TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
INTEROFFICE MEMORANDUM

TO: Chief Clerk

DATE: June 26, 2009

2009 AUG -7 AM 9:59
CHIEF CLERKS OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

THRU: Iliana Delgado, Team Leader
Water Rights Permitting Team

FROM: Craig Mikes, Project Manager
Water Rights Permitting Team

SUBJECT: San Angelo Water Supply Corporation
Docket No. 2008-1616-WR
ADJ 1318
CN601374275, RN102721461
Application No. 14-1318B to Amend Certificate of Adjudication No. 14-1318
TWC §11.122, Requiring Downstream Mailed and Published Notice
Middle Concho River, Colorado River Basin, Tom Green County

The Executive Director received an application from the San Angelo Water Supply Corporation seeking to amend Certificate of Adjudication No. 14-1318 pursuant to Texas Water Code §11.122 and Texas Commission on Environmental Quality Rules 30 TAC §§295.1, *et seq.*

The application was received on November 29, 2004. The application was declared administratively complete and filed with the Office of the Chief Clerk on April 19, 2005. The notice of the application was filed with the Chief Clerk on June 21, 2005, and notice was subsequently published and mailed to the downstream water right holders of record in the Colorado River Basin. 42 requests for a public hearing were received.

Because this application was declared administratively complete after September 1, 1999, the rules in Chapter 55, Subchapter G, Section 55.250 - 55.256 apply. The Chief Clerk shall mail notice to the applicant, executive director, public interest counsel, and timely hearing requestors not later than 35 days prior to the agenda setting. Applicants, the public interest counsel, and the executive director shall file a response no later than 23 days before agenda, and the hearing requestors shall reply no later than nine days before agenda.

The application is now technically complete and the staff has recommended that the application be granted based on the analysis in the technical review memos.

Below is the caption for this application:

Consideration of the application of San Angelo Water Supply Corporation to amend Certificate of Adjudication No.14-1318 to modify Special Condition 5.C. to change the elevation referenced in 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 feet above sea level. Certificate of Adjudication No. 14-1318 authorizes the owner to divert and use not to exceed 25,000 acre-feet of water per year from Twin Buttes Reservoir on Middle Concho River, Spring Creek, and South Concho River for agricultural purposes to irrigate 15,000 acres of land within the boundaries of Tom Green County Water Control and Improvement District No. 1. Owner is also authorized to divert and use not to exceed 29,000 acre-feet of water per year from Twin Buttes Reservoir for municipal purposes. The time priority of this water right is May 6, 1959. The Commission will also consider any hearing requests, responses, or other filings. (Robin Smith, Craig Mikes)

