismantled so no one would account for the natural flow.

The permit granting the lake to be built also states all affluent water will be cleaned and returned to the Concho River. This also impacts the river below the lake and senior water right holders. This is not being done. (See copy of Twin Buttes original permit attached).

Please note my letter as of May 5, 2005 listing adjudicated water rights of which I am also representing from the Concho River Basin Water Conservancy Association. Please file for the hearing in their behalf also.

I also understand San Angelo is sending affluent water to the Tom Green County Water Control and Improvement District #1 and crediting this water to downstream releases. I disagree with their accountability.

Please notify me of all related meetings for their permit so I can prepare myself and attend. Again, I am requesting a contested case hearing in Permit 14-1318.

Sincerely,



A.J. Jones, Jr.
President Concho River
Basin Water Conservancy

A.J. Jones
15957 My Road
Miles, Texas 76861

September 8, 2005

To: LaDonna Castanuela
Office of the Chief Clerk
P.O. Box 13087
Austin, Texas 78711-3087

ADD
49322

H
BY
SEP 13 2005
OPA

2005 SEP 12 11 31 AM
CHIEF CLERK'S OFFICE

Re: Texas Commission On Environmental Quality Notice of an Application to amend a certificate of Adjudication, application No. 14-1318C as published in San Angelo Standard Times on September 2, 2005; and your letter of August 25, 2005 regarding San Angelo Water Supply Corporation's applications to amend Certificate of Adjudication No. 14-1318 by modifying Special Condition 5C of the original Certificate in the Colorado River Basin, Tom Green County.

I wish to give notice with this letter that I am requesting a contested case hearing on my personal behalf and the parties listed below in the letter represented by me under the Concho River Basin Water Conservancy Association on the above Permit No. 14-1318C on Twin Buttes Dam. Please see my letters of July 1, 2005 and May 5, 2005 requesting contested case hearing.

Reasons for requesting this contested case hearing are the proposed amendments and modifications on Permit No. 14-1318 will impact, threaten, and harm my senior water rights, Adjudication No. 14-1397, seniority dates August 29, 1913 and January 20, 1914, located approximately 16 miles downstream on the main stem of the Concho River below San Angelo.

Amended permit wants to store Twin Buttes released water in Nasworthy Lake. All water released from Twin Buttes should be passed through Nasworthy to downstream senior water right holders. This permit wants to allow storage and pumping from Lake Nasworthy. Permit alters language of the old permit by changing elevation from 1,883.50 feet above mean sea level to 1,885 feet above mean sea level. Also, eliminates a portion of the original permit stating:

The permit shall store only storm and flood waters of said stream, subject to all the rights of prior appropriators and lawful diverters below. Whenever the Board finds that the permittee is storing any water to which downstream appropriators and lawful diverters on the order of the Board. By accepting this permit, permittee agrees to abide by and comply with any such order of the Board without delay. Failure to comply with any such order shall constitute grounds for forfeiture and cancellation.

This will threaten all senior water rights downstream.

Please give me and Mr. Glenn Jarvis, our attorney, notification of all correspondence, meetings, and anything regarding these permits.

I also wish to file this request for contested case hearing as stated above in behalf of the members represented by me under the Concho River Basin Water Conservancy Association. These rights are located 5 to 30 miles downstream from the Twin Buttes Reservoir on the main stem of the Concho River. The numbers listed are as follows:

11

14-1338	14-1346	14-1362	14-1371
14-1339	14-1351	14-1363	14-1372
14-1340	14-1353	14-1368	14-1373
14-1341	14-1354	14-1368	14-1382
14-1345	14-1360	14-1369	14-1384
			14-1388

Domestic and livestock rights are also impacted and threatened.

Sincerely,



A.J. Jones, Individually and as
President of Concho River Basin
Water Conservancy Association

Phone Number: (325) 468-4093

Fax Number: (325) 655-5782

Attachments:

Twin Buttes Permit

Order of Texas Water Rights Commission 7/22/74

Standard Times Legal Notice

TCEQ Application Permit Revision 14-1318

My Letter of 5/5/2005

TCEQ Letter August 25, 2005

Copy of Standard Times Notice September 2, 2005

Copy To: Executive Director, TCEQ

Ann Rowland, TCEQ

Robin Smith, TCEQ

Rickie Anderson, TCEQ

Al Segovia, TCEQ

Permitting, TCEQ

Glenn Jarvis

Attachments:

Twin Buttes Permit
Order of Texas Water Rights Commission 7/22/74
Standard Times Legal Notice
TCEQ Application Permit Revision 14-1318
My Letter of 5/5/05

Copy To: Executive Director, TCEQ
Ann Rowland, TCEQ
Robin Smith, TCEQ
Rickie Anderson, TCEQ
Al Segovia, TCEQ
Permitting, TCEQ
Glenn Jarvis

TEXAS WATER RIGHTS COMMISSION



AN ORDER directing San Angelo Water Supply Corporation to release water from Twin Buttes Reservoir and directing the City of San Angelo, Texas, to provide for the passage of the releases.

On July 22, 1974, there came on to be considered before the Texas Water Rights Commission the matter of insufficient water in the Concho River below the Bell Street Dam in San Angelo, Texas, to provide for domestic and livestock water and to honor superior and senior water rights on the Concho River.

After considering the matter the Commission finds:

1. San Angelo Water Supply Corporation, hereafter referred to as "permittee," owns Permit No. 1949 authorizing Twin Buttes Reservoir which provides as a condition as follows:

"The permittee shall store only storm and flood waters of said stream, subject to all the rights of prior appropriators and lawful diverters below. Whenever the Board finds that the permittee is storing any water to which downstream appropriators and lawful diverters are entitled, the permittee shall release same to said appropriators or lawful diverters on the order of the Board. By accepting this permit, permittee agrees to abide by and comply with any such order of the Board without delay. Failure to comply with any such order shall constitute grounds for forfeiture and cancellation."

2. Below Twin Buttes Dam on the Concho River the City of San Angelo owns two dams, Lone Wolf Dam under Certified Filing No. 155, and Bell Street Dam under Permit No. 1669.

3. Permittee has stopped the flow of the Middle Concho River, the South Concho River, Dove Creek, and Spring Creek, and their contributing tributaries, and is impounding the water in Twin Buttes Reservoir; and has failed to release sufficient inflows from Twin Buttes Reservoir for domestic and livestock uses and for other superior and senior water rights downstream on the Concho River.

4. Permittee has been supplying water from Twin Buttes Reservoir to Tom Green County Water Control and Improvement District No. 1 for irrigation purposes.

5. To satisfy the above noted condition in Permit No. 1949, to provide for domestic and livestock needs, and to honor superior and senior water rights below San Angelo, Texas, on the Concho River, permittee should be directed to provide for the passage of the normal inflows through Twin Buttes Reservoir; in addition, due to the failure to release sufficient inflows from Twin Buttes Reservoir, permittee should be directed to release water from the reservoir at the same time and in the same quantities as water is hereafter diverted for irrigation purposes in the Tom Green County Water Control and Improvement District No. 1; and, the City of San Angelo, Texas, should be directed to pass the releases through Lone Wolf Dam and Bell Street Dam.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS WATER RIGHTS COMMISSION that:

San Angelo Water Supply Corporation is hereby directed to provide for the passage of the normal inflows through Twin Buttes Reservoir;

In addition to the releases of the normal flows, San Angelo Water Supply Corporation is hereby directed to release water from Twin Buttes Reservoir at the same time and in the same quantities as water is hereafter diverted for irrigation purposes in the Tom Green County Water Control and Improvement District No. 1, until otherwise notified; and,

The City of San Angelo, Texas, is hereby directed to pass the releases from Twin Buttes Reservoir through Lone Wolf Dam and Bell Street Dam.

The Secretary of the Commission is directed to issue a certified copy of this order to the San Angelo Water Supply Corporation, Tom Green County Water Control and Improvement District No. 1, and the City of San Angelo, Texas.

Executed and entered of record, this the 23rd day of July, 1974.



Audrey Strandtman
Audrey Strandtman, Secretary

TEXAS WATER RIGHTS COMMISSION

Joe D. Carter
Joe D. Carter, Chairman
Burke Holman
Burke Holman, Commissioner

Dorsey B. Hardeman
Dorsey B. Hardeman, Commissioner



AN ORDER directing San Angelo Water Supply Corporation to release water from Twin Buttes Reservoir and directing the City of San Angelo, Texas, to provide for the passage of the releases.

On July 22, 1974, there came on to be considered before the Texas Water Rights Commission the matter of insufficient water in the Concho River below the Bell Street Dam in San Angelo, Texas, to provide for domestic and livestock water and to honor superior and senior water rights on the Concho River.

After considering the matter the Commission finds:

1. San Angelo Water Supply Corporation, hereafter referred to as "permittee," owns Permit No. 1949 authorizing Twin Buttes Reservoir which provides as a condition as follows:

"The permittee shall store only storm and flood waters of said stream, subject to all the rights of prior appropriators and lawful diverters below. Whenever the Board finds that the permittee is storing any water to which downstream appropriators and lawful diverters are entitled, the permittee shall release same to said appropriators or lawful diverters on the order of the Board. By accepting this permit, permittee agrees to abide by and comply with any such order of the Board without delay. Failure to comply with any such order shall constitute grounds for forfeiture and cancellation."

2. Below Twin Buttes Dam on the Concho River the City of San Angelo owns two dams, Lone Wolf Dam under Certified Filing No. 155, and Bell Street Dam under Permit No. 1669.
3. Permittee has stopped the flow of the Middle Concho River, the South Concho River, Dove Creek, and Spring Creek, and their contributing tributaries, and is impounding the water in Twin Buttes Reservoir; and has failed to release sufficient inflows from Twin Buttes Reservoir for domestic and livestock uses and for other superior and senior water rights downstream on the Concho River.
4. Permittee has been supplying water from Twin Buttes Reservoir to Tom Green County Water Control and Improvement District No. 1 for irrigation purposes.

5. To satisfy the above noted condition in Permit No. 1949, to provide for domestic and livestock needs, and to honor superior and senior water rights below San Angelo, Texas, on the Concho River, permittee should be directed to provide for the passage of the normal inflows through Twin Buttes Reservoir; in addition, due to the failure to release sufficient inflows from Twin Buttes Reservoir, permittee should be directed to release water from the reservoir at the same time and in the same quantities as water is hereafter diverted for irrigation purposes in the Tom Green County Water Control and Improvement District No. 1; and, the City of San Angelo, Texas, should be directed to pass the releases through Lone Wolf Dam and Bell Street Dam.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS WATER RIGHTS COMMISSION that:

San Angelo Water Supply Corporation is hereby directed to provide for the passage of the normal inflows through Twin Buttes Reservoir;

In addition to the releases of the normal flows, San Angelo Water Supply Corporation is hereby directed to release water from Twin Buttes Reservoir at the same time and in the same quantities as water is hereafter diverted for irrigation purposes in the Tom Green County Water Control and Improvement District No. 1, until otherwise notified; and,

The City of San Angelo, Texas, is hereby directed to pass the releases from Twin Buttes Reservoir through Lone Wolf Dam and Bell Street Dam.

The Secretary of the Commission is directed to issue a certified copy of this order to the San Angelo Water Supply Corporation, Tom Green County Water Control and Improvement District No. 1, and the City of San Angelo, Texas.



Audrey Strandtman
Audrey Strandtman, Secretary

TEXAS WATER RIGHTS COMMISSION

Joe D. Carter
Joe D. Carter, Chairman
Burke Holman
Burke Holman, Commissioner

Dorsey B. Hardeman
Dorsey B. Hardeman, Commissioner



Permit
of
Appropriate Public Waters
of the
State of Texas

No. 1949

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Whereas, the SAN ANGELO WATER SUPPLY CORPORATION, the post-office address of which is San Angelo, Texas, on the 6th day of May, 1959, filed with the Board of Water Engineers of the State of Texas Application No. 2122 for a permit to appropriate annually 61,500 acre feet of water by impounding 170,000 acre feet of the public waters of the State of Texas in a reservoir to be constructed by the United States Department of Interior, Bureau of Reclamation, in Tom Green County, Texas, with an impounding capacity of 600,000 acre feet, divided by the Bureau of Reclamation as follows: 150,000 acre feet for water conservation; 430,000 acre feet for flood control; and 20,000 acre feet for sedimentation and dead storage; and

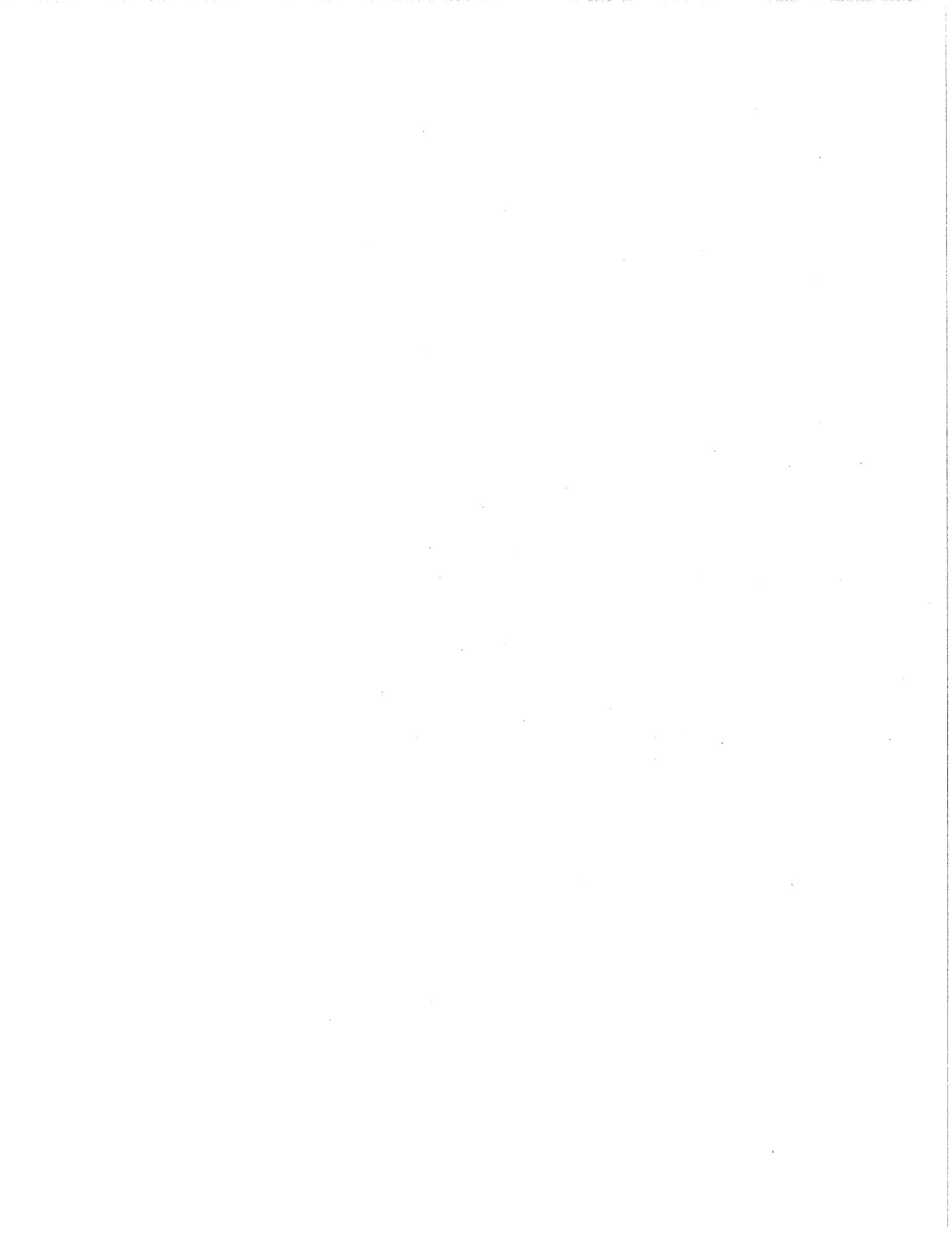
Whereas, on the 15th day of June, 1959, after due notice the Board of Water Engineers held a public hearing at its office in Austin, Texas, as prescribed by law, which hearing was further held on the 30th day of June, the 1st and 2nd days of July, and the 3rd, 4th and 5th days of August, 1959, and after hearing and considering all the evidence affecting said application, took the same under advisement and continued the hearing from day to day pending final decision until the 15th day of December, 1959, whereupon the said Board did grant said Application No. 2122 in part and as hereinafter set forth.

NOW, THEREFORE, THE
BOARD OF WATER ENGINEERS

OF THE STATE OF TEXAS DOES BY THESE PRESENTS GRANT THIS PERMIT

unto the said San Angelo Water Supply Corporation to appropriate, divert and use certain public waters of the State, to consist of the storm and flood waters of the Middle and South Concho Rivers, tributaries of the Concho and Colorado Rivers, in Tom Green County, Texas, measured at the points of diversion, not to exceed 29,000 acre feet of water per annum for the purpose of municipal use through the municipal water system of the City of San Angelo, Texas, and not to exceed 25,000 acre feet of water per annum for the purpose of irrigating 10,000 acres of land in Tom Green County near Veribest, Texas, or so much thereof as may be necessary when beneficially used for the enumerated purposes. It is specifically provided, however, that the 29,000 acre feet of water authorized to be diverted hereunder for municipal use shall include all waters diverted under Permit No. 1120 (Application No. 1196) as amended by Permit No. 1446 (Application No. 1551), so that the cumulative total annual diversions under Permit No. 1120 and that portion of the permit herein granted for municipal use shall not exceed 29,000 acre feet of water per annum.

To store the water to be appropriated, the permittee is authorized to impound 170,000 acre feet of water in the reservoir described above which is to be created by the construction of an on-channel dam on the South and Middle Concho Rivers, station 0 + 00 of which is to be located at a point which bears North 54° 17' West 3900 feet from the northeast corner of the H. Cramm Original Survey No. 1807, on the east bank of the South Concho River in Tom Green County, Texas, distant in a southerly direction from San Angelo, Texas, approximately 10 miles, such dam being more fully described in the plans filed by the permittee with the application, to which reference is hereby made for all purposes; provided, however, that the permittee shall be limited to storage in and diversion from said reservoir below



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elevation 1940, 2 feet above mean sea level (top of conservation pool). It is further specifically provided that before acquiring or maintaining any right to divert water hereunder, permittee shall be authorized by the United States of America or appropriate agency thereof to store the waters herein permitted to be impounded in said reservoir.

The permittee shall store only storm and flood waters of said stream, subject to all the rights of prior appropriators and lawful diverters below. Whenever the Board finds that the permittee is storing any water to which downstream appropriators and lawful diverters are entitled, the permittee shall release same to said appropriators or lawful diverters on the order of the Board. By accepting this permit, permittee agrees to abide by and comply with any such order of the Board without delay. Failure to comply with any such order shall constitute grounds for forfeiture and cancellation.

All water diverted hereunder for use through the municipal water system of the City of San Angelo except that which escapes or is consumed as a consequence of the reasonable and beneficial use thereof shall forthwith be discharged into the Concho River at the surplus water return points, the location of which with reference to the corner of an original land grant or survey shall be filed with and approved by the Board. Prior to discharging such return water into the Concho River, permittee shall use reasonable diligence to treat and purify such return water so as not to materially impair the quality of the water of the receiving stream.