Craig Mikes

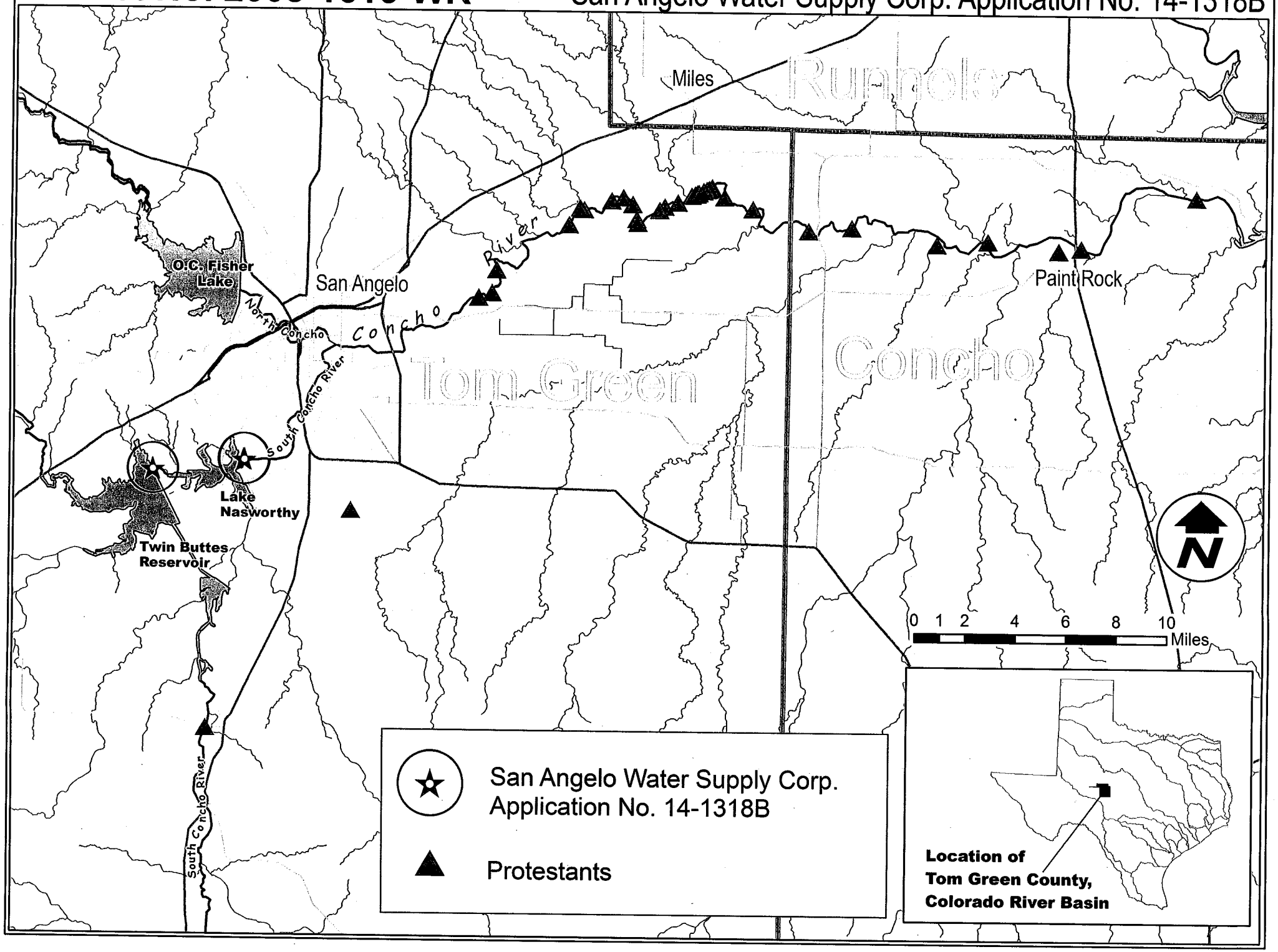
Craig Mikes, Project Manager
Water Rights Permitting Team

Enclosures

cc: Kellye Rila, TCEQ
Lann Bookout, TCEQ
Iliana Delgado, TCEQ
Christopher Loft, TCEQ
Scott Swanson, TCEQ
Stephen Densmore, TCEQ
Robin Smith, TCEQ
Kathy Alexander, TCEQ

Docket No. 2008-1616-WR

San Angelo Water Supply Corp. Application No. 14-1318B



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.

Issued: June 21, 2005

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

DRAFT

AMENDMENT TO
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-1318B TYPE: 11.122

Owner:	San Angelo Water Supply Corporation	Address:	P.O. Box 1928 San Angelo, Texas 76902
Filed:	April 19, 2005	Granted:	
Purpose:	Municipal and Agricultural (Irrigation)	County:	Tom Green
Watercourse:	Middle Concho River, Spring Creek, and South Concho River	Watershed:	Colorado River Basin

WHEREAS, Certificate of Adjudication No. 14-1318 authorizes the owner to divert and use not to exceed 25,000 acre-feet of water per year from Twin Buttes Reservoir on Middle Concho River, Spring Creek, and South Concho River for agricultural purposes to irrigate 15,000 acres of land within the boundaries of Tom Green County Water Control and Improvement District No. 1; and

WHEREAS, owner is also authorized to divert and use not to exceed 29,000 acre-feet of water per year from Twin Buttes Reservoir for municipal purposes; and

WHEREAS, the time priority of this water right is May 6, 1959; and

WHEREAS, Special Condition 5.C. of the certificate 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 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 Commission may determine lower appropriators are entitled; and

WHEREAS, on November 29, 2004, an application was received in which the owner seeks authorization to amend Certificate of Adjudication No.14-1318 to modify Special Condition 5.C. to change the elevation referenced in 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 feet above sea level; and

WHEREAS, on March 28, 2005, owner amended the application 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, and requested authorization to use the bed and banks on the South Concho River between the Twin Buttes Dam and Lake Nasworthy; and

WHEREAS, On October 6, 2005, the owner withdrew their request for an additional diversion point and bed and banks authorization; and

WHEREAS, this amendment, if issued, will be subject to the administrative requirements of the Watermaster; and

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

WHEREAS, forty-two (42) contested case hearing requests have been received; and

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No.14-1318, designated Certificate of Adjudication No. 14-1318B, is issued to San Angelo Water Supply Corporation subject to the following terms and conditions:

1. CONSERVATION

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

2. SPECIAL CONDITION

In lieu of Special Condition 5.C., Special Condition 5.C. now states that a conduit shall be maintained in the dam with the inlet at elevation 1,885.00 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 Commission may determine lower appropriators are entitled.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 14-1318, as amended, except as specifically amended herein.

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

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

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

This amendment is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.

_____
For the Commission

Date issued:

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

TO: Craig Mikes
Water Rights Permitting Team

DATE: December 13, 2004

FROM: Warren D. Samuelson, P. E.
Dam Safety Program, MC-174

SUBJECT: San Angelo Water Supply Corporation, Application to amend Certificate of Adjudication No. 14-1318, Middle Concho River, Colorado River Basin, Tom Green County.

The applicant seeks to amend Certificate of Adjudication No. 14-1318 to modify Special Condition 5C to change the elevation reference for the inlet to the outlet conduit for Twin Buttes Dam to show an as-built elevation. This change does not affect the operation of the dam.

The Dam Safety Program requires no additional information at this time, and no Dam Safety requirements are needed in the amendment.

Warren D. Samuelson, P. E.
Dam Safety Program

RECEIVED
DEC 13 2004
WATER RIGHTS PERMITTING

San Angelo Water Supply Corp. *10/4/05*
Application 14-1318B
CN601374275
RN102721461
RN104590526

The application was declared administratively complete and filed with the Office of the Chief Clerk on April 19, 2005.

Water Availability Analysis

No water availability analysis was conducted for this application.

Conclusion

The original permit granted by the Board of Water Engineers on December 15, 1959 states that:

> "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."

The original plans show that the outlet would be at elevation 1885 ft msl, therefor; staff can support the granting of this application.

Stephen Densmore,
Hydrologist

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Craig Mikes
Water Rights Permitting Team

October 4, 2005

Through: JLann Bookout, Team Leader
Surface Water Availability & Interstate Compacts Team

From: Stephen Densmore, Hydrologist
Surface Water Availability & Interstate Compacts Team

Subject : San Angelo Water Supply Corp.
Application 14-1318B
CN601374275
RN102721461
RN104590526
Middle Concho,
Colorado River Basin
Tom Green County

WATER AVAILABILITY ANALYSIS

Application Summary

Certificate of Adjudication No. 14-1318 authorizes the owner, San Angelo Water Supply Corporation, to maintain a dam and reservoir (Twin Buttes) 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. The certificate 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. Special Condition 5C of the certificate 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 on the south end of the Twin Buttes Dam on the South Concho River, Colorado River Basin.