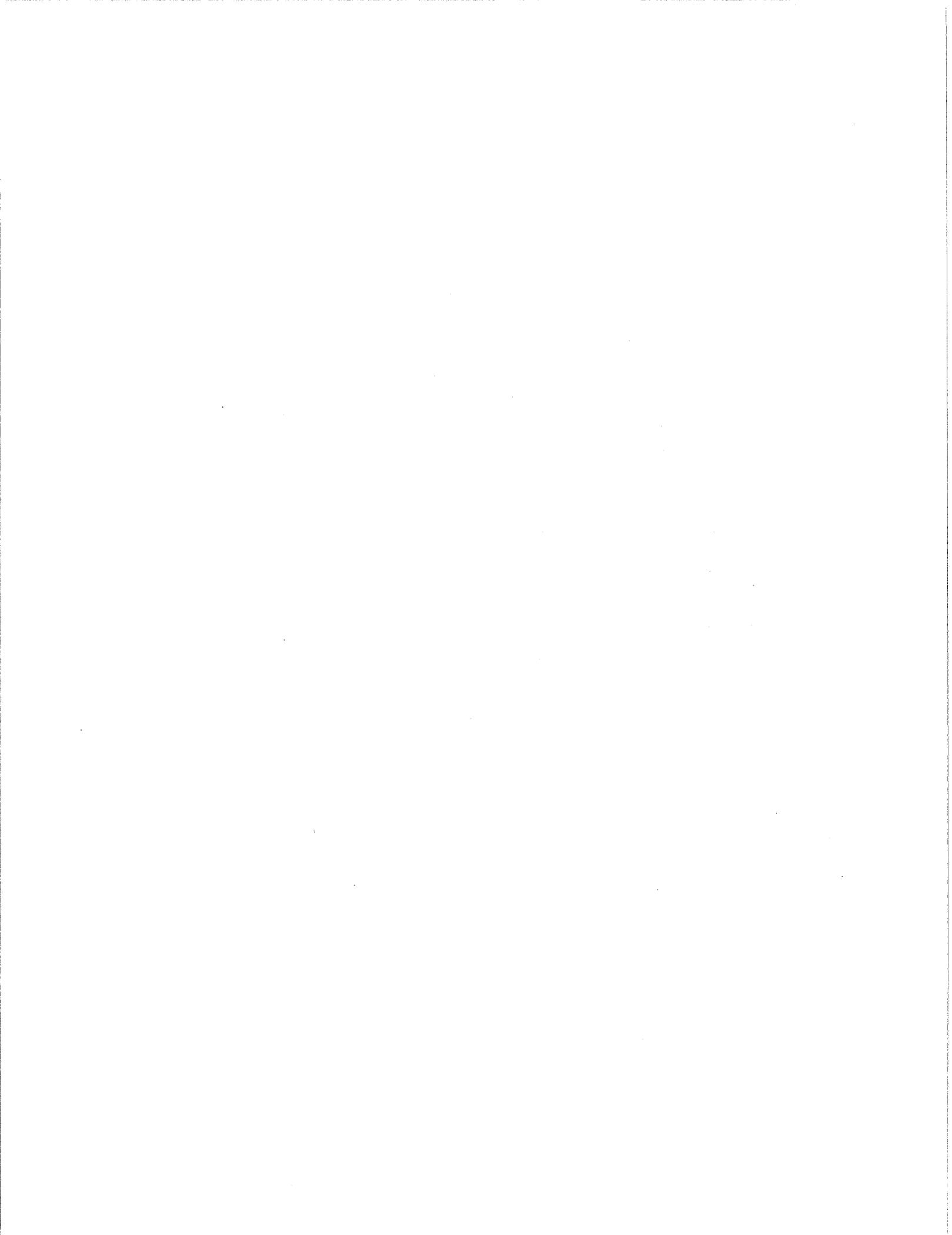
A conduit shall be constructed in said dam with the inlet at elevation 1893, 50 feet above mean sea level, having an opening of not less than five feet in diameter and equipped with a regulating gate for the purpose of permitting the free passage of the normal flow through the dam at all times and the passage of those waters to which the Board may determine lower appropriators are entitled.

The water authorized to be appropriated hereunder shall be diverted from the reservoir by means of the conduit described above. Permittee is authorized to use the channel of the Middle Concho River to convey and deliver said water to Nasworthy Reservoir. The waters herein appropriated for municipal use shall be released through the existing gate structure of Nasworthy Dam and permittee is authorized to use the bed and banks of the South Concho River below Nasworthy Dam to its junction with the Concho River to convey and deliver said water to the point of diversion at the existing intake and pumping facilities of the City of San Angelo. The waters herein appropriated for irrigation use shall be released through Nasworthy Dam by means of a headgate structure to be located near the south end of said dam for the point of diversion of irrigation water. Permittee is authorized to construct a concrete lined canal approximately thirteen miles in length, with a bottom width of six feet and a carrying capacity of not to exceed 150 cubic feet of water per second of time to convey the waters diverted for irrigation to the place of use.

Before acquiring any right to divert water for irrigation use hereunder, permittee shall file with and have approved by the Board detailed plans and specifications showing the location, size and capacity of the headgate and main canal; the field notes of each tract of land to be irrigated, including the owner thereof; the original land survey or grant in which the land is located and the bearing and length of each line bounding the land; and the location of each irrigation surplus water return point with reference to the corner of an original land survey or grant.

All waters diverted for irrigation use hereunder except that which escapes or is consumed as a reasonable and beneficial use thereof and in the manner specified herein shall forthwith be discharged into the Concho River at the surplus water return points designated as required herein.

The duty of water for irrigation on which the said permittee may divert and appropriate in any one year shall not exceed two and one-half (2.5) acre feet of



water for each acre of land actually irrigated within the confines of the land area described above.

The permittee shall install a metering instrument at each diversion point which will automatically record the total amount of water diverted. The permittee shall make determinations of water surface elevations in the herein permitted reservoir and in Nasworthy Reservoir by means of recording gages set to U. S. Geological Survey or U. S. Coast and Geodetic Survey datum, each of which shall be protected by a well house designed for such purposes and the Board shall be furnished complete records of such determinations. Permittee shall also relocate, or cause to be relocated, the existing streamflow stations on Spring Creek and Middle Concho River which will be inundated by the reservoir and establish, or cause to be established, recording streamflow stations on Pecan and Dove Creeks. Permittee shall maintain daily records of waters released through the conduit hereinabove required to be constructed in said dam. All streamflow stations shall be set to the same datum described above and the Board shall be furnished complete records of the datum herein required to be kept. The metering instruments, the gages with well house, and the streamflow stations and the installation, design and operation thereof shall be subject to approval of the Board.

No diversions shall be made by permittee at a rate in excess of 120 cubic feet per second of time for municipal use and 150 cubic feet per second of time for irrigation use.

Any other relief sought or additional matter requested in said Application No. 2112 which is not specifically granted by this permit is hereby expressly denied.

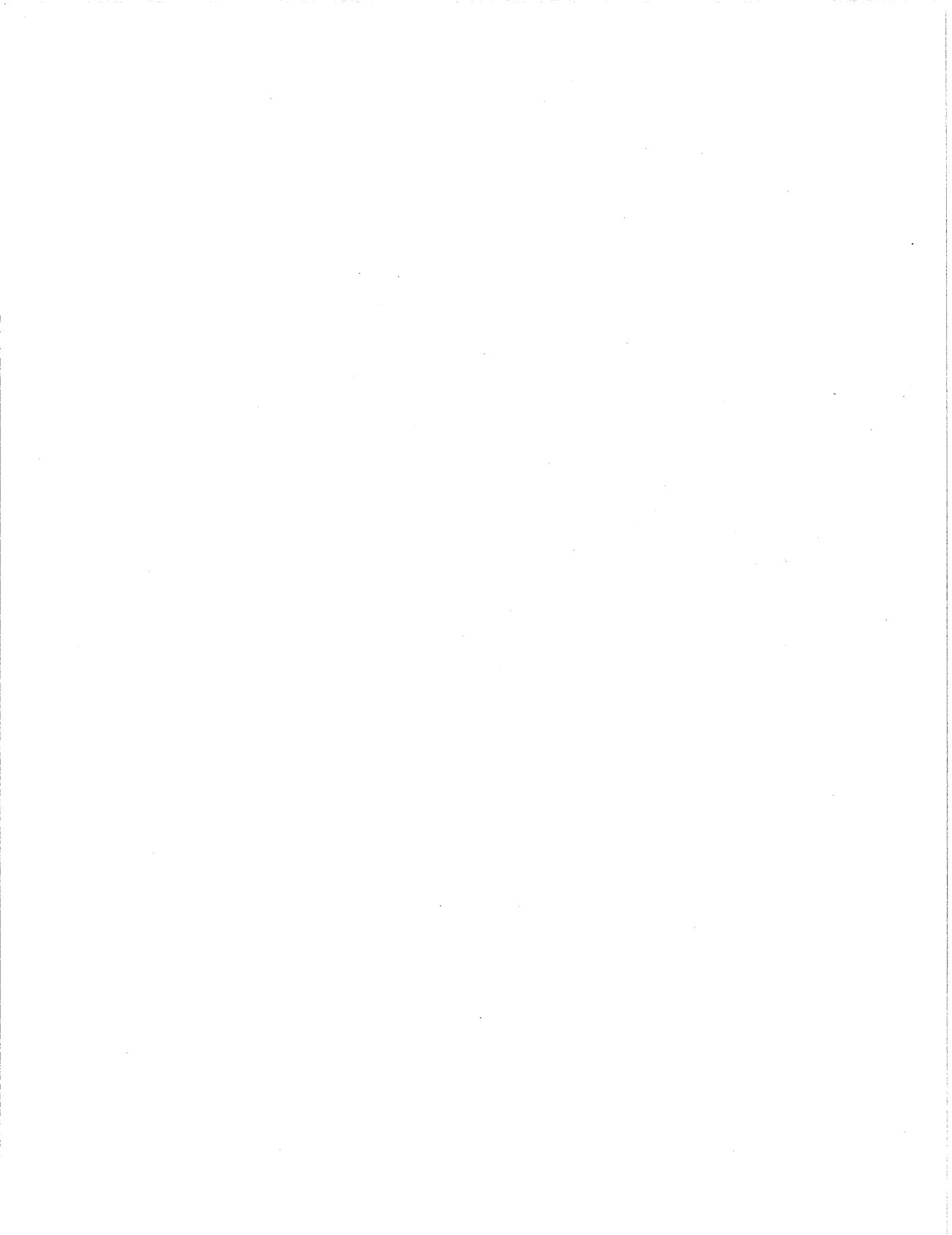
All construction work shall be done in accordance with plans approved by this Board and any changes or alterations made in said plans shall be filed with the Board and its approval obtained before construction. The permit herein granted may be amended in accordance with such changes or alterations.

Construction of the works herein authorized shall be begun within 24 months and shall be prosecuted diligently and continuously and completed within 60 months from date hereof unless otherwise ordered by the Board. Failure to begin and complete such construction within such time limitation shall cause this permit to lapse and be of no further force and effect and will be forfeited forthwith unless an extension of time is applied for by the permittee prior to the applicable date above and granted by the Board.

Within ten days after beginning actual construction of said project, the permittee shall file a statement with the Board showing that such work was begun within the time limit allowed and the extent of the work done, and shall file thereafter monthly statements until final completion showing the progress of such construction.

This permit is granted with the reservation and upon the condition that the permittee will fully comply with the terms, conditions and provisions hereof; by the acceptance of this permit, the permittee agrees to be bound by the enumerated terms, conditions and provisions. Failure on the part of the permittee to comply with such terms, conditions and provisions will subject this permit to forfeiture and cancellation, to which the permittee agrees by acceptance of the permit.

The Board finds and concludes that the granting of this permit as herein recited is not detrimental to the public welfare and that each term, condition and provision herein contained be and is a prerequisite to the granting of this permit and is necessary for the administration of the water resources of this State. It is also expressly provided that the permittee, its successors and assigns, and



any beneficiary hereunder, shall comply with the law and all the rules, regulations and orders of the Board of Water Engineers formulated by it pursuant to law.

GIVEN UNDER THE HAND AND SEAL of the Board of Water Engineers of the State of Texas this the 3rd day of February, 1960.

BOARD OF WATER ENGINEERS

Durwood Manford
Durwood Manford, Chairman

R. M. Dixon
R. M. Dixon, Member

O. F. Dent
O. F. Dent, Member



Filed for Record on the 11th day of February A.D., 1960 at 2:06 o'clock P.M.
Duly Recorded this the 12th day of February A.D., 1960 at 3:30 o'clock P.M.
Instrument No. 39914

RAMON JONES, County Clerk
Tom Green County, Texas
By *Ralph Timoney* Deputy

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND CERTIFICATE OF ADJUDICATION

APPLICATION NO. 14-1318B

San Angelo Water Supply Corporation has applied for an amendment to Certificate of Adjudication No. 14-1318 to modify Special Condition 5C of the original Certificate, add an additional diversion point on the south end of the Twin Buttes Dam on the South Concho River, Colorado River Basin, and to request a bed and banks authorization for a portion of the South Concho River in Tom Green County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. San Angelo Water Supply Corporation, P.O. Box 1928, San Angelo, Texas 76902, applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to §§11.122 and 11.042, Texas Water Code, and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §295.1, et seq. Notice of the application is being published and mailed pursuant to 30 TAC §295.158(b) to the 936 downstream water right holders of record in the Colorado River Basin.

Certificate of Adjudication No. 14-1318 authorizes the owner, San Angelo Water Supply Corporation, to maintain a dam and reservoir on the Middle Concho River, South Concho River, and Spring Creek, tributaries of the Colorado River, Colorado River Basin, and to impound therein not to exceed 170,000 acre-feet of water.

Certificate of Adjudication No. 14-1318 also authorizes the owner to divert and use not to exceed 29,000 acre-feet of water from the reservoir for municipal purposes and an additional 25,000 acre-feet from the reservoir for agricultural purposes to irrigate a maximum of 15,000 acres of land within the boundaries of the Tom Green County Water Control and Improvement District (WCID) No. 1. The maximum combined diversion rate at Diversion Point No. 1 is 270 cfs, 150 cfs of that being for agricultural (irrigation) purposes and 120cfs being for municipal purposes. The maximum diversion rate for Diversion Point No. 2 is 120 cfs. Several special conditions apply. The currently authorized water is diverted from Diversion Point No. 1 and the bed and banks of the Middle Concho River are authorized to transport the water to Lake Nasworthy for storage and subsequent use.

Special Condition 5C states that "a conduit shall be constructed in the aforesaid dam with the inlet at elevation 1883.5 feet above mean sea level, having an opening of not less than five feet in diameter and equipped with a regulating gate for the purpose of permitting the free passage of the normal flow through the dam at all times and the passage of those water to which the Department may determine lower appropriators are entitled."

San Angelo Water Supply Corporation, applicant, seeks an amendment to Certificate of Adjudication No. 14-1318 to modify Special Condition 5C to amend the elevation referenced for the inlet to the conduit through the dam from 1,883.5 feet above mean sea level to the actual built elevation of 1,885.0 feet above mean sea level.

Applicant also seeks to add an additional diversion point on the south end of the Twin Buttes Dam on the South Concho River, located at Latitude 31.3121°N, Longitude 100.4856°W, approximately 11.25 miles southwest from the Tom Green County Courthouse in the City of San Angelo, Texas, with a diversion rate

not to exceed a maximum 25 cfs (11,220 gpm) out of and in combination with the currently authorized 270 cfs diversion rate for Diversion Point No. 1. Owner seeks to construct a 20 inch diameter pipe over the dam for use in diverting the currently authorized water.

Applicant further requests authorization to place the currently authorized water diverted from the proposed additional diversion point into Lake Nasworthy for storage and subsequent use via the South Concho River and requests to use its bed and banks between the Twin Buttes Dam and Lake Nasworthy, a portion approximately 4 miles in length.

The Commission will review the application as submitted by the applicant and may or may not grant the application as requested.

The application was received on November 29, 2004. Additional fees and information were received on March 7, March 28, and May 26, 2005. The application was declared administratively complete and filed with the Office of the Chief Clerk on April 19, 2005.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be received in the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days of the date of newspaper publication of the notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions to the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the TCEQ will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.state.tx.us. Si desea información en Español, puede llamar al 1-800-687-4040.

A.J. Jones, Jr.
P.O. Box 537
Miles, Texas 76861

May 6, 2005

To: Office of Chief Clerk, TCEQ-MC105
P.O. Box 13087
Austin, Texas 78711-3087

I wish to request a contested case hearing on Permit No. 14-1318 Twin Buttes Reservoir, Tom Green County, Texas on its amendments and modifications to this permit.

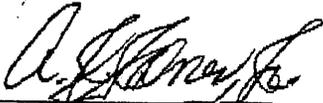
Reasons for requesting this contested case hearing are the proposed amendments and modifications to this permit. These amendments and modifications will impact and threaten my senior water rights, Adjudication No. 14-1397.

I also wish to file this request for contested case hearing as stated above in behalf of the members represented by me under the Concho River Water Conservancy Association. These rights are downstream of the Twin Buttes Reservoir. The numbers are listed as follows:

14-1338	14-1346	14-1362	14-1371
14-1339	14-1351	14-1363	14-1372
14-1340	14-1353	14-1364	14-1373
14-1341	14-1354	14-1368	14-1384
14-1345	14-1360	14-1369	14-1388

Also, domestic and livestock holders should be considered.

Sincerely,



A.J. Jones, Jr.
President Concho River Basin Water Conservancy

Copy to Executive Director TCEQ
Mr. Rickie Anderson- TCEQ
Mr. Glenn Jarvis

Van W. Carson & Associates

Certified Public Accountant
17 South Chadbourne, Suite 509
San Angelo, Texas 76903
(325) 655-5781
Fax (325) 655-5782

FAX TRANSMITTAL COVERSHEET

Date: May 6, 2005

To: _____

Fax Number: _____

From: Mr. A.S. Jones, President Concho River Basin Water Conservancy

RE: _____

Chief Clerk TCEQ	(512) 239-3313
Permitting TCEQ	(512) 239-4770
Rickie Anderson-TCEQ	(325) 658-5431
Glenn Jarvis	(956) 618-2660

Number of pages sent (including this cover sheet):

CONFIDENTIALITY NOTICE

This message contains confidential information that is intended for the exclusive use of the addressee. If you have received this fax in error, please immediately inform the sender by telephone and mail the material received in error to the sender at the above address.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 14-1318C

San Angelo Water Supply Corporation has applied for an amendment to Certificate of Adjudication No. 14-1318 to modify Special Condition 5C of the original Certificate in the Colorado River Basin, Tom Green County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. San Angelo Water Supply Corporation, P.O. Box 1928, San Angelo, Texas 76902, applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to §§11.122 and 11.042, Texas Water Code, and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §295.1, *et seq.* Notice of the application is being published and mailed pursuant to 30 TAC §295.158(b) to the 936 downstream water right holders of record in the Colorado River Basin.

Certificate of Adjudication No. 14-1318 authorizes the owner, San Angelo Water Supply Corporation, to maintain a dam and reservoir on the Middle Concho River, South Concho River, and Spring Creek, tributaries of the Colorado River, Colorado River Basin, Tom Green County, and to impound therein not to exceed 170,000 acre-feet of water.

Certificate of Adjudication No. 14-1318 also authorizes the owner to divert and use not to exceed 29,000 acre-feet of water per year from the reservoir for municipal purposes and an additional 25,000 acre-feet of water per year from the reservoir for agricultural purposes to irrigate a maximum of 15,000 acres of land within the boundaries of the Tom Green County Water Control and Improvement District No. 1. The maximum combined diversion rate at Diversion Point No. 1 is 270 cfs, 150 cfs of that being for agricultural (irrigation) purposes and 120 cfs being for municipal purposes. The maximum diversion rate for Diversion Point No. 2 is 120 cfs. Several special conditions apply.

Special Condition 5C currently states "A conduit shall be constructed in the aforesaid dam with the inlet at elevation 1883.5 feet above mean sea level, having an opening of not less than five feet in diameter and equipped with a regulating gate for the purpose of permitting the free passage of the normal flow through the dam at all times and the passage of those waters to which the Department may determine lower appropriators are entitled."

San Angelo Water Supply Corporation has a concurrent application, Application No. 14-1318B, to amend Special Condition 5C to modify the elevation referenced for the inlet to the conduit through the dam from 1,883.5 feet above mean sea level to the actual built elevation of 1,885.0 feet above mean sea level, to add an additional diversion point on the south end of the Twin Buttes Dam on the South Concho River, use the bed and banks of the South Concho River between the Twin Buttes Dam and Lake Nasworthy, and subsequently impound that water in Lake Nasworthy for authorized diversion and use. The Commission will review Application No. 14-1318B as submitted by the applicant and may or may not grant that application as requested.

San Angelo Water Supply Corporation, applicant, now seeks an amendment to Certificate of Adjudication No. 14-1318, referred to as Application No. 14-1318C, to modify Special Condition 5C to read as follows:

A conduit shall be constructed in the aforesaid dam with the inlet at elevation 1885 feet above mean sea level, having an opening of not less than five feet in diameter and equipped with a regulating gate for the purpose of being able to permit the passage of normal flow, as that term may be scientifically defined, through the dam at such times as needed to meet the calls of senior water right holders downstream.

The Commission will review the application as submitted by the applicant and may or may not grant the application as requested.

The application was received on March 30, 2005. Additional fees and information were received on June 27 and 30, 2005. The application was declared administratively complete and filed with the Office of the Chief Clerk on July 12, 2005.

PUBLIC COMMENT/PUBLIC MEETING. Written public comments and requests for a public meeting should be received in the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days of the date of newspaper publication of the notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions to the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the TCEQ will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.state.tx.us. Si desea información en Español, puede llamar al 1-800-687-4040.

Issued: August 25, 2005

PUBLIC
NOTICE

PUBLIC
NOTICE

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NOTICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND
A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 14-1318C

San Angelo Water Supply Corporation has applied for an amendment to Certificate of Adjudication No. 14-1318 to modify Special Condition 5C of the original Certificate in the Colorado River Basin, Tom Green County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. San Angelo Water Supply Corporation, P.O. Box 1928, San Angelo, Texas 76902, applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to §811.122 and 11.042, Texas Water Code, and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §295.1, *et seq.* Notice of the application is being published and mailed pursuant to 30 TAC §295.158(b) to the 936 downstream water right holders of record in the Colorado River Basin.

Certificate of Adjudication No. 14-1318 authorizes the owner, San Angelo Water Supply Corporation, to maintain a dam and reservoir on the Middle Concho River, South Concho River, and Spring Creek, tributaries of the Colorado River, Colorado River Basin, Tom Green County, and to impound therein not to exceed 170,000 acre-feet of water.

Certificate of Adjudication No. 14-1318 also authorizes the owner to divert and use not to exceed 29,000 acre-feet of water per year from the reservoir for municipal purposes and an additional 25,000 acre-feet of water per year from the reservoir for agricultural purposes to irrigate a maximum of 15,000 acres of land within the boundaries of the Tom Green County Water Control and Improvement District No. 1. The maximum combined diversion rate at Diversion Point No. 1 is 270 cfs, 150 cfs of that being for agricultural (irrigation) purposes and 120 cfs being for municipal purposes. The maximum diversion rate for Diversion Point No. 2 is 120 cfs. Several special conditions apply.

Special Condition 5C currently states "A conduit shall be constructed in the aforesaid dam with the inlet at elevation 1883.5 feet above mean sea level, having an opening of not less than five feet in diameter and equipped with a regulating gate for the purpose of permitting the free passage of the normal flow through the dam at all times and the passage of those waters to which the Department may determine lower appropriators are entitled."

San Angelo Water Supply Corporation has a concurrent application, Application No. 14-1318B, to amend Special Condition 5C to modify the elevation referenced for the inlet to the conduit through the dam from 1,883.5 feet above mean sea level to the actual built elevation of 1,885.0 feet above mean sea level, to add an additional diversion point on the south end of Twin Buttes Dam on the South Concho River, use the bed and banks of the South Concho River between the Twin Buttes Dam and Lake Nasworthy, and subsequently impound that water in Lake Nasworthy for authorized diversion and use. The Commission will review Application No. 14-1318B as submitted by the applicant and may or may not grant the application as requested.

San Angelo Water Supply Corporation, applicant, now seeks an amendment to Certificate of Adjudication No. 14-1318, referred to as Application No. 14-1318C, to modify Special Condition 5C to read as follows: A conduit shall be constructed in the aforesaid dam with the inlet at elevation 1885 feet above mean sea level, having an opening of not less than five feet in diameter and equipped with a regulating gate for the purpose of being able to permit the passage of normal flow, as that term may be scientifically defined, through the dam at such times as needed to meet the calls of senior water right holders downstream.

The Commission will review the application as submitted by the applicant and may or may not grant the application as requested.

The application was received on March 30, 2005. Additional fees and information were received on June 27 and 30, 2005. The application was declared administratively complete and filed with the Office of the Chief Clerk on July 12, 2005.

PUBLIC COMMENT/PUBLIC MEETING. Written public comments and requests for a public meeting should be received in the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publications of the notice. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

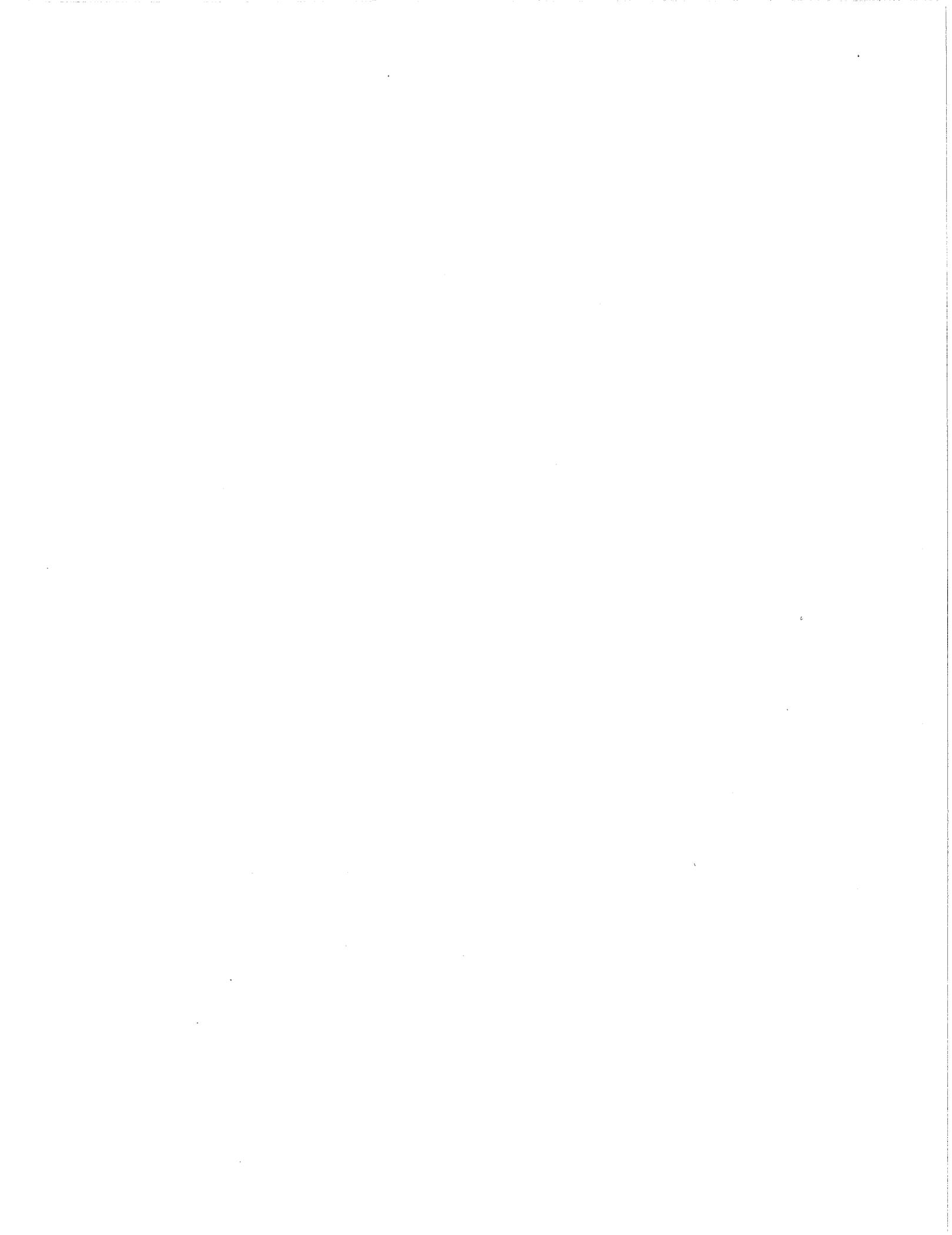
CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days of the date of newspaper publication of the notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement (how) request a contested case hearing; (4) a brief and specific description of how you would be affected by the application; (5) a brief and specific description of the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions to the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the TCEQ will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 105, the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.state.tx.us. Si desea información en Español, puede llamar al 1-800-687-4040.

*Forney - September 2, 2005
San Angelo Standard Times*



4. As to changing the elevation levels on the Twin Buttes Dam gates and conduits from 1883.5 to 1885 feet above mean sea level. This will also threaten all downstream senior water right holders and domestic and livestock rights. This also endangers the integrity of the Concho River below the Twin Buttes Dam. In the past, this has deprived senior water right holders and domestic and livestock water rights of their water that they are entitled. This was ruled on as in SOAH hearing the week of June 2002 and by TCEQ Commissioners in August 2004 commission hearing. We have been damaged and harmed by the elevation of these gates and no proper natural flow conduit to carry the natural flow downstream and will continue to suffer, damage, and harm in the future; if these gates and conduit are at the 1885 feet above mean sea level.

5. Modification of Permit in Twin Buttes reservoir 14-1318 would legalize the present illegal pump San Angelo is using to convey water over the Dam at the present time. This allows them to play all kinds of manipulations with the water. This pump should be removed and the 5 feet or larger natural flow conduit as called for in the lake permit at 1883.5 feet above mean sea level should be properly installed. As shown in hearings, San Angelo is definitely failing to pass required water downstream, even at the request of senior water rights calls on water.

Also, all proper gauges should be reinstalled at proper places in the stream tributaries to the lake and as called in the lake permit as soon as possible. Gauging it would be in the best interest of the City of San Angelo and all downstream water right holders. These gauges should be maintained properly in the future. It would be advantageous for the information on stream flows to be disclosed on the Internet. These recording flow gauges were illegally dismantled so no one would account for the natural flow.

The permit granting the lake to be built also states all affluent water will be cleaned and returned to the Concho River. This also impacts the river below the lake and senior water right holders. This is not being done. (See copy of Twin Buttes original permit attached).

Please note my letter as of May 5, 2005 listing adjudicated water rights of which I am also representing from the Concho River Basin Water Conservancy Association. Please file for the hearing in their behalf also.

I also understand San Angelo is sending affluent water to the Tom Green County Water Control and Improvement District #1 and crediting this water to downstream releases. I disagree with their accountability.

Please notify me of all related meetings for their permit so I can prepare myself and attend. Again, I am requesting a contested case hearing in Permit 14-1318.

Sincerely,



A.J. Jones, Jr.
President Concho River
Basin Water Conservancy

Attachments:

Twin Buttes Permit
Order of Texas Water Rights Commission 7/22/74
Standard Times Legal Notice
TCEQ Application Permit Revision 14-1318
My Letter of 5/5/05

Copy To: Executive Director, TCEQ
Ann Rowland, TCEQ
Robin Smith, TCEQ
Rickie Anderson, TCEQ
Al Segovia, TCEQ
Permitting, TCEQ
Glenn Jarvis

Permit
To
Appropriate Public Waters
of the
State of Texas

No. 1949

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Whereas, the SAN ANGELO WATER SUPPLY CORPORATION, the post-office address of which is San Angelo, Texas, on the 6th day of May, 1959, filed with the Board of Water Engineers of the State of Texas Application No. 2122 for a permit to appropriate annually 61,500 acre feet of water by impounding 170,000 acre feet of the public waters of the State of Texas in a reservoir to be constructed by the United States Department of Interior, Bureau of Reclamation, in Tom Green County, Texas, with an impounding capacity of 600,000 acre feet, divided by the Bureau of Reclamation as follows: 150,000 acre feet for water conservation; 430,000 acre feet for flood control; and 20,000 acre feet for sedimentation and dead storage; and

Whereas, on the 15th day of June, 1959, after due notice the Board of Water Engineers held a public hearing at its office in Austin, Texas, as prescribed by law, which hearing was further held on the 30th day of June, the 1st and 2nd days of July, and the 3rd, 4th and 5th days of August, 1959, and after hearing and considering all the evidence affecting said application, took the same under advisement and continued the hearing from day to day pending final decision until the 15th day of December, 1959, whereupon the said Board did grant said Application No. 2122 in part and as hereinafter set forth,

NOW, THEREFORE, THE
BOARD OF WATER ENGINEERS
OF THE STATE OF TEXAS DOES BY THESE PRESENTS GRANT THIS PERMIT

unto the said San Angelo Water Supply Corporation to appropriate, divert and use certain public waters of the State, to consist of the storm and flood waters of the Middle and South Concho Rivers, tributaries of the Concho and Colorado Rivers, in Tom Green County, Texas, measured at the points of diversion, not to exceed 29,000 acre feet of water per annum for the purpose of municipal use through the municipal water system of the City of San Angelo, Texas, and not to exceed 25,000 acre feet of water per annum for the purpose of irrigating 10,000 acres of land in Tom Green County near Veribest, Texas, or so much thereof as may be necessary when beneficially used for the enumerated purposes. It is specifically provided, however, that the 29,000 acre feet of water authorized to be diverted hereunder for municipal use shall include all waters diverted under Permit No. 1120 (Application No. 1196) as amended by Permit No. 1446 (Application No. 1551), so that the cumulative total annual diversions under Permit No. 1120 and that portion of the permit herein granted for municipal use shall not exceed 29,000 acre feet of water per annum.

To store the water to be appropriated, the permittee is authorized to impound 170,000 acre feet of water in the reservoir described above which is to be created by the construction of an on-channel dam on the South and Middle Concho Rivers, station 0+00 of which is to be located at a point which bears North 54° 17' West 3900 feet from the northeast corner of the H. Cramm Original Survey No. 1807, on the east bank of the South Concho River in Tom Green County, Texas, distant in a southerly direction from San Angelo, Texas, approximately 10 miles, such dam being more fully described in the plans filed by the permittee with the application, to which reference is hereby made for all purposes; provided, however, that the permittee shall be limited to storage in and diversion from said reservoir below

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elevation 1940, 2 feet above mean sea level (top of conservation pool). It is further specifically provided that before acquiring or maintaining any right to divert water hereunder, permittee shall be authorized by the United States of America or appropriate agency thereof to store the waters herein permitted to be impounded in said reservoir.

The permittee shall store only storm and flood waters of said stream, subject to all the rights of prior appropriators and lawful diverters below. Whenever the Board finds that the permittee is storing any water to which downstream appropriators and lawful diverters are entitled, the permittee shall release same to said appropriators or lawful diverters on the order of the Board. By accepting this permit, permittee agrees to abide by and comply with any such order of the Board without delay. Failure to comply with any such order shall constitute grounds for forfeiture and cancellation.

All water diverted hereunder for use through the municipal water system of the City of San Angelo except that which escapes or is consumed as a consequence of the reasonable and beneficial use thereof shall forthwith be discharged into the Concho River at the surplus water return points, the location of which with reference to the corner of an original land grant or survey shall be filed with and approved by the Board. Prior to discharging such return water into the Concho River, permittee shall use reasonable diligence to treat and purify such return water so as not to materially impair the quality of the water of the receiving stream.

A conduit shall be constructed in said dam with the inlet at elevation 1883, 50 feet above mean sea level, having an opening of not less than five feet in diameter and equipped with a regulating gate for the purpose of permitting the free passage of the normal flow through the dam at all times and the passage of those waters to which the Board may determine lower appropriators are entitled.

The water authorized to be appropriated hereunder shall be diverted from the reservoir by means of the conduit described above. Permittee is authorized to use the channel of the Middle Concho River to convey and deliver said water to Nasworthy Reservoir. The waters herein appropriated for municipal use shall be released through the existing gate structure of Nasworthy Dam and permittee is authorized to use the bed and banks of the South Concho River below Nasworthy Dam to its junction with the Concho River to convey and deliver said water to the point of diversion at the existing intake and pumping facilities of the City of San Angelo. The waters herein appropriated for irrigation use shall be released through Nasworthy Dam by means of a headgate structure to be located near the south end of said dam for the point of diversion of irrigation water. Permittee is authorized to construct a concrete lined canal approximately thirteen miles in length, with a bottom width of six feet and a carrying capacity of not to exceed 150 cubic feet of water per second of time to convey the waters diverted for irrigation to the place of use.

Before acquiring any right to divert water for irrigation use hereunder, permittee shall file with and have approved by the Board detailed plans and specifications showing the location, size and capacity of the headgate and main canal; the field notes of each tract of land to be irrigated, including the owner thereof, the original land survey or grant in which the land is located and the bearing and length of each line bounding the land; and the location of each irrigation surplus water return point with reference to the corner of an original land survey or grant.

All waters diverted for irrigation use hereunder except that which escapes or is consumed as a reasonable and beneficial use thereof and in the manner specified herein shall forthwith be discharged into the Concho River at the surplus water return points designated as required herein.

The duty of water for irrigation on which the said permittee may divert and appropriate in any one year shall not exceed two and one-half (2.5) acre feet of.

water for each acre of land actually irrigated within the confines of the land area described above.

The permittee shall install a metering instrument at each diversion point which will automatically record the total amount of water diverted. The permittee shall make determinations of water surface elevations in the herein permitted reservoir and in Nasworthy Reservoir by means of recording gages set to U. S. Geological Survey or U. S. Coast and Geodetic Survey datum, each of which shall be protected by a well house designed for such purposes and the Board shall be furnished complete records of such determinations. Permittee shall also relocate, or cause to be relocated, the existing streamflow stations on Spring Creek and Middle Concho River which will be inundated by the reservoir and establish, or cause to be established, recording streamflow stations on Pecan and Dove Creeks. Permittee shall maintain daily records of waters released through the conduit hereinabove required to be constructed in said dam. All streamflow stations shall be set to the same datum described above and the Board shall be furnished complete records of the datum herein required to be kept. The metering instruments, the gages with well house, and the streamflow stations and the installation, design and operation thereof shall be subject to approval of the Board.

No diversions shall be made by permittee at a rate in excess of 120 cubic feet per second of time for municipal use and 150 cubic feet per second of time for irrigation use.

Any other relief sought or additional matter requested in said Application No. 2112 which is not specifically granted by this permit is hereby expressly denied.

All construction work shall be done in accordance with plans approved by this Board and any changes or alterations made in said plans shall be filed with the Board and its approval obtained before construction. The permit herein granted may be amended in accordance with such changes or alterations.

Construction of the works herein authorized shall be begun within 24 months and shall be prosecuted diligently and continuously and completed within 60 months from date hereof unless otherwise ordered by the Board. Failure to begin and complete such construction within such time limitation shall cause this permit to lapse and be of no further force and effect and will be forfeited forthwith unless an extension of time is applied for by the permittee prior to the applicable date above and granted by the Board.

Within ten days after beginning actual construction of said project, the permittee shall file a statement with the Board showing that such work was begun within the time limit allowed and the extent of the work done, and shall file thereafter monthly statements until final completion showing the progress of such construction.

This permit is granted with the reservation and upon the condition that the permittee will fully comply with the terms, conditions and provisions hereof; by the acceptance of this permit, the permittee agrees to be bound by the enumerated terms, conditions and provisions. Failure on the part of the permittee to comply with such terms, conditions and provisions will subject this permit to forfeiture and cancellation, to which the permittee agrees by acceptance of the permit.

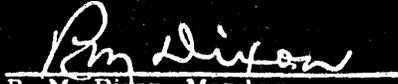
The Board finds and concludes that the granting of this permit as herein recited is not detrimental to the public welfare and that each term, condition and provision herein contained be and is a prerequisite to the granting of this permit and is necessary for the administration of the water resources of this State. It is also expressly provided that the permittee, its successors and assigns, and

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any beneficiary hereunder, shall comply with the law and all the rules, regulations and orders of the Board of Water Engineers formulated by it pursuant to law.

GIVEN UNDER THE HAND AND SEAL of the Board of Water Engineers of the State of Texas this the 3rd day of February, 1960.

BOARD OF WATER ENGINEERS


Durwood Manford, Chairman


R. M. Dixon, Member

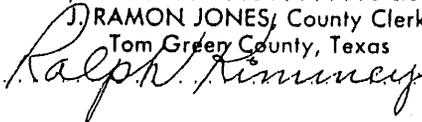

O. F. Dent, Member



ATTEST


Ben F. Jones Jr., Secretary

Filed for Record on the 11th day of February... A.D., 1960... at 2:06... o'clock P. M.
Duly Recorded this the 12th day of February... A.D., 1960... at 3:30... o'clock P. M.
Instrument No. 39914

J. RAMON JONES, County Clerk
Tom Green County, Texas
By  Deputy

TEXAS WATER RIGHTS COMMISSION



AN ORDER directing San Angelo Water Supply Corporation to release water from Twin Buttes Reservoir and directing the City of San Angelo, Texas, to provide for the passage of the releases.

On July 22, 1974, there came on to be considered before the Texas Water Rights Commission the matter of insufficient water in the Concho River below the Bell Street Dam in San Angelo, Texas, to provide for domestic and livestock water and to honor superior and senior water rights on the Concho River.

After considering the matter the Commission finds:

1. San Angelo Water Supply Corporation, hereafter referred to as "permittee," owns Permit No. 1949 authorizing Twin Buttes Reservoir which provides as a condition as follows:

"The permittee shall store only storm and flood waters of said stream, subject to all the rights of prior appropriators and lawful diverters below. Whenever the Board finds that the permittee is storing any water to which downstream appropriators and lawful diverters are entitled, the permittee shall release same to said appropriators or lawful diverters on the order of the Board. By accepting this permit, permittee agrees to abide by and comply with any such order of the Board without delay. Failure to comply with any such order shall constitute grounds for forfeiture and cancellation."

2. Below Twin Buttes Dam on the Concho River the City of San Angelo owns two dams, Lone Wolf Dam under Certified Filing No. 155, and Bell Street Dam under Permit No. 1669.

3. Permittee has stopped the flow of the Middle Concho River, the South Concho River, Dove Creek, and Spring Creek, and their contributing tributaries, and is impounding the water in Twin Buttes Reservoir; and has failed to release sufficient inflows from Twin Buttes Reservoir for domestic and livestock uses and for other superior and senior water rights downstream on the Concho River.

4. Permittee has been supplying water from Twin Buttes Reservoir to Tom Green County Water Control and Improvement District No. 1 for irrigation purposes.