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 to amend the elevation referenced for the inlet to the conduit through the dam from 1,883.5 feet above mean sea level (msl) to the actual built elevation of 1,885.0 feet above msl.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

AMENDMENT TO CERTIFICATE OF ADJUDICATION

APPLICATION NO. 14-1318A CERTIFICATE NO. 14-1318A TYPE: §11.122

Owner: San Angelo Water Supply Corporation

Address: P.O. Box 1630
San Angelo, Texas 76902

Filed: January 2, 1997

County: Tom Green

Purposes: Municipal and Irrigation

Basin: Colorado River Basin

Watercourse: Middle Concho River, Spring Creek and South Concho River

WHEREAS, Certificate of Adjudication No. 14-1318 includes authorization, with a time priority of May 6, 1959, for the San Angelo Water Supply Corporation to divert and use not to exceed 25,000 acre-feet of water per annum from Twin Buttes Reservoir on the Middle Concho River, Spring Creek and the South Concho River to irrigate 10,000 acres of land within the boundaries of Tom Green County Water Control and Improvement District No. One; and

WHEREAS, the certificate also include authorization, with the same time priority, for the diversion and use of not to exceed 29,000 acre-feet of water per annum from Twin Buttes Reservoir for municipal purposes; and

WHEREAS, the certificate includes a Special Condition requiring that all of the water diverted from the reservoir for municipal use by the City of San Angelo, but not consumed, be treated and returned to the Concho River; and

WHEREAS, with the consent of Tom Green County Water Control and Improvement District No. One, the applicant seeks to amend Certificate of Adjudication No. 14-1318 by increasing the amount of land authorized for irrigation per year within the District's boundaries from 10,000 acres to 15,000 acres; and

WHEREAS, the applicant also seeks to amend the certificate to delete the condition that requires the return to the Concho River of "surplus" municipal water diverted from Twin Buttes Reservoir for the City of San Angelo as the City's Wastewater Permit require land application of this surplus water and that even prior to the priority date of this certificate, the City of San Angelo had utilized its treated wastewater effluent for land irrigation; and

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

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

NOW, THEREFORE, this amendment to Certificate of Adjudication No. 14-1318 is issued to the San Angelo Water Supply Corporation, subject to the following terms and conditions:

1. In lieu of the authorization included in the certificate for the San Angelo Water Supply Corporation to divert and use not to exceed 25,000 acre-feet of water per annum from Twin Buttes Reservoir for the irrigation of 10,000 acres of land within the boundaries of Tom Green County Water Control and Improvement District No. One, the owner is authorized to use this water for the irrigation of 15,000 acres of land within the District's boundaries.

2. Special Condition 3.B. of the certificate, which requires the return to the Concho River of municipal water diverted from the reservoir for use by the City of San Angelo but not consumed, is hereby deleted.

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

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

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

This amendment is issued subject to the Rules of the Texas Natural Resource Conservation Commission and to the right of continuing supervision of State water resources exercised by the Commission.

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION

For the Commission

DATE ISSUED: MAY 9 1997

ATTEST:

Eugenia K. Brumm, Chief Clerk

CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 14-1318

OWNER: San Angelo Water Supply Corporation
P. O. Box 1928
San Angelo, Texas 76902

COUNTY: Tom Green

PRIORITY DATE: May 6, 1959

WATERCOURSE: Middle Concho River
South Concho River
and Spring Creek

BASIN: Colorado River

WHEREAS, by final decree of the 51st District Court of Tom Green County, in Cause No. 44,900-A, In Re: The Adjudication of Water Rights in the Concho River Segment of the Colorado River Basin, dated June 14, 1979, a right was recognized under Permit 1949, authorizing the San Angelo Water Supply Corp. to appropriate waters of the State of Texas as set forth below;

NOW, THEREFORE, this certificate of adjudication to appropriate waters of the State of Texas in the Colorado River Basin is issued to the San Angelo Water Supply Corp., subject to the following terms and conditions:

1. IMPOUNDMENT

Owner is authorized to maintain an existing dam and reservoir on the Middle Concho River, Spring Creek and the South Concho River and impound therein not to exceed 170,000 acre-feet of water. Point on the dam at the center of the Middle Concho River is S 89° 30' W, 7150 feet from the southeast corner of the Valentine Kaerner Survey 183, Abstract 1551, Tom Green County, Texas.