5. To satisfy the above noted condition in Permit No. 1949, to provide for domestic and livestock needs, and to honor superior and senior water rights below San Angelo, Texas, on the Concho River, permittee should be directed to provide for the passage of the normal inflows through Twin Buttes Reservoir; in addition, due to the failure to release sufficient inflows from Twin Buttes Reservoir, permittee should be directed to release water from the reservoir at the same time and in the same quantities as water is hereafter diverted for irrigation purposes in the Tom Green County Water Control and Improvement District No. 1; and, the City of San Angelo, Texas, should be directed to pass the releases through Lone Wolf Dam and Bell Street Dam.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS WATER RIGHTS COMMISSION that:

San Angelo Water Supply Corporation is hereby directed to provide for the passage of the normal inflows through Twin Buttes Reservoir;

In addition to the releases of the normal flows, San Angelo Water Supply Corporation is hereby directed to release water from Twin Buttes Reservoir at the same time and in the same quantities as water is hereafter diverted for irrigation purposes in the Tom Green County Water Control and Improvement District No. 1, until otherwise notified; and,

The City of San Angelo, Texas, is hereby directed to pass the releases from Twin Buttes Reservoir through Lone Wolf Dam and Bell Street Dam.

The Secretary of the Commission is directed to issue a certified copy of this order to the San Angelo Water Supply Corporation, Tom Green County Water Control and Improvement District No. 1, and the City of San Angelo, Texas.

Executed and entered of record, this the 23rd day of July, 1974.



Audrey Strandtman
Audrey Strandtman, Secretary

TEXAS WATER RIGHTS COMMISSION

Joe D. Carter
Joe D. Carter, Chairman

Burke Holman
Burke Holman, Commissioner

Dorsey B. Hardeman, Commissioner



AN ORDER directing San Angelo Water Supply Corporation to release water from Twin Buttes Reservoir and directing the City of San Angelo, Texas, to provide for the passage of the releases.

On July 22, 1974, there came on to be considered before the Texas Water Rights Commission the matter of insufficient water in the Concho River below the Bell Street Dam in San Angelo, Texas, to provide for domestic and livestock water and to honor superior and senior water rights on the Concho River.

After considering the matter the Commission finds:

1. San Angelo Water Supply Corporation, hereafter referred to as "permittee," owns Permit No. 1949 authorizing Twin Buttes Reservoir which provides as a condition as follows:

"The permittee shall store only storm and flood waters of said stream, subject to all the rights of prior appropriators and lawful diverters below. Whenever the Board finds that the permittee is storing any water to which downstream appropriators and lawful diverters are entitled, the permittee shall release same to said appropriators or lawful diverters on the order of the Board. By accepting this permit, permittee agrees to abide by and comply with any such order of the Board without delay. Failure to comply with any such order shall constitute grounds for forfeiture and cancellation."

2. Below Twin Buttes Dam on the Concho River the City of San Angelo owns two dams, Lone Wolf Dam under Certified Filing No. 155, and Bell Street Dam under Permit No. 1669.

3. Permittee has stopped the flow of the Middle Concho River, the South Concho River, Dove Creek, and Spring Creek, and their contributing tributaries, and is impounding the water in Twin Buttes Reservoir; and has failed to release sufficient inflows from Twin Buttes Reservoir for domestic and livestock uses and for other superior and senior water rights downstream on the Concho River.

4. Permittee has been supplying water from Twin Buttes Reservoir to Tom Green County Water Control and Improvement District No. 1 for irrigation purposes.

5. To satisfy the above noted condition in Permit No. 1949, to provide for domestic and livestock needs, and to honor superior and senior water rights below San Angelo, Texas, on the Concho River, permittee should be directed to provide for the passage of the normal inflows through Twin Buttes Reservoir; in addition, due to the failure to release sufficient inflows from Twin Buttes Reservoir, permittee should be directed to release water from the reservoir at the same time and in the same quantities as water is hereafter diverted for irrigation purposes in the Tom Green County Water Control and Improvement District No. 1; and, the City of San Angelo, Texas, should be directed to pass the releases through Lone Wolf Dam and Bell Street Dam.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS WATER RIGHTS COMMISSION that:

San Angelo Water Supply Corporation is hereby directed to provide for the passage of the normal inflows through Twin Buttes Reservoir;

In addition to the releases of the normal flows, San Angelo Water Supply Corporation is hereby directed to release water from Twin Buttes Reservoir at the same time and in the same quantities as water is hereafter diverted for irrigation purposes in the Tom Green County Water Control and Improvement District No. 1, until otherwise notified; and,

The City of San Angelo, Texas, is hereby directed to pass the releases from Twin Buttes Reservoir through Lone Wolf Dam and Bell Street Dam.

The Secretary of the Commission is directed to issue a certified copy of this order to the San Angelo Water Supply Corporation, Tom Green County Water Control and Improvement District No. 1, and the City of San Angelo, Texas.

Executed and entered of record, this the 23rd day of July, 1974.



TEXAS WATER RIGHTS COMMISSION

Joe D. Carter
Joe D. Carter, Chairman

Burke Holman
Burke Holman, Commissioner

Audrey Strandtman
Audrey Strandtman, Secretary

Dorsey B. Hardeman, Commissioner

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND CERTIFICATE OF ADJUDICATION

APPLICATION NO. 14-1318B

San Angelo Water Supply Corporation has applied for an amendment to Certificate of Adjudication No. 14-1318 to modify Special Condition 5C of the original Certificate, add an additional diversion point on the south end of the Twin Buttes Dam on the South Concho River, Colorado River Basin, and to request a bed and banks authorization for a portion of the South Concho River in Tom Green County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. San Angelo Water Supply Corporation, P.O. Box 1928, San Angelo, Texas 76902, applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to §§11.122 and 11.042, Texas Water Code, and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §295.1, et seq. Notice of the application is being published and mailed pursuant to 30 TAC §295.158(b) to the 936 downstream water right holders of record in the Colorado River Basin.

Certificate of Adjudication No. 14-1318 authorizes the owner, San Angelo Water Supply Corporation, to maintain a dam and reservoir on the Middle Concho River, South Concho River, and Spring Creek, tributaries of the Colorado River, Colorado River Basin, and to impound therein not to exceed 170,000 acre-feet of water.

Certificate of Adjudication No. 14-1318 also authorizes the owner to divert and use not to exceed 29,000 acre-feet of water from the reservoir for municipal purposes and an additional 25,000 acre-feet from the reservoir for agricultural purposes to irrigate a maximum of 15,000 acres of land within the boundaries of the Tom Green County Water Control and Improvement District (WCID) No. 1. The maximum combined diversion rate at Diversion Point No. 1 is 270 cfs, 150 cfs of that being for agricultural (irrigation) purposes and 120cfs being for municipal purposes. The maximum diversion rate for Diversion Point No. 2 is 120 cfs. Several special conditions apply. The currently authorized water is diverted from Diversion Point No. 1 and the bed and banks of the Middle Concho River are authorized to transport the water to Lake Nasworthy for storage and subsequent use.

Special Condition 5C states that "a conduit shall be constructed in the aforesaid dam with the inlet at elevation 1883.5 feet above mean sea level, having an opening of not less than five feet in diameter and equipped with a regulating gate for the purpose of permitting the free passage of the normal flow through the dam at all times and the passage of those water to which the Department may determine lower appropriators are entitled."

San Angelo Water Supply Corporation, applicant, seeks an amendment to Certificate of Adjudication No. 14-1318 to modify Special Condition 5C to amend the elevation referenced for the inlet to the conduit through the dam from 1,883.5 feet above mean sea level to the actual built elevation of 1,885.0 feet above mean sea level.

Applicant also seeks to add an additional diversion point on the south end of the Twin Buttes Dam on the South Concho River, located at Latitude 31.3121°N, Longitude 100.4856°W, approximately 11.25 miles southwest from the Tom Green County Courthouse in the City of San Angelo, Texas, with a diversion rate

not to exceed a maximum 25 cfs (11,220 gpm) out of and in combination with the currently authorized 270 cfs diversion rate for Diversion Point No. 1. Owner seeks to construct a 20 inch diameter pipe over the dam for use in diverting the currently authorized water.

Applicant further requests authorization to place the currently authorized water diverted from the proposed additional diversion point into Lake Nasworthy for storage and subsequent use via the South Concho River and requests to use its bed and banks between the Twin Buttes Dam and Lake Nasworthy, a portion approximately 4 miles in length.

The Commission will review the application as submitted by the applicant and may or may not grant the application as requested.

The application was received on November 29, 2004. Additional fees and information were received on March 7, March 28, and May 26, 2005. The application was declared administratively complete and filed with the Office of the Chief Clerk on April 19, 2005.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be received in the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days of the date of newspaper publication of the notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions to the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the TCEQ will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.state.tx.us. Si desea información en Español, puede llamar al 1-800-687-4040.

A.J. Jones, Jr.
P.O. Box 537
Miles, Texas 76861

May 6, 2005

To: Office of Chief Clerk, TCEQ-MC105
P.O. Box 13087
Austin, Texas 78711-3087

I wish to request a contested case hearing on Permit No. 14-1318 Twin Buttes Reservoir, Tom Green County, Texas on its amendments and modifications to this permit.

Reasons for requesting this contested case hearing are the proposed amendments and modifications to this permit. These amendments and modifications will impact and threaten my senior water rights, Adjudication No. 14-1397.

I also wish to file this request for contested case hearing as stated above in behalf of the members represented by me under the Concho River Water Conservancy Association. These rights are downstream of the Twin Buttes Reservoir. The numbers are listed as follows:

14-1338	14-1346	14-1362	14-1371
14-1339	14-1351	14-1363	14-1372
14-1340	14-1353	14-1364	14-1373
14-1341	14-1354	14-1368	14-1384
14-1345	14-1360	14-1369	14-1388

Also, domestic and livestock holders should be considered.

Sincerely,



A.J. Jones, Jr.
President Concho River Basin Water Conservancy

Copy to Executive Director TCEQ
Mr. Rickie Anderson- TCEQ
Mr. Glenn Jarvis

Van W. Carson & Associates

Certified Public Accountant
17 South Chadbourne, Suite 509
San Angelo, Texas 76903
(325) 655-5781
Fax (325) 655-5782

FAX TRANSMITTAL COVERSHEET

Date: May 6, 2005

To: _____

Fax Number: _____

From: Mr. A.S. Jones, President Comcho River Basin Water Conservancy

RE: _____

Chief Clerk TCEQ	(512) 239-3313
Permitting TCEQ	(512) 239-4770
Rickie Anderson-TCEQ	(325) 658-5431
Glenn Jarvis	(956) 618-2660

Number of pages sent (including this cover sheet):

CONFIDENTIALITY NOTICE

This message contains confidential information that is intended for the exclusive use of the addressee. If you have received this fax in error, please immediately inform the sender by telephone and mail the material received in error to the sender at the above address.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 14-1318C

San Angelo Water Supply Corporation has applied for an amendment to Certificate of Adjudication No. 14-1318 to modify Special Condition 5C of the original Certificate in the Colorado River Basin, Tom Green County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. San Angelo Water Supply Corporation, P.O. Box 1928, San Angelo, Texas 76902, applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to §§11.122 and 11.042, Texas Water Code, and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §295.1, *et seq.* Notice of the application is being published and mailed pursuant to 30 TAC §295.158(b) to the 936 downstream water right holders of record in the Colorado River Basin.

Certificate of Adjudication No. 14-1318 authorizes the owner, San Angelo Water Supply Corporation, to maintain a dam and reservoir on the Middle Concho River, South Concho River, and Spring Creek, tributaries of the Colorado River, Colorado River Basin, Tom Green County, and to impound therein not to exceed 170,000 acre-feet of water.

Certificate of Adjudication No. 14-1318 also authorizes the owner to divert and use not to exceed 29,000 acre-feet of water per year from the reservoir for municipal purposes and an additional 25,000 acre-feet of water per year from the reservoir for agricultural purposes to irrigate a maximum of 15,000 acres of land within the boundaries of the Tom Green County Water Control and Improvement District No. 1. The maximum combined diversion rate at Diversion Point No. 1 is 270 cfs, 150 cfs of that being for agricultural (irrigation) purposes and 120 cfs being for municipal purposes. The maximum diversion rate for Diversion Point No. 2 is 120 cfs. Several special conditions apply.

Special Condition 5C currently states "A conduit shall be constructed in the aforesaid dam with the inlet at elevation 1883.5 feet above mean sea level, having an opening of not less than five feet in diameter and equipped with a regulating gate for the purpose of permitting the free passage of the normal flow through the dam at all times and the passage of those waters to which the Department may determine lower appropriators are entitled."

San Angelo Water Supply Corporation has a concurrent application, Application No. 14-1318B, to amend Special Condition 5C to modify the elevation referenced for the inlet to the conduit through the dam from 1,883.5 feet above mean sea level to the actual built elevation of 1,885.0 feet above mean sea level, to add an additional diversion point on the south end of the Twin Buttes Dam on the South Concho River, use the bed and banks of the South Concho River between the Twin Buttes Dam and Lake Nasworthy, and subsequently impound that water in Lake Nasworthy for authorized diversion and use. The Commission will review Application No. 14-1318B as submitted by the applicant and may or may not grant that application as requested.

San Angelo Water Supply Corporation, applicant, now seeks an amendment to Certificate of Adjudication No. 14-1318, referred to as Application No. 14-1318C, to modify Special Condition 5C to read as follows:

A conduit shall be constructed in the aforesaid dam with the inlet at elevation 1885 feet above mean sea level, having an opening of not less than five feet in diameter and equipped with a regulating gate for the purpose of being able to permit the passage of normal flow, as that term may be scientifically defined, through the dam at such times as needed to meet the calls of senior water right holders downstream.

The Commission will review the application as submitted by the applicant and may or may not grant the application as requested.

The application was received on March 30, 2005. Additional fees and information were received on June 27 and 30, 2005. The application was declared administratively complete and filed with the Office of the Chief Clerk on July 12, 2005.

PUBLIC COMMENT / PUBLIC MEETING. Written public comments and requests for a public meeting should be received in the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days of the date of newspaper publication of the notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions to the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

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Issued: August 25, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF AN APPLICATION TO AMEND
A CERTIFICATE OF ADJUDICATION

APPLICATION NO. 14-1318C

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Friday - September 2, 2005

A.J. Jones, Jr.
P.O. Box 537
Miles, Texas 76861

July 1, 2005

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

Re: Standard Times Legal Notice of Amended Permit 14-1318 of June 28, 2005

Notice of an Application to Amend Certificate of Adjudication Application No. 14-1318B of San Angelo Water Supply Corporation 1318 to modify Special Section 5C of the Original Certificate.

I wish to give you notice and again with this letter to request a contested Case Hearing on Permit No. 14-1318 on Twin Buttes Dam, as requested in my attached letter on May 5, 2005.

Reasons for requesting this Contested Case Hearing are the proposed amendments and modifications to their permit. These amendments and modifications will impact and threaten my senior water rights, Adjudication #14-1397.

To be a little more specific, the following reasons are listed:

1. The word storage is being used in this permit. I believe that impoundment would be a better word because it is my understanding that impounded water, due to natural flows and all impounded waters, must be passed through on request to downstream senior water rights holders.
2. Amended permit wants to store Twin Buttes released water in Nasworthy Lake. All water released from Twin Buttes should be passed on through Nasworthy Lake to downstream senior water rights holders and not stored.
3. In the past, water has been sold and pumped from Nasworthy Lake to Bent Wood Country Club. There is no permit of a diversion point for these two pumps used. Also, water is sold by the City of San Angelo to Nasworthy Lake Residents around the lake. There is no permitting for these locations. Furthermore, Nasworthy Lake is a man constructed lake and not naturally formed lake as is Lake Caddo, and does not qualify as a domestic and livestock use. Most of the residents on Nasworthy Lake lease the lots and do not own the land. If the water is stored in Nasworthy, the water is used up thus depriving the rights of my senior 1913-1914 water rights. There are many other senior water right holders downstream on the Concho that are deprived of the water they are due and their senior water rights are threatened and harmed. Domestic and livestock rights are also deprived of water and threatened and harmed.

OPA

JUL 12 2005

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CHIEF CLERKS OFFICE

2005 JUL 11 PM 3:50

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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4. As to changing the elevation levels on the Twin Buttes Dam gates and conduits from 1883.5 to 1885 feet above mean sea level. This will also threaten all downstream senior water right holders and domestic and livestock rights. This also endangers the integrity of the Concho River below the Twin Buttes Dam. In the past, this has deprived senior water right holders and domestic and livestock water rights of their water that they are entitled. This was ruled on as in SOAH hearing the week of June 2002 and by TCEQ Commissioners in August 2004 commission hearing. We have been damaged and harmed by the elevation of these gates and no proper natural flow conduit to carry the natural flow downstream and will continue to suffer, damage, and harm in the future; if these gates and conduit are at the 1885 feet above mean sea level.

5. Modification of Permit in Twin Buttes reservoir 14-1318 would legalize the present illegal pump San Angelo is using to convey water over the Dam at the present time. This allows them to play all kinds of manipulations with the water. This pump should be removed and the 5 feet or larger natural flow conduit as called for in the lake permit at 1883.5 feet above mean sea level should be properly installed. As shown in hearings, San Angelo is definitely failing to pass required water downstream, even at the request of senior water rights calls on water.

Also, all proper gauges should be reinstalled at proper places in the stream tributaries to the lake and as called in the lake permit as soon as possible. Gauging it would be in the best interest of the City of San Angelo and all downstream water right holders. These gauges should be maintained properly in the future. It would be advantageous for the information on stream flows to be disclosed on the Internet. These recording flow gauges were illegally dismantled so no one would account for the natural flow.

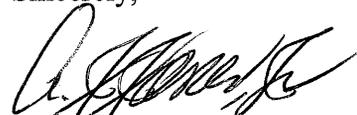
The permit granting the lake to be built also states all affluent water will be cleaned and returned to the Concho River. This also impacts the river below the lake and senior water right holders. This is not being done. (See copy of Twin Buttes original permit attached).

Please note my letter as of May 5, 2005 listing adjudicated water rights of which I am also representing from the Concho River Basin Water Conservancy Association. Please file for the hearing in their behalf also.

I also understand San Angelo is sending affluent water to the Tom Green County Water Control and Improvement District #1 and crediting this water to downstream releases. I disagree with their accountability.

Please notify me of all related meetings for their permit so I can prepare myself and attend. Again, I am requesting a contested case hearing in Permit 14-1318.

Sincerely,



A.J. Jones, Jr.
President Concho River
Basin Water Conservancy

Attachments:

Twin Buttes Permit
Order of Texas Water Rights Commission 7/22/74
Standard Times Legal Notice
TCEQ Application Permit Revision 14-1318
My Letter of 5/5/05

Copy To: Executive Director, TCEQ
Ann Rowland, TCEQ
Robin Smith, TCEQ
Rickie Anderson, TCEQ
Al Segovia, TCEQ
Permitting, TCEQ
Glenn Jarvis

TEXAS WATER RIGHTS COMMISSION



AN ORDER directing San Angelo Water Supply Corporation to release water from Twin Buttes Reservoir and directing the City of San Angelo, Texas, to provide for the passage of the releases.

On July 22, 1974, there came on to be considered before the Texas Water Rights Commission the matter of insufficient water in the Concho River below the Bell Street Dam in San Angelo, Texas, to provide for domestic and livestock water and to honor superior and senior water rights on the Concho River.

After considering the matter the Commission finds:

1. San Angelo Water Supply Corporation, hereafter referred to as "permittee," owns Permit No. 1949 authorizing Twin Buttes Reservoir which provides as a condition as follows:

"The permittee shall store only storm and flood waters of said stream, subject to all the rights of prior appropriators and lawful diverters below. Whenever the Board finds that the permittee is storing any water to which downstream appropriators and lawful diverters are entitled, the permittee shall release same to said appropriators or lawful diverters on the order of the Board. By accepting this permit, permittee agrees to abide by and comply with any such order of the Board without delay. Failure to comply with any such order shall constitute grounds for forfeiture and cancellation."

2. Below Twin Buttes Dam on the Concho River the City of San Angelo owns two dams, Lone Wolf Dam under Certified Filing No. 155, and Bell Street Dam under Permit No. 1669.

3. Permittee has stopped the flow of the Middle Concho River, the South Concho River, Dove Creek, and Spring Creek, and their contributing tributaries, and is impounding the water in Twin Buttes Reservoir; and has failed to release sufficient inflows from Twin Buttes Reservoir for domestic and livestock uses and for other superior and senior water rights downstream on the Concho River.

4. Permittee has been supplying water from Twin Buttes Reservoir to Tom Green County Water Control and Improvement District No. 1 for irrigation purposes.

5. To satisfy the above noted condition in Permit No. 1949, to provide for domestic and livestock needs, and to honor superior and senior water rights below San Angelo, Texas, on the Concho River, permittee should be directed to provide for the passage of the normal inflows through Twin Buttes Reservoir; in addition, due to the failure to release sufficient inflows from Twin Buttes Reservoir, permittee should be directed to release water from the reservoir at the same time and in the same quantities as water is hereafter diverted for irrigation purposes in the Tom Green County Water Control and Improvement District No. 1; and, the City of San Angelo, Texas, should be directed to pass the releases through Lone Wolf Dam and Bell Street Dam.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS WATER RIGHTS COMMISSION that:

San Angelo Water Supply Corporation is hereby directed to provide for the passage of the normal inflows through Twin Buttes Reservoir;

In addition to the releases of the normal flows, San Angelo Water Supply Corporation is hereby directed to release water from Twin Buttes Reservoir at the same time and in the same quantities as water is hereafter diverted for irrigation purposes in the Tom Green County Water Control and Improvement District No. 1, until otherwise notified; and,

The City of San Angelo, Texas, is hereby directed to pass the releases from Twin Buttes Reservoir through Lone Wolf Dam and Bell Street Dam.

The Secretary of the Commission is directed to issue a certified copy of this order to the San Angelo Water Supply Corporation, Tom Green County Water Control and Improvement District No. 1, and the City of San Angelo, Texas.

Executed and entered of record, this the 23rd day of July, 1974.



Audrey Strandtman
Audrey Strandtman, Secretary

TEXAS WATER RIGHTS COMMISSION

Joe D. Carter
Joe D. Carter, Chairman

Burke Holman
Burke Holman, Commissioner

Dorsey B. Hardeman
Dorsey B. Hardeman, Commissioner

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elevation 1940.2 feet above mean sea level (top of conservation pool). It is further specifically provided that before acquiring or maintaining any right to divert water hereunder, permittee shall be authorized by the United States of America or appropriate agency thereof to store the waters herein permitted to be impounded in said reservoir.

The permittee shall store only storm and flood waters of said stream, subject to all the rights of prior appropriators and lawful diverters below. Whenever the Board finds that the permittee is storing any water to which downstream appropriators and lawful diverters are entitled, the permittee shall release same to said appropriators or lawful diverters on the order of the Board. By accepting this permit, permittee agrees to abide by and comply with any such order of the Board without delay. Failure to comply with any such order shall constitute grounds for forfeiture and cancellation.

All water diverted hereunder for use through the municipal water system of the City of San Angelo except that which escapes or is consumed as a consequence of the reasonable and beneficial use thereof shall forthwith be discharged into the Concho River at the surplus water return points, the location of which with reference to the corner of an original land grant or survey shall be filed with and approved by the Board. Prior to discharging such return water into the Concho River, permittee shall use reasonable diligence to treat and purify such return water so as not to materially impair the quality of the water of the receiving stream.

A conduit shall be constructed in said dam with the inlet at elevation 1883, 50 feet above mean sea level, having an opening of not less than five feet in diameter and equipped with a regulating gate for the purpose of permitting the free passage of the normal flow through the dam at all times and the passage of those waters to which the Board may determine lower appropriators are entitled.

The water authorized to be appropriated hereunder shall be diverted from the reservoir by means of the conduit described above. Permittee is authorized to use the channel of the Middle Concho River to convey and deliver said water to Nasworthy Reservoir. The waters herein appropriated for municipal use shall be released through the existing gate structure of Nasworthy Dam and permittee is authorized to use the bed and banks of the South Concho River below Nasworthy Dam to its junction with the Concho River to convey and deliver said water to the point of diversion at the existing intake and pumping facilities of the City of San Angelo. The waters herein appropriated for irrigation use shall be released through Nasworthy Dam by means of a headgate structure to be located near the south end of said dam for the point of diversion of irrigation water. Permittee is authorized to construct a concrete lined canal approximately thirteen miles in length, with a bottom width of six feet and a carrying capacity of not to exceed 150 cubic feet of water per second of time to convey the waters diverted for irrigation to the place of use.

Before acquiring any right to divert water for irrigation use hereunder, permittee shall file with and have approved by the Board detailed plans and specifications showing the location, size and capacity of the headgate and main canal; the field notes of each tract of land to be irrigated, including the owner thereof, the original land survey or grant in which the land is located and the bearing and length of each line bounding the land; and the location of each irrigation surplus water return point with reference to the corner of an original land survey or grant.

All waters diverted for irrigation use hereunder except that which escapes or is consumed as a reasonable and beneficial use thereof and in the manner specified herein shall forthwith be discharged into the Concho River at the surplus water return points designated as required herein.

The duty of water for irrigation on which the said permittee may divert and appropriate in any one year shall not exceed two and one-half (2.5) acre feet of

Permit
to
Appropriate Public Waters
of the
State of Texas

No. 1949

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Whereas, the SAN ANGELO WATER SUPPLY CORPORATION, the post-office address of which is San Angelo, Texas, on the 6th day of May, 1959, filed with the Board of Water Engineers of the State of Texas Application No. 2122 for a permit to appropriate annually 61,500 acre feet of water by impounding 170,000 acre feet of the public waters of the State of Texas in a reservoir to be constructed by the United States Department of Interior, Bureau of Reclamation, in Tom Green County, Texas, with an impounding capacity of 600,000 acre feet, divided by the Bureau of Reclamation as follows: 150,000 acre feet for water conservation; 430,000 acre feet for flood control; and 20,000 acre feet for sedimentation and dead storage; and

Whereas, on the 15th day of June, 1959, after due notice the Board of Water Engineers held a public hearing at its office in Austin, Texas, as prescribed by law, which hearing was further held on the 30th day of June, the 1st and 2nd days of July, and the 3rd, 4th and 5th days of August, 1959, and after hearing and considering all the evidence affecting said application, took the same under advisement and continued the hearing from day to day pending final decision until the 15th day of December, 1959, whereupon the said Board did grant said Application No. 2122 in part and as hereinafter set forth.

NOW, THEREFORE, THE
BOARD OF WATER ENGINEERS
OF THE STATE OF TEXAS DOES BY THESE PRESENTS GRANT THIS PERMIT

unto the said San Angelo Water Supply Corporation to appropriate, divert and use certain public waters of the State, to consist of the storm and flood waters of the Middle and South Concho Rivers, tributaries of the Concho and Colorado Rivers, in Tom Green County, Texas, measured at the points of diversion, not to exceed 29,000 acre feet of water per annum for the purpose of municipal use through the municipal water system of the City of San Angelo, Texas, and not to exceed 25,000 acre feet of water per annum for the purpose of irrigating 10,000 acres of land in Tom Green County near Veribest, Texas, or so much thereof as may be necessary when beneficially used for the enumerated purposes. It is specifically provided, however, that the 29,000 acre feet of water authorized to be diverted hereunder for municipal use shall include all waters diverted under Permit No. 1120 (Application No. 1196) as amended by Permit No. 1446 (Application No. 1551), so that the cumulative total annual diversions under Permit No. 1120 and that portion of the permit herein granted for municipal use shall not exceed 29,000 acre feet of water per annum.

To store the water to be appropriated, the permittee is authorized to impound 170,000 acre feet of water in the reservoir described above which is to be created by the construction of an on-channel dam on the South and Middle Concho Rivers, station 0 + 00 of which is to be located at a point which bears North 54° 17' West 3900 feet from the northeast corner of the H. Cramm Original Survey No. 1807, on the east bank of the South Concho River in Tom Green County, Texas, distant in a southerly direction from San Angelo, Texas, approximately 10 miles, such dam being more fully described in the plans filed by the permittee with the application, to which reference is hereby made for all purposes; provided, however, that the permittee shall be limited to storage in and diversion from said reservoir below

water for each acre of land actually irrigated within the confines of the land area described above.

The permittee shall install a metering instrument at each diversion point which will automatically record the total amount of water diverted. The permittee shall make determinations of water surface elevations in the herein permitted reservoir and in Nasworthy Reservoir by means of recording gages set to U. S. Geological Survey or U. S. Coast and Geodetic Survey datum, each of which shall be protected by a well house designed for such purposes and the Board shall be furnished complete records of such determinations. Permittee shall also relocate, or cause to be relocated, the existing streamflow stations on Spring Creek and Middle Concho River which will be inundated by the reservoir and establish, or cause to be established, recording streamflow stations on Pecan and Dove Creeks. Permittee shall maintain daily records of waters released through the conduit hereinabove required to be constructed in said dam. All streamflow stations shall be set to the same datum described above and the Board shall be furnished complete records of the datum herein required to be kept. The metering instruments, the gages with well house, and the streamflow stations and the installation, design and operation thereof shall be subject to approval of the Board.

No diversions shall be made by permittee at a rate in excess of 120 cubic feet per second of time for municipal use and 150 cubic feet per second of time for irrigation use.

Any other relief sought or additional matter requested in said Application No. 2112 which is not specifically granted by this permit is hereby expressly denied.

All construction work shall be done in accordance with plans approved by this Board and any changes or alterations made in said plans shall be filed with the Board and its approval obtained before construction. The permit herein granted may be amended in accordance with such changes or alterations.

Construction of the works herein authorized shall be begun within 24 months and shall be prosecuted diligently and continuously and completed within 60 months from date hereof unless otherwise ordered by the Board. Failure to begin and complete such construction within such time limitation shall cause this permit to lapse and be of no further force and effect and will be forfeited forthwith unless an extension of time is applied for by the permittee prior to the applicable date above and granted by the Board.

Within ten days after beginning actual construction of said project, the permittee shall file a statement with the Board showing that such work was begun within the time limit allowed and the extent of the work done, and shall file thereafter monthly statements until final completion showing the progress of such construction.

This permit is granted with the reservation and upon the condition that the permittee will fully comply with the terms, conditions and provisions hereof; by the acceptance of this permit, the permittee agrees to be bound by the enumerated terms, conditions and provisions. Failure on the part of the permittee to comply with such terms, conditions and provisions will subject this permit to forfeiture and cancellation, to which the permittee agrees by acceptance of the permit.

The Board finds and concludes that the granting of this permit as herein recited is not detrimental to the public welfare and that each term, condition and provision herein contained be and is a prerequisite to the granting of this permit and is necessary for the administration of the water resources of this State. It is also expressly provided that the permittee, its successors and assigns, and



**NOTICE OF AN APPLICATION TO AMEND
CERTIFICATE OF ADJUDICATION**

APPLICATION NO. 14-1318B

San Angelo Water Supply Corporation has applied for an amendment to Certificate of Adjudication No. 14-1318 to modify special Condition 5C of the original Certificate, add an additional diversion point on the south end of the Twin Buttes Dam on the South Concho River, Colorado River Basin, and to request a bed and banks authorization for a portion of the South Concho River in Tom Green County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. San Angelo Water Supply Corporation, P. O. Box 1928, San Angelo, Texas 76902, applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to §§11.122 and 11.042, Texas Water Code, and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §295.1, et seq. Notice of the application is being published and mailed pursuant to 30 TAC §295.158(b) to the 936 downstream water right holders of record in the Colorado River Basin.

Certificate of Adjudication No. 14-1318 authorizes the owner, San Angelo Water Supply Corporation, to maintain a dam and reservoir on the Middle Concho River, South Concho River, and Spring Creek, tributaries of the Colorado River, Colorado River Basin, and to impound therein not to exceed 170,000 acre-feet of water.

Certificate of Adjudication No. 14-1318 also authorizes the owner to divert and use not to exceed 29,000 acre-feet of water from the reservoir for municipal purposes and an additional 25,000 acre-feet from the reservoir for agricultural purposes to irrigate a maximum of 15,000 acres of land within the boundaries of the Tom Green County Water Control and Improvement District (WCID) No. 1. The maximum combined diversion rate at Diversion Point No. 1 is 270 cfs, 150 cfs of that being for agricultural (irrigation) purposes and 120 cfs being for municipal purposes. The maximum diversion rate for Diversion Point No. 2 is 120 cfs. Several special conditions apply. The currently authorized water is diverted from Diversion Point No. 1 and the bed and banks of the Middle Concho River are authorized to transport the water to Lake Nasworthy for storage and subsequent use.

Special Condition 5C states that "a conduit shall be constructed in the aforesaid dam with the inlet at elevation 1883.5 feet above mean sea level, having an opening of not less than 5 feet in diameter and equipped with a regulating gate for the purpose of permitting the free passage of the normal flow through the dam at all times and the passage of those water to which the Department may determine lower appropriators are entitled."

San Angelo Water Supply Corporation, applicant, seeks an amendment to Certificate of Adjudication No. 14-1318 to modify Special Condition 5C to amend the elevation referenced for the inlet to the conduit through the dam from 1,883.5 feet above mean sea level to the actual built elevation of 1,885.0 feet above mean sea level.

Applicant also seeks to add an additional diversion point on the south end of the Twin Buttes Dam on the South Concho River, located at Latitude 31.3121°N, Longitude 100.4856°W, approximately 11.25 miles southwest from the Tom Green County Courthouse in the City of San Angelo, Texas with a diversion rate not to exceed a maximum 25 cfs (11,220 gpm) out of and in combination with the currently authorized 270 cfs diversion rate for Diversion Point No. 1. Owner seeks to construct a 20 inch diameter pipe over the dam for use in diverting the currently authorized water.

Applicant further requests authorization to place the currently authorized water diverted from the proposed additional diversion point into Lake Nasworthy for storage and subsequent use via the South Concho River and requests to use its bed and banks between the Twin Buttes Dam and Lake Nasworthy, a portion approximately 4 miles in length.

The Commission will review the application as submitted by the applicant and may or may not grant the application as requested.

The application was received on November 29, 2004. Additional fees and information were received on March 7, March 28, and May 26, 2005. The application was declared administratively complete and filed with the Office of the Chief Clerk on April 19, 2005.

PUBLIC COMMENT/PUBLIC MEETING. Written public comments and request for a public meeting should be received in the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days of the date of the newspaper publication of the notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, and an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions to the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the TCEQ will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.state.tx.us. Si desea información en Español, puede llamar al 1-800-687-4040.

Issued: June 21, 2005

*San Angelo Standard Times
June 28, 2005*

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any beneficiary hereunder, shall comply with the law and all the rules, regulations and orders of the Board of Water Engineers formulated by it pursuant to law.

GIVEN UNDER THE HAND AND SEAL of the Board of Water Engineers of the State of Texas this the 3rd day of February, 1960.

BOARD OF WATER ENGINEERS


Durwood Manford, Chairman


R. M. Dixon, Member

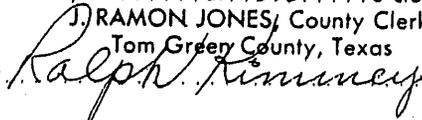

O. F. Dent, Member



ATTES


Ben F. Stone Jr., Secretary

Filed for Record on the 11th day of February A.D., 1960 at 2:06 o'clock P. M.
Duly Recorded this the 12th day of February A.D., 1960 at 3:30 o'clock P. M.
Instrument No. 39914

J. RAMON JONES, County Clerk
Tom Green County, Texas
By  Deputy

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF AN APPLICATION TO AMEND CERTIFICATE OF ADJUDICATION

APPLICATION NO. 14-1318B

San Angelo Water Supply Corporation has applied for an amendment to Certificate of Adjudication No. 14-1318 to modify Special Condition 5C of the original Certificate, add an additional diversion point on the south end of the Twin Buttes Dam on the South Concho River, Colorado River Basin, and to request a bed and banks authorization for a portion of the South Concho River in Tom Green County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. San Angelo Water Supply Corporation, P.O. Box 1928, San Angelo, Texas 76902, applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to §§11.122 and 11.042, Texas Water Code, and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §295.1, et seq. Notice of the application is being published and mailed pursuant to 30 TAC §295.158(b) to the 936 downstream water right holders of record in the Colorado River Basin.

Certificate of Adjudication No. 14-1318 authorizes the owner, San Angelo Water Supply Corporation, to maintain a dam and reservoir on the Middle Concho River, South Concho River, and Spring Creek, tributaries of the Colorado River, Colorado River Basin, and to impound therein not to exceed 170,000 acre-feet of water.

Certificate of Adjudication No. 14-1318 also authorizes the owner to divert and use not to exceed 29,000 acre-feet of water from the reservoir for municipal purposes and an additional 25,000 acre-feet from the reservoir for agricultural purposes to irrigate a maximum of 15,000 acres of land within the boundaries of the Tom Green County Water Control and Improvement District (WCID) No. 1. The maximum combined diversion rate at Diversion Point No. 1 is 270 cfs, 150 cfs of that being for agricultural (irrigation) purposes and 120cfs being for municipal purposes. The maximum diversion rate for Diversion Point No. 2 is 120 cfs. Several special conditions apply. The currently authorized water is diverted from Diversion Point No. 1 and the bed and banks of the Middle Concho River are authorized to transport the water to Lake Nasworthy for storage and subsequent use.

Special Condition 5C states that "a conduit shall be constructed in the aforesaid dam with the inlet at elevation 1883.5 feet above mean sea level, having an opening of not less than five feet in diameter and equipped with a regulating gate for the purpose of permitting the free passage of the normal flow through the dam at all times and the passage of those water to which the Department may determine lower appropriators are entitled."

San Angelo Water Supply Corporation, applicant, seeks an amendment to Certificate of Adjudication No. 14-1318 to modify Special Condition 5C to amend the elevation referenced for the inlet to the conduit through the dam from 1,883.5 feet above mean sea level to the actual built elevation of 1,885.0 feet above mean sea level.

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not to exceed a maximum 25 cfs (11,220 gpm) out of and in combination with the currently authorized 270 cfs diversion rate for Diversion Point No. 1. Owner seeks to construct a 20 inch diameter pipe over the dam for use in diverting the currently authorized water.

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The Commission will review the application as submitted by the applicant and may or may not grant the application as requested.

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To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions to the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the TCEQ will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.state.tx.us. Si desea información en Español, puede llamar al 1-800-687-4040.

A.J. Jones, Jr.
 P.O. Box 537
 Miles, Texas 76861

May 6, 2005

To: Office of Chief Clerk, TCEQ-MC105
 P.O. Box 13087
 Austin, Texas 78711-3087

I wish to request a contested case hearing on Permit No. 14-1318 Twin Buttes Reservoir, Tom Green County, Texas on its amendments and modifications to this permit.

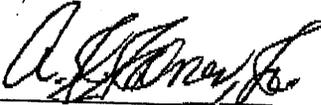
Reasons for requesting this contested case hearing are the proposed amendments and modifications to this permit. These amendments and modifications will impact and threaten my senior water rights, Adjudication No. 14-1397.

I also wish to file this request for contested case hearing as stated above in behalf of the members represented by me under the Concho River Water Conservancy Association. These rights are downstream of the Twin Buttes Reservoir. The numbers are listed as follows:

14-1338	14-1346	14-1362	14-1371
14-1339	14-1351	14-1363	14-1372
14-1340	14-1353	14-1364	14-1373
14-1341	14-1354	14-1368	14-1384
14-1345	14-1360	14-1369	14-1388

Also, domestic and livestock holders should be considered.

Sincerely,



A.J. Jones, Jr.
 President Concho River Basin Water Conservancy

Copy to Executive Director TCEQ
 Mr. Rickie Anderson- TCEQ
 Mr. Glenn Jarvis

A.J. Jones, Jr.
P.O. Box 537
Miles, Texas 76861

July 1, 2005

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADD
48059

H OPA
JUL 08 2005
BY [Signature]

Re: Standard Times Legal Notice of Amended Permit 14-1318 of June 28, 2005

Notice of an Application to Amend Certificate of Adjudication Application No. 14-1318B of San Angelo Water Supply Corporation 1318 to modify Special Section 5C of the Original Certificate.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2005 JUL -7 AM 10:13
CHIEF CLERK OFFICE

I wish to give you notice and again with this letter to request a contested Case Hearing on Permit No. 14-1318 on Twin Buttes Dam, as requested in my attached letter on May 5, 2005.

Reasons for requesting this Contested Case Hearing are the proposed amendments and modifications to their permit. These amendments and modifications will impact and threaten my senior water rights, Adjudication #14-1397.

To be a little more specific, the following reasons are listed:

1. The word storage is being used in this permit. I believe that impoundment would be a better word because it is my understanding that impounded water, due to natural flows and all impounded waters, must be passed through on request to downstream senior water rights holders.
2. Amended permit wants to store Twin Buttes released water in Nasworthy Lake. All water released from Twin Buttes should be passed on through Nasworthy Lake to downstream senior water rights holders and not stored.
3. In the past, water has been sold and pumped from Nasworthy Lake to Bent Wood Country Club. There is no permit of a diversion point for these two pumps used. Also, water is sold by the City of San Angelo to Nasworthy Lake Residents around the lake. There is no permitting for these locations. Furthermore, Nasworthy Lake is a man constructed lake and not naturally formed lake as is Lake Caddo, and does not qualify as a domestic and livestock use. Most of the residents on Nasworthy Lake lease the lots and do not own the land. If the water is stored in Nasworthy, the water is used up thus depriving the rights of my senior 1913-1914 water rights. There are many other senior water right holders downstream on the Concho that are deprived of the water they are due and their senior water rights are threatened and harmed. Domestic and livestock rights are also deprived of water and threatened and harmed.