2. USE

A. Owner is authorized to divert and use not to exceed 29,000 acre-feet of water per annum from the aforesaid reservoir for municipal purposes. However, the 29,000 acre-feet herein authorized includes the 25,000 acre-feet authorized for municipal and industrial purposes under Certificate of Adjudication 14-1319.

B. Owner is also authorized to divert and use not to exceed an additional 25,000 acre-feet of water per annum from the aforesaid reservoir to irrigate a maximum of 10,000 acres of land within the boundaries of the Tom Green County WCID No. 1.

3. DIVERSION

A. Location:
(1) At the outlet works of Twin Buttes Reservoir which is N 77° W, 8160 feet from the southeast corner of the Valentine Kaerner Survey 183, Abstract 1551, Tom Green County, Texas.
(2) At the headgate structure located near the south end of the dam authorized by Certificate of Adjudication 14-1319, which is N 64° W, 3215 feet from the southeast corner of the J. F. Fuchs Survey 172, Abstract 204, Tom Green County, Texas.

B. Rate:
Maximum combined diversion rate at diversion point 1 is 270 cfs (150 cfs-irrigation and 120 cfs-municipal). Maximum diversion rate at diversion point 2 is 120 cfs.

4. PRIORITY

The time priority of owner's right is May 6, 1959.

5. SPECIAL CONDITIONS

A. Owner shall be limited to storage in and diversion from the aforesaid reservoir below elevation 1940.2 feet above mean sea level (top of conservation pool).

B. All water 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 Department. Prior to discharging such return water into the Concho River, owner 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.

C. 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.

D. Owner is authorized to use the bed and banks of the Middle Concho River to convey and deliver water to be appropriated hereunder to Nasworthy Reservoir. The waters herein appropriated for municipal use shall be released through the existing gate structure of Nasworthy Dam and owner is authorized to use the bed and banks of the South Concho River below Nasworthy Dam 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.

E. 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 at the four following surplus water return points:

(1) At a point located N 24° 30' E, 2035 feet from the Southwest corner of the Heinrich Falter Survey 140, Abstract 198, Tom Green County, Texas;

(2) At three points located S 65° W, 5280 feet, S, 3365 feet and N 78° 30' E, 5075 feet from the Northwest corner of the A. D. Grigsby Survey 106, Abstract 5885, Tom Green County, Texas.

F. The owner shall install a metering instrument at each diversion point which will automatically record the total amount of water diverted. The owner 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 Department shall be furnished complete records of such determinations. Owner 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. Owner 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 Department shall be furnished complete records of the house, and the streamflow stations and the installation, design and operation thereof shall be subject to approval of the Department.

G. The authorized irrigated area under this certificate shall be coterminous with the boundaries of the Tom Green County WCID No. 1. The owner shall notify the Department of all changes in the boundaries of said District.

The locations of pertinent features related to this certificate are shown on Pages 8 & 9 of the Concho River Certificates of Adjudication Maps, copies of which are located in the offices of the Texas Department of Water Resources and the office of the County Clerk.

This certificate of adjudication is issued subject to all terms, conditions and provisions provided for in the final decree of the 51st District Court of Tom Green County, in Cause No. 44,900-A, In Re: The Adjudication of Water Rights in the Concho River Segment of the Colorado River Basin, dated June 14, 1979, and supersedes all rights of the owner asserted in that cause.

This certificate of adjudication is issued subject to the Rules of the Texas Department of Water Resources and its continuing right of supervision of State water resources consistent with the public policy of the State as set forth in the Texas Water Code.

TEXAS WATER COMMISSION

Felix McDonald, Chairman

DATE ISSUED:

March 12, 1980

ATTEST:

Mary Ann Hefner, Chief Clerk