CM

4. As to changing the elevation levels on the Twin Buttes Dam gates and conduits from 1883.5 to 1885 feet above mean sea level. This will also threaten all downstream senior water right holders and domestic and livestock rights. This also endangers the integrity of the Concho River below the Twin Buttes Dam. In the past, this has deprived senior water right holders and domestic and livestock water rights of their water that they are entitled. This was ruled on as in SOAH hearing the week of June 2002 and by TCEQ Commissioners in August 2004 commission hearing. We have been damaged and harmed by the elevation of these gates and no proper natural flow conduit to carry the natural flow downstream and will continue to suffer, damage, and harm in the future; if these gates and conduit are at the 1885 feet above mean sea level.
5. Modification of Permit in Twin Buttes reservoir 14-1318 would legalize the present illegal pump San Angelo is using to convey water over the Dam at the present time. This allows them to play all kinds of manipulations with the water. This pump should be removed and the 5 feet or larger natural flow conduit as called for in the lake permit at 1883.5 feet above mean sea level should be properly installed. As shown in hearings, San Angelo is definitely failing to pass required water downstream, even at the request of senior water rights calls on water.

Also, all proper gauges should be reinstalled at proper places in the stream tributaries to the lake and as called in the lake permit as soon as possible. Gauging it would be in the best interest of the City of San Angelo and all downstream water right holders. These gauges should be maintained properly in the future. It would be advantageous for the information on stream flows to be disclosed on the Internet. These recording flow gauges were illegally dismantled so no one would account for the natural flow.

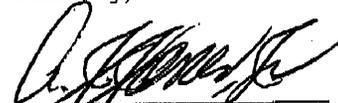
The permit granting the lake to be built also states all affluent water will be cleaned and returned to the Concho River. This also impacts the river below the lake and senior water right holders. This is not being done. (See copy of Twin Buttes original permit attached).

Please note my letter as of May 5, 2005 listing adjudicated water rights of which I am also representing from the Concho River Basin Water Conservancy Association. Please file for the hearing in their behalf also.

I also understand San Angelo is sending affluent water to the Tom Green County Water Control and Improvement District #1 and crediting this water to downstream releases. I disagree with their accountability.

Please notify me of all related meetings for their permit so I can prepare myself and attend. Again, I am requesting a contested case hearing in Permit 14-1318.

Sincerely,



A.J. Jones, Jr.
President Concho River
Basin Water Conservancy

Attachments:

**Twin Buttes Permit
Order of Texas Water Rights Commission 7/22/74
Standard Times Legal Notice
TCEQ Application Permit Revision 14-1318
My Letter of 5/5/05**

**Copy To: Executive Director, TCEQ
Ann Rowland, TCEQ
Robin Smith, TCEQ
Rickie Anderson, TCEQ
Al Segovia, TCEQ
Permitting, TCEQ
Glenn Jarvis**

Permit
 To
Appropriate Public Waters
 of the
State of Texas

No. 1949 73

Whereas, the SAN ANGELO WATER SUPPLY CORPORATION, the post-office address of which is San Angelo, Texas, on the 6th day of May, 1959, filed with the Board of Water Engineers of the State of Texas Application No. 2122 for a permit to appropriate annually 61,500 acre feet of water by impounding 170,000 acre feet of the public waters of the State of Texas in a reservoir to be constructed by the United States Department of Interior, Bureau of Reclamation, in Tom Green County, Texas, with an impounding capacity of 600,000 acre feet, divided by the Bureau of Reclamation as follows: 150,000 acre feet for water conservation; 430,000 acre feet for flood control; and 20,000 acre feet for sedimentation and dead storage; and

Whereas, on the 15th day of June, 1959, after due notice the Board of Water Engineers held a public hearing at its office in Austin, Texas, as prescribed by law, which hearing was further held on the 30th day of June, the 1st and 2nd days of July, and the 3rd, 4th and 5th days of August, 1959, and after hearing and considering all the evidence affecting said application, took the same under advisement and continued the hearing from day to day pending final decision until the 15th day of December, 1959, whereupon the said Board did grant said Application No. 2122 in part and as hereinafter set forth.

**NOW, THEREFORE, THE
 BOARD OF WATER ENGINEERS**

OF THE STATE OF TEXAS DOES BY THESE PRESENTS GRANT THIS PERMIT

unto the said San Angelo Water Supply Corporation to appropriate, divert and use certain public waters of the State, to consist of the storm and flood waters of the Middle and South Concho Rivers, tributaries of the Concho and Colorado Rivers, in Tom Green County, Texas, measured at the points of diversion, not to exceed 29,000 acre feet of water per annum for the purpose of municipal use through the municipal water system of the City of San Angelo, Texas, and not to exceed 25,000 acre feet of water per annum for the purpose of irrigating 10,000 acres of land in Tom Green County near Veribest, Texas, or so much thereof as may be necessary when beneficially used for the enumerated purposes. It is specifically provided, however, that the 29,000 acre feet of water authorized to be diverted hereunder for municipal use shall include all waters diverted under Permit No. 1120 (Application No. 1196) as amended by Permit No. 1446 (Application No. 1551), so that the cumulative total annual diversions under Permit No. 1120 and that portion of the permit herein granted for municipal use shall not exceed 29,000 acre feet of water per annum.

To store the water to be appropriated, the permittee is authorized to impound 170,000 acre feet of water in the reservoir described above which is to be created by the construction of an on-channel dam on the South and Middle Concho Rivers, station 0 + 00 of which is to be located at a point which bears North 54° 17' West 3900 feet from the northeast corner of the H. Cramm Original Survey No. 1807, on the east bank of the South Concho River in Tom Green County, Texas, distant in a southerly direction from San Angelo, Texas, approximately 10 miles, such dam being more fully described in the plans filed by the permittee with the application, to which reference is hereby made for all purposes; provided, however, that the permittee shall be limited to storage in and diversion from said reservoir below

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 elevation 1940, 2 feet above mean sea level (top of conservation pool). It is further specifically provided that before acquiring or maintaining any right to divert water hereunder, permittee shall be authorized by the United States of America or appropriate agency thereof to store the waters herein permitted to be impounded in said reservoir.

The permittee shall store only storm and flood waters of said stream, subject to all the rights of prior appropriators and lawful diverters below. Whenever the Board finds that the permittee is storing any water to which downstream appropriators and lawful diverters are entitled, the permittee shall release same to said appropriators or lawful diverters on the order of the Board. By accepting this permit, permittee agrees to abide by and comply with any such order of the Board without delay. Failure to comply with any such order shall constitute grounds for forfeiture and cancellation.

All water diverted hereunder for use through the municipal water system of the City of San Angelo except that which escapes or is consumed as a consequence of the reasonable and beneficial use thereof shall forthwith be discharged into the Concho River at the surplus water return points, the location of which with reference to the corner of an original land grant or survey shall be filed with and approved by the Board. Prior to discharging such return water into the Concho River, permittee shall use reasonable diligence to treat and purify such return water so as not to materially impair the quality of the water of the receiving stream.

A conduit shall be constructed in said dam with the inlet at elevation 1883, 50 feet above mean sea level, having an opening of not less than five feet in diameter and equipped with a regulating gate for the purpose of permitting the free passage of the normal flow through the dam at all times and the passage of those waters to which the Board may determine lower appropriators are entitled.

The water authorized to be appropriated hereunder shall be diverted from the reservoir by means of the conduit described above. Permittee is authorized to use the channel of the Middle Concho River to convey and deliver said water to Nasworthy Reservoir. The waters herein appropriated for municipal use shall be released through the existing gate structure of Nasworthy Dam and permittee is authorized to use the bed and banks of the South Concho River below Nasworthy Dam to its junction with the Concho River to convey and deliver said water to the point of diversion at the existing intake and pumping facilities of the City of San Angelo. The waters herein appropriated for irrigation use shall be released through Nasworthy Dam by means of a headgate structure to be located near the south end of said dam for the point of diversion of irrigation water. Permittee is authorized to construct a concrete lined canal approximately thirteen miles in length, with a bottom width of six feet and a carrying capacity of not to exceed 150 cubic feet of water per second of time to convey the waters diverted for irrigation to the place of use.

Before acquiring any right to divert water for irrigation use hereunder, permittee shall file with and have approved by the Board detailed plans and specifications showing the location, size and capacity of the headgate and main canal; the field notes of each tract of land to be irrigated, including the owner thereof, the original land survey or grant in which the land is located and the bearing and length of each line bounding the land; and the location of each irrigation surplus water return point with reference to the corner of an original land survey or grant.

All waters diverted for irrigation use hereunder except that which escapes or is consumed as a reasonable and beneficial use thereof and in the manner specified herein shall forthwith be discharged into the Concho River at the surplus water return points designated as required herein.

The duty of water for irrigation on which the said permittee may divert and appropriate in any one year shall not exceed two and one-half (2.5) acre feet of

water for each acre of land actually irrigated within the confines of the land area described above.

The permittee shall install a metering instrument at each diversion point which will automatically record the total amount of water diverted. The permittee shall make determinations of water surface elevations in the herein permitted reservoir and in Nasworthy Reservoir by means of recording gages set to U. S. Geological Survey or U. S. Coast and Geodetic Survey datum, each of which shall be protected by a well house designed for such purposes and the Board shall be furnished complete records of such determinations. Permittee shall also relocate, or cause to be relocated, the existing streamflow stations on Spring Creek and Middle Concho River which will be inundated by the reservoir and establish, or cause to be established, recording streamflow stations on Pecan and Dove Creeks. Permittee shall maintain daily records of waters released through the conduit hereinabove required to be constructed in said dam. All streamflow stations shall be set to the same datum described above and the Board shall be furnished complete records of the datum herein required to be kept. The metering instruments, the gages with well house, and the streamflow stations and the installation, design and operation thereof shall be subject to approval of the Board.

No diversions shall be made by permittee at a rate in excess of 120 cubic feet per second of time for municipal use and 150 cubic feet per second of time for irrigation use.

Any other relief sought or additional matter requested in said Application No. 2112 which is not specifically granted by this permit is hereby expressly denied.

All construction work shall be done in accordance with plans approved by this Board and any changes or alterations made in said plans shall be filed with the Board and its approval obtained before construction. The permit herein granted may be amended in accordance with such changes or alterations.

Construction of the works herein authorized shall be begun within 24 months and shall be prosecuted diligently and continuously and completed within 60 months from date hereof unless otherwise ordered by the Board. Failure to begin and complete such construction within such time limitation shall cause this permit to lapse and be of no further force and effect and will be forfeited forthwith unless an extension of time is applied for by the permittee prior to the applicable date above and granted by the Board.

Within ten days after beginning actual construction of said project, the permittee shall file a statement with the Board showing that such work was begun within the time limit allowed and the extent of the work done, and shall file thereafter monthly statements until final completion showing the progress of such construction.

This permit is granted with the reservation and upon the condition that the permittee will fully comply with the terms, conditions and provisions hereof; by the acceptance of this permit, the permittee agrees to be bound by the enumerated terms, conditions and provisions. Failure on the part of the permittee to comply with such terms, conditions and provisions will subject this permit to forfeiture and cancellation, to which the permittee agrees by acceptance of the permit.

The Board finds and concludes that the granting of this permit as herein recited is not detrimental to the public welfare and that each term, condition and provision herein contained be and is a prerequisite to the granting of this permit and is necessary for the administration of the water resources of this State. It is also expressly provided that the permittee, its successors and assigns, and

any beneficiary hereunder, shall comply with the law and all the rules, regulations and orders of the Board of Water Engineers formulated by it pursuant to law.

GIVEN UNDER THE HAND AND SEAL of the Board of Water Engineers of the State of Texas this the 3rd day of February, 1960.

BOARD OF WATER ENGINEERS

Durwood Manford
Durwood Manford, Chairman

R. M. Dixon
R. M. Dixon, Member

O. F. Dent
O. F. Dent, Member



ATTEST

Ben F. Stone Jr.
Ben F. Stone Jr., Secretary

Filed for Record on the 11th day of February A.D., 1960 at 2:06 o'clock P.M.
Duly Recorded this the 12th day of February A.D., 1960 at 3:30 o'clock P.M.

Instrument No. 39914

J. RAMON JONES, County Clerk
Tom Green County, Texas
By *Ralph Timmerly*, Deputy

TEXAS WATER RIGHTS COMMISSION



AN ORDER directing San Angelo Water Supply Corporation to release water from Twin Buttes Reservoir and directing the City of San Angelo, Texas, to provide for the passage of the releases.

On July 22, 1974, there came on to be considered before the Texas Water Rights Commission the matter of insufficient water in the Concho River below the Bell Street Dam in San Angelo, Texas, to provide for domestic and livestock water and to honor superior and senior water rights on the Concho River.

After considering the matter the Commission finds:

1. San Angelo Water Supply Corporation, hereafter referred to as "permittee," owns Permit No. 1949 authorizing Twin Buttes Reservoir which provides as a condition as follows:

"The permittee shall store only storm and flood waters of said stream, subject to all the rights of prior appropriators and lawful diverters below. Whenever the Board finds that the permittee is storing any water to which downstream appropriators and lawful diverters are entitled, the permittee shall release same to said appropriators or lawful diverters on the order of the Board. By accepting this permit, permittee agrees to abide by and comply with any such order of the Board without delay. Failure to comply with any such order shall constitute grounds for forfeiture and cancellation."

2. Below Twin Buttes Dam on the Concho River the City of San Angelo owns two dams, Lone Wolf Dam under Certified Filing No. 155, and Bell Street Dam under Permit No. 1669.

3. Permittee has stopped the flow of the Middle Concho River, the South Concho River, Dove Creek, and Spring Creek, and their contributing tributaries, and is impounding the water in Twin Buttes Reservoir; and has failed to release sufficient inflows from Twin Buttes Reservoir for domestic and livestock uses and for other superior and senior water rights downstream on the Concho River.

4. Permittee has been supplying water from Twin Buttes Reservoir to Tom Green County Water Control and Improvement District No. 1 for irrigation purposes.

5. To satisfy the above noted condition in Permit No. 1949, to provide for domestic and livestock needs, and to honor superior and senior water rights below San Angelo, Texas, on the Concho River, permittee should be directed to provide for the passage of the normal inflows through Twin Buttes Reservoir; in addition, due to the failure to release sufficient inflows from Twin Buttes Reservoir, permittee should be directed to release water from the reservoir at the same time and in the same quantities as water is hereafter diverted for irrigation purposes in the Tom Green County Water Control and Improvement District No. 1; and, the City of San Angelo, Texas, should be directed to pass the releases through Lone Wolf Dam and Bell Street Dam.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS WATER RIGHTS COMMISSION that:

San Angelo Water Supply Corporation is hereby directed to provide for the passage of the normal inflows through Twin Buttes Reservoir;

In addition to the releases of the normal flows, San Angelo Water Supply Corporation is hereby directed to release water from Twin Buttes Reservoir at the same time and in the same quantities as water is hereafter diverted for irrigation purposes in the Tom Green County Water Control and Improvement District No. 1, until otherwise notified; and,

The City of San Angelo, Texas, is hereby directed to pass the releases from Twin Buttes Reservoir through Lone Wolf Dam and Bell Street Dam.

The Secretary of the Commission is directed to issue a certified copy of this order to the San Angelo Water Supply Corporation, Tom Green County Water Control and Improvement District No. 1, and the City of San Angelo, Texas.

Executed and entered of record, this the 23rd day of July, 1974.



TEXAS WATER RIGHTS COMMISSION

Joe D. Carter
Joe D. Carter, Chairman

Burke Holman
Burke Holman, Commissioner

Audrey Strandman
Audrey Strandman, Secretary

Dorsey B. Hardeman, Commissioner



**NOTICE OF AN APPLICATION TO AMEND
CERTIFICATE OF ADJUDICATION**

APPLICATION NO. 14-1318B

San Angelo Water Supply Corporation has applied for an amendment to Certificate of Adjudication No. 14-1318 to modify special Condition 5C of the original Certificate, add an additional diversion point on the south end of the Twin Buttes Dam on the South Concho River, Colorado River Basin, and to request a bed and banks authorization for a portion of the South Concho River in Tom Green County. More information on the application and how to participate in the permitting process is given below.

APPLICATION. San Angelo Water Supply Corporation, P. O. Box 1928, San Angelo, Texas 76902, applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to §§11.122, and 13.042, Texas Water Code, and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §295.1, et seq. Notice of the application is being published and mailed pursuant to 30 TAC §295.158(b) in the 936 downstream water right holder's record in the Colorado River Basin.

Certificate of Adjudication No. 14-1318 authorizes the owner, San Angelo Water Supply Corporation, to maintain a dam and reservoir on the Middle Concho River, South Concho River, and Spring Creek, tributaries of the Colorado River, Colorado River Basin, and to impound therein not to exceed 170,000 acre-feet of water.

Certificate of Adjudication No. 14-1318 also authorizes the owner to divert and use not to exceed 29,000 acre-feet of water from the reservoir for municipal purposes and an additional 25,000 acre-feet from the reservoir for agricultural purposes to irrigate a maximum of 15,000 acres of land within the boundaries of the Tom Green County Water Control and Improvement District (WCID) No. 1. The maximum combined diversion rate at Diversion Point No. 1 is 270 cfs, 150 cfs of that being for agricultural (irrigation) purposes and 120 cfs being for municipal purposes. The maximum diversion rate for Diversion Point No. 2 is 120 cfs. Several special conditions apply. The currently authorized water is diverted from Diversion Point No. 1 and the bed and banks of the Middle Concho River are authorized to transport the water to Lake Nasworthy for storage and subsequent use.

Special Condition 5C states that "a conduit shall be constructed in the abovesaid dam with the inlet at elevation 1883.5 feet above mean sea level, having an opening of not less than 5 feet in diameter and equipped with a regulating gate for the purpose of permitting the free passage of the normal flow through the dam at all times and the passage of those waters to which the Department may determine lower appropriations are entitled."

San Angelo Water Supply Corporation, applicant, seeks an amendment to Certificate of Adjudication No. 14-1318 to modify Special Condition 5C to amend the elevation referenced for the inlet to the conduit through the dam from 1,883.5 feet above mean sea level to the actual bulk elevation of 1,885.0 feet above mean sea level.

Applicant also seeks to add an additional diversion point on the south end of the Twin Buttes Dam on the South Concho River, located at Latitude 31.3121°N, Longitude 100.4856°W, approximately 11.25 miles southwest from the Tom Green County Courthouse in the City of San Angelo, Texas with a diversion rate not to exceed a maximum 270 cfs (14.20 gpm) out of and in combination with the currently authorized 270 cfs diversion rate for Diversion Point No. 1. Applicant seeks to construct a 26-inch diameter pipe over its chain for use in diverting the currently authorized water.

Applicant further requests authorization to place the currently authorized water diverted from the proposed additional diversion point into Lake Nasworthy for storage, and subsequent use on the South Concho River and requests to use its bed and banks between the Twin Buttes Dam and Lake Nasworthy, a portion approximately 4 miles in length.

The Commission will review the application as submitted by the applicant and may or may not grant the application as requested.

The application was received on November 29, 2004. Additional fees and information were received on March 7, March 26, and May 26, 2005. The application was declared administratively complete and filed with the Office of the Chief Clerk on April 19, 2005.

PUBLIC COMMENT/PUBLIC MEETING: Written public comments and request for a public meeting should be received in the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING: The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days of the date of the newspaper publication of the notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, and an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement of your request for a contested case hearing; (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions to the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the TCEQ will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION: Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 103, TCEQ, P.O. Box 13067, Austin, TX 78711-3067. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-3040. General information regarding the TCEQ can be found at our web site at www.tceq.state.tx.us. If you need information in Spanish, please dial our 1-800-687-4040.

Issued June 21, 2005.

*San Angelo Standard Times
June 28, 2005*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF AN APPLICATION TO AMEND
CERTIFICATE OF ADJUDICATION

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APPLICATION. San Angelo Water Supply Corporation, P.O. Box 1928, San Angelo, Texas 76902, applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to §§11.122 and 11.042, Texas Water Code, and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §295.1, et seq. Notice of the application is being published and mailed pursuant to 30 TAC §295.158(b) to the 936 downstream water right holders of record in the Colorado River Basin.

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Special Condition 5C states that "a conduit shall be constructed in the aforesaid dam with the inlet at elevation 1883.5 feet above mean sea level, having an opening of not less than five feet in diameter and equipped with a regulating gate for the purpose of permitting the free passage of the normal flow through the dam at all times and the passage of those water to which the Department may determine lower appropriators are entitled."

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To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions to the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the TCEQ will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.state.tx.us. Si desea información en Español, puede llamar al 1-800-687-4040.

A.J. Jones, Jr.
P.O. Box 537
Miles, Texas 76861

May 6, 2005

To: Office of Chief Clerk, TCEQ-MC105
P.O. Box 13087
Austin, Texas 78711-3087

I wish to request a contested case hearing on Permit No. 14-1318 Twin Buttes Reservoir, Tom Green County, Texas on its amendments and modifications to this permit.

Reasons for requesting this contested case hearing are the proposed amendments and modifications to this permit. These amendments and modifications will impact and threaten my senior water rights, Adjudication No. 14-1397.

I also wish to file this request for contested case hearing as stated above in behalf of the members represented by me under the Concho River Water Conservancy Association. These rights are downstream of the Twin Buttes Reservoir. The numbers are listed as follows:

- | | | | |
|---------|---------|---------|---------|
| 14-1338 | 14-1346 | 14-1362 | 14-1371 |
| 14-1339 | 14-1351 | 14-1363 | 14-1372 |
| 14-1340 | 14-1353 | 14-1364 | 14-1373 |
| 14-1341 | 14-1354 | 14-1368 | 14-1384 |
| 14-1345 | 14-1360 | 14-1369 | 14-1388 |

Also, domestic and livestock holders should be considered.

Sincerely,



A.J. Jones, Jr.
President Concho River Basin Water Conservancy

Copy to Executive Director TCEQ
Mr. Rickie Anderson- TCEQ
Mr. Glenn Jarvis

25758

CCO

ADD
48059

Van W. Carson & Associates

Certified Public Accountant
17 South Chadbourne, Suite 509
San Angelo, Texas 76903
(325) 655-5781
Fax (325) 655-5782



FAX TRANSMITTAL COVERSHEET

Date: July 5, 2005

To: _____

Fax Number: _____

From: _____

RE: A. J. Jones, President (Sancho River Basin Conservancy)

CHIEF CLERKS OFFICE
2005 JUL -7 AM 10:13
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

- Chief Clerk, TCEQ (512) 239-3313
- Permitting TCEQ (512) 239-4770
- Rickie Anderson (325) 658-5451
- Ann Rowland (512) 239-6377
- Al Segovia (210) 403-4067
- Glenn Jarvis (956) 618-2660
- Robin Smith (512) 239-0606
- Executive Director (512) 239-3939

Number of pages sent (including this cover sheet):

CONFIDENTIALITY NOTICE

This message contains confidential information that is intended for the exclusive use of the addressee. If you have received this fax in error, please immediately inform the sender by telephone and mail the material received in error to the sender at the above address.

A.J. Jones, Jr.
P.O. Box 537
Miles, Texas 76861

July 1, 2005

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

*ADD
48059*

H OPA
JUL 07 2005
BY *[Signature]*

CHIEF CLERKS OFFICE

2005 JUL -5 PM 4:54

TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: Standard Times Legal Notice of Amended Permit 14-1318 of June 28, 2005

Notice of an Application to Amend Certificate of Adjudication Application No. 14-1318B of San Angelo Water Supply Corporation 1318 to modify Special Section 5C of the Original Certificate.

I wish to give you notice and again with this letter to request a contested Case Hearing on Permit No. 14-1318 on Twin Buttes Dam, as requested in my attached letter on May 5, 2005.

Reasons for requesting this Contested Case Hearing are the proposed amendments and modifications to their permit. These amendments and modifications will impact and threaten my senior water rights, Adjudication #14-1397.

To be a little more specific, the following reasons are listed:

1. The word storage is being used in this permit. I believe that impoundment would be a better word because it is my understanding that impounded water, due to natural flows and all impounded waters, must be passed through on request to downstream senior water rights holders.
2. Amended permit wants to store Twin Buttes released water in Nasworthy Lake. All water released from Twin Buttes should be passed on through Nasworthy Lake to downstream senior water rights holders and not stored.
3. In the past, water has been sold and pumped from Nasworthy Lake to Bent Wood Country Club. There is no permit of a diversion point for these two pumps used. Also, water is sold by the City of San Angelo to Nasworthy Lake Residents around the lake. There is no permitting for these locations. Furthermore, Nasworthy Lake is a man constructed lake and not naturally formed lake as is Lake Caddo, and does not qualify as a domestic and livestock use. Most of the residents on Nasworthy Lake lease the lots and do not own the land. If the water is stored in Nasworthy, the water is used up thus depriving the rights of my senior 1913-1914 water rights. There are many other senior water right holders downstream on the Concho that are deprived of the water they are due and their senior water rights are threatened and harmed. Domestic and livestock rights are also deprived of water and threatened and harmed.

[Handwritten mark]

4. As to changing the elevation levels on the Twin Buttes Dam gates and conduits from 1883.5 to 1885 feet above mean sea level. This will also threaten all downstream senior water right holders and domestic and livestock rights. This also endangers the integrity of the Concho River below the Twin Buttes Dam. In the past, this has deprived senior water right holders and domestic and livestock water rights of their water that they are entitled. This was ruled on as in SOAH hearing the week of June 2002 and by TCEQ Commissioners in August 2004 commission hearing. We have been damaged and harmed by the elevation of these gates and no proper natural flow conduit to carry the natural flow downstream and will continue to suffer, damage, and harm in the future; if these gates and conduit are at the 1885 feet above mean sea level.

5. Modification of Permit in Twin Buttes reservoir 14-1318 would legalize the present illegal pump San Angelo is using to convey water over the Dam at the present time. This allows them to play all kinds of manipulations with the water. This pump should be removed and the 5 feet or larger natural flow conduit as called for in the lake permit at 1883.5 feet above mean sea level should be properly installed. As shown in hearings, San Angelo is definitely failing to pass required water downstream, even at the request of senior water rights calls on water.

Also, all proper gauges should be reinstalled at proper places in the stream tributaries to the lake and as called in the lake permit as soon as possible. Gauging it would be in the best interest of the City of San Angelo and all downstream water right holders. These gauges should be maintained properly in the future. It would be advantageous for the information on stream flows to be disclosed on the Internet. These recording flow gauges were illegally dismantled so no one would account for the natural flow.

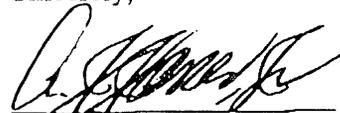
The permit granting the lake to be built also states all affluent water will be cleaned and returned to the Concho River. This also impacts the river below the lake and senior water right holders. This is not being done. (See copy of Twin Buttes original permit attached).

Please note my letter as of May 5, 2005 listing adjudicated water rights of which I am also representing from the Concho River Basin Water Conservancy Association. Please file for the hearing in their behalf also.

I also understand San Angelo is sending affluent water to the Tom Green County Water Control and Improvement District #1 and crediting this water to downstream releases. I disagree with their accountability.

Please notify me of all related meetings for their permit so I can prepare myself and attend. Again, I am requesting a contested case hearing in Permit 14-1318.

Sincerely,



A.J. Jones, Jr.
President Concho River
Basin Water Conservancy

From:

Jul 5 2005 16:50

P.04

DEC 4 '01 5:14

PAGE.004

Attachments:

Twin Buttes Permit
Order of Texas Water Rights Commission 7/22/74
Standard Times Legal Notice
TCEQ Application Permit Revision 14-1318
My Letter of 5/5/05

Copy To: Executive Director, TCEQ
Ann Rowland, TCEQ
Robin Smith, TCEQ
Rickie Anderson, TCEQ
Al Segovia, TCEQ
Permitting, TCEQ
Glenn Jarvis

Permit
 to
Appropriate Public Waters
 of the
State of Texas

No. 1949 73

Whereas, the SAN ANGELO WATER SUPPLY CORPORATION, the post-office address of which is San Angelo, Texas, on the 6th day of May, 1959, filed with the Board of Water Engineers of the State of Texas Application No. 2122 for a permit to appropriate annually 61,500 acre feet of water by impounding 170,000 acre feet of the public waters of the State of Texas in a reservoir to be constructed by the United States Department of Interior, Bureau of Reclamation, in Tom Green County, Texas, with an impounding capacity of 600,000 acre feet, divided by the Bureau of Reclamation as follows: 150,000 acre feet for water conservation; 430,000 acre feet for flood control; and 20,000 acre feet for sedimentation and dead storage; and

Whereas, on the 15th day of June, 1959, after due notice the Board of Water Engineers held a public hearing at its office in Austin, Texas, as prescribed by law, which hearing was further held on the 30th day of June, the 1st and 2nd days of July, and the 3rd, 4th and 5th days of August, 1959, and after hearing and considering all the evidence affecting said application, took the same under advisement and continued the hearing from day to day pending final decision until the 15th day of December, 1959, whereupon the said Board did grant said Application No. 2122 in part and as hereinafter set forth.

**NOW, THEREFORE, THE
 BOARD OF WATER ENGINEERS**

OF THE STATE OF TEXAS DOES BY THESE PRESENTS GRANT THIS PERMIT

unto the said San Angelo Water Supply Corporation to appropriate, divert and use certain public waters of the State, to consist of the storm and flood waters of the Middle and South Concho Rivers, tributaries of the Concho and Colorado Rivers, in Tom Green County, Texas, measured at the points of diversion, not to exceed 29,000 acre feet of water per annum for the purpose of municipal use through the municipal water system of the City of San Angelo, Texas, and not to exceed 25,000 acre feet of water per annum for the purpose of irrigating 10,000 acres of land in Tom Green County near Veribest, Texas, or so much thereof as may be necessary when beneficially used for the enumerated purposes. It is specifically provided, however, that the 29,000 acre feet of water authorized to be diverted hereunder for municipal use shall include all waters diverted under Permit No. 1120 (Application No. 1196) as amended by Permit No. 1446 (Application No. 1551), so that the cumulative total annual diversions under Permit No. 1120 and that portion of the permit herein granted for municipal use shall not exceed 29,000 acre feet of water per annum.

To store the water to be appropriated, the permittee is authorized to impound 170,000 acre feet of water in the reservoir described above which is to be created by the construction of an on-channel dam on the South and Middle Concho Rivers, station 0 + 00 of which is to be located at a point which bears North 54° 17' West 3900 feet from the northeast corner of the H. Gramm Original Survey No. 1807, on the east bank of the South Concho River in Tom Green County, Texas, distant in a southerly direction from San Angelo, Texas, approximately 10 miles, such dam being more fully described in the plans filed by the permittee with the application, to which reference is hereby made for all purposes; provided, however, that the permittee shall be limited to storage in and diversion from said reservoir below

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elevation 1940, 2 feet above mean sea level (top of conservation pool). It is further specifically provided that before acquiring or maintaining any right to divert water hereunder, permittee shall be authorized by the United States of America or appropriate agency thereof to store the waters herein permitted to be impounded in said reservoir.

The permittee shall store only storm and flood waters of said stream, subject to all the rights of prior appropriators and lawful diverters below. Whenever the Board finds that the permittee is storing any water to which downstream appropriators and lawful diverters are entitled, the permittee shall release same to said appropriators or lawful diverters on the order of the Board. By accepting this permit, permittee agrees to abide by and comply with any such order of the Board without delay. Failure to comply with any such order shall constitute grounds for forfeiture and cancellation.

All water diverted hereunder for use through the municipal water system of the City of San Angelo except that which escapes or is consumed as a consequence of the reasonable and beneficial use thereof shall forthwith be discharged into the Concho River at the surplus water return points, the location of which with reference to the corner of an original land grant or survey shall be filed with and approved by the Board. Prior to discharging such return water into the Concho River, permittee shall use reasonable diligence to treat and purify such return water so as not to materially impair the quality of the water of the receiving stream.

A conduit shall be constructed in said dam with the inlet at elevation 1883, 50 feet above mean sea level, having an opening of not less than five feet in diameter and equipped with a regulating gate for the purpose of permitting the free passage of the normal flow through the dam at all times and the passage of those waters to which the Board may determine lower appropriators are entitled.

The water authorized to be appropriated hereunder shall be diverted from the reservoir by means of the conduit described above. Permittee is authorized to use the channel of the Middle Concho River to convey and deliver said water to Naeworthy Reservoir. The waters herein appropriated for municipal use shall be released through the existing gate structure of Naeworthy Dam and permittee is authorized to use the bed and banks of the South Concho River below Naeworthy Dam to its junction with the Concho River to convey and deliver said water to the point of diversion at the existing intake and pumping facilities of the City of San Angelo. The waters herein appropriated for irrigation use shall be released through Naeworthy Dam by means of a headgate structure to be located near the south end of said dam for the point of diversion of irrigation water. Permittee is authorized to construct a concrete lined canal approximately thirteen miles in length, with a bottom width of six feet and a carrying capacity of not to exceed 150 cubic feet of water per second of time to convey the waters diverted for irrigation to the place of use.

Before acquiring any right to divert water for irrigation use hereunder, permittee shall file with and have approved by the Board detailed plans and specifications showing the location, size and capacity of the headgate and main canal; the field notes of each tract of land to be irrigated, including the owner thereof, the original land survey or grant in which the land is located and the bearing and length of each line bounding the land; and the location of each irrigation surplus water return point with reference to the corner of an original land survey or grant.

All waters diverted for irrigation use hereunder except that which escapes or is consumed in a reasonable and beneficial use thereof and in the manner specified herein shall forthwith be discharged into the Concho River at the surplus water return points designated as required herein.

The duty of water for irrigation on which the said permittee may divert and appropriate in any one year shall not exceed two and one-half (2.5) acre feet of

water for each acre of land actually irrigated within the confines of the land area described above.

The permittee shall install a metering instrument at each diversion point which will automatically record the total amount of water diverted. The permittee shall make determinations of water surface elevations in the herein permitted reservoir and in Nasworthy Reservoir by means of recording gages set to U. S. Geological Survey or U. S. Coast and Geodetic Survey datum, each of which shall be protected by a well house designed for such purposes and the Board shall be furnished complete records of such determinations. Permittee shall also relocate, or cause to be relocated, the existing streamflow stations on Spring Creek and Middle Concho River which will be inundated by the reservoir and establish, or cause to be established, recording streamflow stations on Pecan and Dove Creeks. Permittee shall maintain daily records of waters released through the conduit hereinabove required to be constructed in said dam. All streamflow stations shall be set to the same datum described above and the Board shall be furnished complete records of the datum herein required to be kept. The metering instruments, the gages with well house, and the streamflow stations and the installation, design and operation thereof shall be subject to approval of the Board.

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No diversions shall be made by permittee at a rate in excess of 120 cubic feet per second of time for municipal use and 150 cubic feet per second of time for irrigation use.

Any other relief sought or additional matter requested in said Application No. 2112 which is not specifically granted by this permit is hereby expressly denied.

All construction work shall be done in accordance with plans approved by this Board and any changes or alterations made in said plans shall be filed with the Board and its approval obtained before construction. The permit herein granted may be amended in accordance with such changes or alterations.

Construction of the works herein authorized shall be begun within 24 months and shall be prosecuted diligently and continuously and completed within 60 months from date hereof unless otherwise ordered by the Board. Failure to begin and complete such construction within such time limitation shall cause this permit to lapse and be of no further force and effect and will be forfeited forthwith unless an extension of time is applied for by the permittee prior to the applicable date above and granted by the Board.

Within ten days after beginning actual construction of said project, the permittee shall file a statement with the Board showing that such work was begun within the time limit allowed and the extent of the work done, and shall file thereafter monthly statements until final completion showing the progress of such construction.

This permit is granted with the reservation and upon the condition that the permittee will fully comply with the terms, conditions and provisions hereof; by the acceptance of this permit, the permittee agrees to be bound by the enumerated terms, conditions and provisions. Failure on the part of the permittee to comply with such terms, conditions and provisions will subject this permit to forfeiture and cancellation, to which the permittee agrees by acceptance of the permit.

The Board finds and concludes that the granting of this permit as herein recited is not detrimental to the public welfare and that each term, condition and provision herein contained be and is a prerequisite to the granting of this permit and is necessary for the administration of the water resources of this State. It is also expressly provided that the permittee, its successors and assigns, and

any beneficiary hereunder, shall comply with the law and all the rules, regulations and orders of the Board of Water Engineers formulated by it pursuant to law.

GIVEN UNDER THE HAND AND SEAL of the Board of Water Engineers of the State of Texas this the 3rd day of February, 1960.

BOARD OF WATER ENGINEERS

Durwood Manford
Durwood Manford, Chairman

R. M. Dixon
R. M. Dixon, Member

O. F. Dent
O. F. Dent, Member



ATTES

Ben F. Bond Jr.
Ben F. Bond Jr., Secretary

Filed for Record on the 11th day of February A.D., 1960 at 2:06 o'clock P. M.
Duly Recorded this the 12th day of February A.D., 1960 at 3:30 o'clock P. M.
Instrument No. 39914

By *Ramon Jones* County Clerk
Tom Green County, Texas
By *Ralph Kimmerly* Deputy

TEXAS WATER RIGHTS COMMISSION



AN ORDER directing San Angelo Water Supply Corporation to release water from Twin Buttes Reservoir and directing the City of San Angelo, Texas, to provide for the passage of the releases.

On July 22, 1974, there came on to be considered before the Texas Water Rights Commission the matter of insufficient water in the Concho River below the Bell Street Dam in San Angelo, Texas, to provide for domestic and livestock water and to honor superior and senior water rights on the Concho River.

After considering the matter the Commission finds:

1. San Angelo Water Supply Corporation, hereafter referred to as "permittee," owns Permit No. 1949 authorizing Twin Buttes Reservoir which provides as a condition as follows:

"The permittee shall store only storm and flood waters of said stream, subject to all the rights of prior appropriators and lawful diverters below. Whenever the Board finds that the permittee is storing any water to which downstream appropriators and lawful diverters are entitled, the permittee shall release same to said appropriators or lawful diverters on the order of the Board. By accepting this permit, permittee agrees to abide by and comply with any such order of the Board without delay. Failure to comply with any such order shall constitute grounds for forfeiture and cancellation."

2. Below Twin Buttes Dam on the Concho River the City of San Angelo owns two dams, Lone Wolf Dam under Certified Filing No. 155, and Bell Street Dam under Permit No. 1669.

3. Permittee has stopped the flow of the Middle Concho River, the South Concho River, Dove Creek, and Spring Creek, and their contributing tributaries, and is impounding the water in Twin Buttes Reservoir; and has failed to release sufficient inflows from Twin Buttes Reservoir for domestic and livestock uses and for other superior and senior water rights downstream on the Concho River.

4. Permittee has been supplying water from Twin Buttes Reservoir to Tom Green County Water Control and Improvement District No. 1 for irrigation purposes.

5. To satisfy the above noted condition in Permit No. 1949, to provide for domestic and livestock needs, and to honor superior and senior water rights below San Angelo, Texas, on the Concho River, permittee should be directed to provide for the passage of the normal inflows through Twin Buttes Reservoir; in addition, due to the failure to release sufficient inflows from Twin Buttes Reservoir, permittee should be directed to release water from the reservoir at the same time and in the same quantities as water is hereafter diverted for irrigation purposes in the Tom Green County Water Control and Improvement District No. 1; and, the City of San Angelo, Texas, should be directed to pass the releases through Lone Wolf Dam and Bell Street Dam.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS WATER RIGHTS COMMISSION that:

San Angelo Water Supply Corporation is hereby directed to provide for the passage of the normal inflows through Twin Buttes Reservoir;

In addition to the releases of the normal flows, San Angelo Water Supply Corporation is hereby directed to release water from Twin Buttes Reservoir at the same time and in the same quantities as water is hereafter diverted for irrigation purposes in the Tom Green County Water Control and Improvement District No. 1, until otherwise notified; and,

The City of San Angelo, Texas, is hereby directed to pass the releases from Twin Buttes Reservoir through Lone Wolf Dam and Bell Street Dam.

The Secretary of the Commission is directed to issue a certified copy of this order to the San Angelo Water Supply Corporation, Tom Green County Water Control and Improvement District No. 1, and the City of San Angelo, Texas.

Executed and entered of record, this the 23rd day of July, 1974.



TEXAS WATER RIGHTS COMMISSION

Joe D. Carter
 Joe D. Carter, Chairman
Boyle Holman
 Boyle Holman, Commissioner

Andrey Brandtman
 Andrey Brandtman, Secretary

Dorsey B. Bardeman
 Dorsey B. Bardeman, Commissioner

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF AN APPLICATION TO AMEND
CERTIFICATE OF ADJUDICATION

APPLICATION NO. 14-1318B

San Angelo Water Supply Corporation has applied for an amendment to Certificate of Adjudication No. 14-1318 to modify special Condition 5C of the original Certificate, add an additional diversion point on the south end of the Twin Buttes Dam on the South Concho River, Colorado River Basin, and to request a bed and banks authorization for a portion of the South Concho River in Tom Green County. More information of the application and how to participate in the permitting process is given below.

APPLICATION. San Angelo Water Supply Corporation, P.O. Box 1928, San Angelo, Texas 76902, applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to a Certificate of Adjudication pursuant to §§11.122 and 11.042, Texas Water Code, and Texas Commission on Environmental Quality Rules 30 Texas Administrative Code (TAC) §295.1, et seq. Notice of the application is being published and mailed pursuant to 30 TAC §295.158(b) to the 936 downstream water right holders of record in the Colorado River Basin.

Certificate of Adjudication No. 14-1318 authorizes the owner, San Angelo Water Supply Corporation, to maintain a dam and reservoir on the Middle Concho River, South Concho River, and Spring Creek, tributaries of the Colorado River, Colorado River Basin, and to impound thereon not to exceed 170,000 acre-feet of water.

Certificate of Adjudication No. 14-1318 also authorizes the owner to divert and use not to exceed 29,000 acre-feet of water from the reservoir for municipal purposes and an additional 25,000 acre-feet from the reservoir for agricultural purposes to irrigate a maximum of 15,000 acres of land within the boundaries of the Tom Green County Water Control and Improvement District (WCID) No. 1. The maximum combined diversion rate at Diversion Point No. 1 is 270 cfs, 150 cfs of that being for agricultural (irrigation) purposes and 120 cfs being for municipal purposes. The maximum diversion rate for Diversion Point No. 2 is 120 cfs. Several special conditions apply. The currently authorized water is diverted from Diversion Point No. 1 and the bed and banks of the Middle Concho River are authorized to transport the water to Lake Nasworthy for storage and subsequent use.

Special Condition 5C states that "a conduit shall be constructed in the aforesaid dam with the inlet at elevation 1,883.5 feet above mean sea level, having an opening of not less than 5 feet in diameter and equipped with a regulating gate for the purpose of permitting the free passage of the normal flow through the dam at all times and the passage of those waters to which the Department may determine lower appropriations are entitled."

San Angelo Water Supply Corporation, applicant, seeks an amendment to Certificate of Adjudication No. 14-1318 to modify Special Condition 5C to amend the elevation referenced for the inlet of the conduit through the dam from 1,883.5 feet above mean sea level to the actual bulk elevation of 1,885.0 feet above mean sea level.

Applicant also seeks to add an additional diversion point on the south end of the Twin Buttes Dam on the South Concho River, located at Latitude 31.3121°N, Longitude 100.4856°W, approximately 11.25 miles southwest from the Tom Green County Courthouse in the City of San Angelo, Texas with a diversion rate not to exceed a maximum 25 cfs (11,220 gpm) out of and in combination with the currently authorized 270 cfs diversion rate for Diversion Point No. 1. Owner seeks to construct a 20 inch diameter pipe over the dam for use in diverting the currently authorized water.

Applicant further requests authorization to place the currently authorized water diverted from the proposed additional diversion point into Lake Nasworthy for storage and subsequent use via the South Concho River and requests to use its bed and banks between the Twin Buttes Dam and Lake Nasworthy, a portion approximately 4 miles in length.

The Commission will review the application as submitted by the applicant and may or may not grant the application as requested.

The application was received on November 29, 2004. Additional fees and information were received on March 7, March 28, and May 26, 2005. The application was declared administratively complete and filed with the Office of the Chief Clerk on April 19, 2005.

PUBLIC COMMENT/PUBLIC MEETING. Written public comments and request for a public meeting should be received in the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the airing of public comments and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

CONTESTED CASE HEARING. The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days of the date of the newspaper publication of the notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or organization, and an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing"; (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions to the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the TCEQ will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

INFORMATION. Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 103, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.state.tx.us. If access information en Español, puede llamar al 1-800-687-4040.

San Angelo Standard Times

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

NOTICE OF AN APPLICATION TO AMEND
CERTIFICATE OF ADJUDICATION

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A.J. Jones, Jr.
P.O. Box 537
Miles, Texas 76861

May 6, 2005

To: Office of Chief Clerk, TCEQ-MC105
P.O. Box 13087
Austin, Texas 78711-3087

I wish to request a contested case hearing on Permit No. 14-1318 Twin Buttes Reservoir, Tom Green County, Texas on its amendments and modifications to this permit.

Reasons for requesting this contested case hearing are the proposed amendments and modifications to this permit. These amendments and modifications will impact and threaten my senior water rights, Adjudication No. 14-1397.

I also wish to file this request for contested case hearing as stated above in behalf of the members represented by me under the Concho River Water Conservancy Association. These rights are downstream of the Twin Buttes Reservoir. The numbers are listed as follows:

14-1338	14-1346	14-1362	14-1371
14-1339	14-1351	14-1363	14-1372
14-1340	14-1353	14-1364	14-1373
14-1341	14-1354	14-1368	14-1384
14-1345	14-1360	14-1369	14-1388

Also, domestic and livestock holders should be considered.

Sincerely,



A.J. Jones, Jr.
President Concho River Basin Water Conservancy

Copy to Executive Director TCEQ
Mr. Rickie Anderson- TCEQ
Mr. Glenn Jarvis

Van W. Carson & Associates

Certified Public Accountant
17 South Chadbourne, Suite 509
San Angelo, Texas 76903
(325) 655-5781
Fax (325) 655-5782

FAX TRANSMITTAL COVERSHEET

Date: July 5, 2005

To: _____

Fax Number: _____

From: _____

RE: A. J. Jones, President (Sancho River Basin Conservancy)

- Chief Clerk, TCEQ (512) 239-3317
- Permitting TCEQ (512) 239-4770
- Rickie Anderson (325) 658-5481
- Ann Rowland (512) 239-6377
- Al Segovia (210) 403-4067
- Glenn Jarvis (956) 618-2660
- Robb Smith (512) 239-0606
- Executive Director (512) 239-3939

Number of pages sent (including this cover sheet):

2005 JUL - 5 PM 4:54
 CHIEF CLERKS OFFICE
 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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A.J. Jones, Jr.
P.O. Box 537
Miles, Texas 76861

TCEQ
COMMISSION
ON ENVIRONMENTAL
QUALITY

ADJ
48059

2005 MAY 10 PM 3:09

May 6, 2005

CHIEF CLERK'S OFFICE

OPA

H

MAY 11 2005

To: Office of Chief Clerk, TCEQ-MC105
P.O. Box 13087
Austin, Texas 78711-3087

BY KS

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A.J. Jones, Jr.
President Concho River Basin Water Conservancy

Copy to Executive Director TCEQ
Mr. Rickie Anderson- TCEQ
Mr. Glenn Jarvis



A.J. Jones, Jr.
P.O. Box 537
Miles, Texas 76861

AJ
48059

H OPA
MAY 19 2005
BY [Signature]

May 6, 2005

To: Office of Chief Clerk, TCEQ-MC105
P.O. Box 13087
Austin, Texas 78711-3087

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Sincerely,

[Signature]

A.J. Jones, Jr.
President Concho River Basin Water Conservancy

Copy to Executive Director TCEQ
Mr. Rickie Anderson- TCEQ
Mr. Glenn Jarvis

TO OPA [Signature]

A.J. Jones, Jr.
P.O. Box 537
Miles, Texas 76861

May 6, 2005

To: Office of Chief Clerk, TCEQ-MC105
P.O. Box 13087
Austin, Texas 78711-3087

H OPA
MAY 09 2005
BY KY

CHIEF CLERKS OFFICE

2005 MAY -6 PM 4: 15

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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Sincerely,



A.J. Jones, Jr.
President Concho River Basin Water Conservancy

Copy to Executive Director TCEQ
Mr. Rickie Anderson- TCEQ
Mr. Glenn Jarvis

ADJ
48059
H

OPA

MAY 09 2005

BY KY

CHIEF CLERKS OFFICE

2005 MAY -6 PM 4:15

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

A.J. Jones, Jr.
P.O. Box 537
Miles, Texas 76861

May 6, 2005

To: Office of Chief Clerk, TCEQ-MC105
P.O. Box 13087
Austin, Texas 78711-3087

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President Concho River Basin Water Conservancy

Copy to Executive Director TCEQ
Mr. Rickie Anderson- TCEQ
Mr. Glenn Jarvis



Van W. Carson & Associates

Certified Public Accountant
17 South Chadbourne, Suite 509
San Angelo, Texas 76903
(325) 655-5781
Fax (325) 655-5782

2005 MAY -6 PM 4:15

CHIEF CLERKS OFFICE

FAX TRANSMITTAL COVERSHEET

Date: May 6, 2005

To: _____

Fax Number: _____

From: Mr. A.S. Jones, President Concho River Basin Water Conservancy

RE: _____

Chief Clerk TCEQ	(512) 239- 3313 3311
Permitting TCEQ	(512) 239-4770
Rickie Anderson-TCEQ	(325) 658-5431
Glenn Jarvis	(956) 618-2660

Number of pages sent (including this cover sheet):

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Name John C Ketzler

Address 7253 JACKSON LN

Miles, TX 76861

2005 SEP 29 AM 9:46

CHIEF CLERKS OFFICE

Adjudication Water Right Number 14-1376 Seniority Date 12-29-05,
approximately 20 miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADJ
48059
49322

OPA
H SEP 29 2005
BY KJ

I wish to request a contested case hearing on application to amend permit 14-1318 B and C
(issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my
senior water rights

John C Ketzler

MC

Name John C. Ketzler

Address 7253 JACKSON LN
MILES, TX 76861

Adjudication Water Right Number 14-1376 Seniority Date 12-29-1905

Date 7-11-05

To: La Donna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADJ
48059

H OPA
JUL 20 2005
BY KY

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John C. Ketzler

TEXAS
COMMISSION ON ENVIRONMENTAL QUALITY
2005 JUL 20 AM 10:06
CHIEF CLERK'S OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Name Bernie + Lucy Mika

Address P.O. Box 643
Miles, TX 76861

ADJ
49059
49328

2005 OCT -3 AM 10: 29

CHIEF CLERKS OFFICE

Adjudication Water Right Number 14- 1379, Seniority Date 12-29-05,
approximately 30 miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

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(issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my
senior water rights

OPA H

OCT 03 2005

BY J

Lucy Mika-Munday
POA

W

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Name Fred Mueller
Address 2102 Schwartz Rd
San Angelo, Tx 76904
Adjudication Water Right Number D+L

2005 JUL 15 AM 9:49

CHIEF CLERKS OFFICE
Seniority Date D+ LOPA

Date July 12, 2005

HR JUL 18 2005
BY KEA

To: La Donna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADD
48059

I wish to request a contested case hearing on application to amend permit 14-1318 Twin Buttes Reservoir because this is just another way to chip away at the water rights from upstream water right holders. Eventually these permit changes will effect all water right holders upstream.

Fred Mueller

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Name Darrell Rushing
Address 14269 My Road
Miles, TX 76861

2013 SEP 29 AM 9:46

CHIEF CLERKS OFFICE

Adjudication Water Right Number 14- 1371, Seniority Date 8/29/1913
approximately N30 miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADJ
48059
49322

OPA
H SEP 28 2013
Ky

I wish to request a contested case hearing on application to amend permit 14-1318 B and C (issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my senior water rights

Darrell Rushing

Name Darrell Rushing

Address 16269 MY RD
Miles Texas 76861

Adjudication Water Right Number 1371 Seniority Date 1913 08 29

Date July 17 05

To: La Donna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADD
48059

I wish to request a contested case hearing on application to amend permit 14-1318 Twin Buttes Reservoir because they will impact and threaten my senior water rights.

Darrell Rushing

OPA ^H

JUL 22 2005

BY Jr

ICONS & INFO SERVO
CHIEF CLERK & STICL
2005 JUL 22 11:01
16269 MY RD
MILES TEXAS 76861

(Handwritten mark)

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Name Schreemann Investment Corp
Address 1005 Plaza
Big Lake, Tx 76932

2005 SEP 28 AM 9:39

CHIEF CLERKS OFFICE

Adjudication Water Right Number 14-¹³⁴⁹~~1347~~, Seniority Date _____,
approximately _____ miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

the time priority of owner's right is Dec 31, 1912

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

*ADJ
480059
493000*

OPA *H*

SEP 28 2005

BY *js*

I wish to request a contested case hearing on application to amend permit 14-1318 B and C (issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my senior water rights

Schreemann Investment Corp
By *Paul Schreemann*
Sec. Treasurer

Sept 23, '05

js

Date: Sept 6 2005

Name: Kenneth Schwartz

Address: 7118 South Fairview School Rd 76904

Telephone Number: 325 651 9393

Water Right Number: 1354 - 1351

HR
OPA

SEP 09 2005

BY [Signature]

CHIEF CLERKS OFFICE

2005 SEP -9 AM 9:54

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

I wish to file for a ~~contested case~~ hearing on 14-1318C. This permit change interferes with the authority of the TCEQ. The elevating of the five foot diameter pipe to 1885 feet above mean sea level will obstruct our water. These impending permit changes proposed by the San Angelo Water Supply Corporation are frivolous. The language in the permit change is unacceptable.

This will threaten + impact my water right

Thank you for your consideration.

Complainant's signature: Kenneth Schwartz

Name Kenneth Schwartz
Address 7118 S. Fairview School Rd
Law Angelo Texas 76902

Concho River

Adjudication Water Right Number 1351 Seniority Date 1914-06-25

Date 7-15-05

OPA
H JUL 20 2005
BY RY

To: La Donna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADD
48059

I wish to request a contested case hearing on application to amend permit 14-1318^B Twin Buttes Reservoir because they will impact and threaten my senior water rights.

Kenneth Schwartz

TEXAS
COMMISSION ON ENVIRONMENTAL QUALITY
01/1/05
2005 JUL 20 AM 10:00
CHIEF CLERK'S OFFICE

MW

Name Kenneth Schwartz ETUX

Address 7118 S. Fairview Schl. Rd.

San Angelo, TX 76904

Adjudication Water Right Number 1354

Seniority Date 1917-12-31

Date July 15, 2005

To: La Donna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADD
40059

OPA

JUL 20 2005

BY

Ky

I wish to request a contested case hearing on application to amend permit 14-1318^B Twin Buttes Reservoir because they will impact and threaten my senior water rights.

Kenneth Schwartz

CHIEF CLERKS OFFICE

2005 JUL 20 AM 10:04

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Perkins
Oct 7
[Signature]

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Name Kent Schwartz ET ux

Address 10880 Robb General
San Lope TX 76909-4440

2005 OCT -5 AM 10:09

CHIEF CLERKS OFFICE

ADJ
48039
49329

Adjudication Water Right Number 14- 1357, Seniority Date 12-31-17,
approximately 16 miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

I wish to request a contested case hearing on application to amend permit 14-1318 B and C
(issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my
senior water rights

OPA H
OCT 05 2005
BY JS

Kent Schwartz

H

Name Kent Schwartz ET UX
Address 10480 Robbie Jones Rd.
San Angelo, TX 76904

Adjudication Water Right Number 1354 Seniority Date 1917-12-31

Date July 15, 2005

To: La Donna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADJ
CPL
48059

I wish to request a contested case hearing on application to amend permit 14-1318^B Twin Buttes Reservoir because they will impact and threaten my senior water rights.

OPA H
JUL 22 2005
BY gr

Kent Schwartz
CHIEF CLERKS OFFICE
2005 JUL 20 AM 10:04
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Pass/dwp
[Signature]

Name Kent C. Schwartz
Address 10480 Robbie Jones Rd
San Angelo, TX 76904

S. Concho

Adjudication Water Right Number 1313 Seniority Date 1914-06-19

Date July 15, 2005

H
OPA
JUL 20 2005
BY KY

To: La Donna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADJ
H8059

I wish to request a contested case hearing on application to amend permit 14-1318 ^B Twin Buttes Reservoir because they will impact and threaten my senior water rights.

Kent Schwartz

TEXAS
COMMISSION ON ENVIRONMENTAL QUALITY
2005 JUL 20 AM 10:06
CHIEF CLERK'S OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Name Todd Schwermer

2005 SEP 29 AM 9:46

Address 16285 My Road

CHIEF CLERKS OFFICE

Miles, Tx 76861

Adjudication Water Right Number 14- 1370, Seniority Date 8/29/1913,
approximately 20 miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADD
48059
49322

OPA
H SEP 29 2005
BY RS

I wish to request a contested case hearing on application to amend permit 14-1318 B and C
(issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my
senior water rights

Todd Schwermer

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

ADJ
48059
49332

2005 OCT -5 AM 10:09

CHIEF CLERKS OFFICE

Name Ben O. Sims

Address 425 N. Crozier
Paint Rock TX 76866

Adjudication Water Right Number 14- _____, Seniority Date _____,
approximately _____ miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

Domestic & Livestock

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

I wish to request a contested case hearing on application to amend permit 14-1318 B and C
(issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my
senior water rights

OPA *H*

OCT 05 2005

BY *js*

Ben O. Sims

D

Name M. C. Vinson

2005 OCT -3 AM 10: 27

Address 20001 Private Rd 1787
Rowena TX 76875

ADD to
480059
49328

CHIEF CLERKS OFFICE

Adjudication Water Right Number 14- 3612, Seniority Date Jan 14 1976,
approximately _____ miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

I wish to request a contested case hearing on application to amend permit 14-1318 B and C
(issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my
senior water rights

OPA ^H

OCT 03 2005

BY J

M. C. Vinson Trust By:
David Vinson

[Handwritten mark]

Name Vinson Ranch Ltd

Address 20001 Private Rd 1787
Rowena TX 76875

2005 OCT -3 AM 10: 27

CHIEF CLERKS OFFICE

ADD
48059
49328

Adjudication Water Right Number 14- 1385, Seniority Date May 12 1964,
approximately _____ miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

I wish to request a contested case hearing on application to amend permit 14-1318 B and C
(issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my
senior water rights

OPA *H*

OCT 03 2005

BY *J*

Vinson Ranch Ltd By:
[Signature]
David Vinson

[Handwritten mark]

H OPA
JUL 1 R 2005
BY KJ

Name Clyde C Walkins
Address _____

Adjudication Water Right Number 140 1336 ¹³⁵⁷ Seniority Date 1925 05-21

Date 7-12-05

To: La Donna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADD
48059

I wish to request a contested case hearing on application to amend permit 14-1318 Twin Buttes Reservoir because this is another way to kill or defeat the Watermaster program for upstream water right holders

Clyde C Walkins
Clyde Walkins

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2005 JUL 15 AM 9:51
CHIEF CLERKS OFFICE

MW

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Name Edward E. Warner

Address 3202 Canyon Creek Dr.

San Angelo, Texas, 76904

Adjudication Water Right Number 1352

2005 JUL 18 AM 10:25

CHIEF CLERKS OFFICE

Seniority Date February 12, 1917

Date February 16, 2005

To: La Donna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADD
480059

H OPA
JUL 18 2005
BY KA

I wish to request a contested case hearing on application to amend permit 14-1318 Twin Buttes Reservoir because this is just another way to chip away at the water rights from upstream water right holders. Eventually these permit changes will effect all water right holders upstream.

Edward E. Warner

MW

Name BEN A Willberg
Address 9990 FM 380
Paint Rock, Texas 76866

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 SEP 29 AM 9:37
CHIEF CLERKS OFFICE

Adjudication Water Right Number 14- 1384, Seniority Date 10-10-1975,
approximately 35 miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADD
48059
49332

OPA
H SEP 29 2005
BY KY

I wish to request a contested case hearing on application to amend permit 14-1318 B and C (issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my senior water rights

Ben A. Willberg

Willberg

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Name Ben A. Willberg

Address 9990 FM 380
Paint Rock Tex 16866

2005 JUL 20 AM 10:04

Adjudication Water Right Number 1384

Seniority Date 1977 03 09
CHIEF CLERKS OFFICE

Date July 17 05

To: La Donna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADD
5/48059

H OPA
JUL 20 2005
BY KY

I wish to request a contested case hearing on application to amend permit 14-1318 ^BTwin Buttes Reservoir because they will impact and threaten my senior water rights.

Ben A. Willberg

Name Kenneth R. Windham, ETUX

Address 16125 My Rd

Miles, Texas 76861

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2005 SEP 29 AM 9:11
CHIEF CLERKS OFFICE

Adjudication Water Right Number 14-1368, Seniority Date 8-29-03
approximately 25- miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

OPA
H SEP 29 2005
BY KY
ADS
480509
49320

I wish to request a contested case hearing on application to amend permit 14-1318 B and C (issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my senior water rights

Kenneth R. Windham

Kenneth R. Windom

Name Kenneth R Windom

Address 16125 My Rd
Wiles, TX 76876

Adjudication Water Right Number 14-1368 Seniority Date 08-29-1913

Date 7-11-05

To: La Donna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADD
40059

OPA
H JUL 20 2005
BY Ky

I wish to request a contested case hearing on application to amend permit 14-1318 Twin Buttes Reservoir because they will impact and threaten my senior water rights.

Kenneth R Windom

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2005 JUL 20 AM 11:05
CHIEF CLERK'S OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Name Melburne Wright Sr

2005 SEP 29 AM 9:46

Address 7074 Wright Rd

CHIEF CLERKS OFFICE
Phone 325-468-2830

Miles, Texas 76864

Adjudication Water Right Number 14- 1360, Seniority Date 10-31-1922
approximately 17 miles downstream of the occurrence in permit 14-1318 Twin Buttes Dam.

To: LaDonna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

A DJ
48059
49322

OPA
H SEP 29 2005
BY KY

I wish to request a contested case hearing on application to amend permit 14-1318 B and C (issued August 25, 2005) Twin Buttes Dam because they will impact, threaten, and harm my senior water rights

Melburne Wright Sr

MC *df*

Name Milburn Wright
Address 7074 Wright RD
Miles TX 76861

Adjudication Water Right Number 1360 Seniority Date 1922 10-31

Date July 17 05

To: La Donna Castanuela
Office of Chief Clerk- TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

ADD
48059

I wish to request a contested case hearing on application to amend permit 14-1318 Twin Buttes Reservoir because they will impact and threaten my senior water rights.

Milburn Wright

OPA H

JUL 22 2005

BY J

d