

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
INTEROFFICE MEMORANDUM

TO: Chief Clerk

THRU: Iliana Delgado, Team Leader  
Water Rights Permitting Team

FROM: Craig Mikes, Project Manager  
Water Rights Permitting Team

SUBJECT: City of San Angelo  
Docket No. 2009-0101-WR  
ADJ 1348  
CN600251615, RN105373773  
Application No. 14-1348B to Amend Certificate of Adjudication No. 14-1348  
TWC §11.122, Requiring Limited Mailed Notice  
Concho River, Colorado River Basin  
Tom Green County

DATE: June 26, 2009

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2009 SEP -4 AM 11:04

CHIEF CLERKS OFFICE

The Executive Director received an application from the City of San Angelo seeking to amend Certificate of Adjudication No. 14-1348 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 July 25, 2007. The application was declared administratively complete and filed with the Office of the Chief Clerk on November 28, 2007. The notice of the application was filed with the Chief Clerk on March 14, 2008, and notice was subsequently mailed to the ten interjacent water right holders in the Colorado River Basin. Two requests for a public hearing were received.

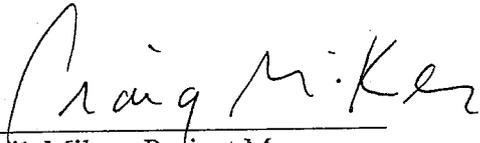
Because this application was declared administratively complete after September 1, 1999, the rules in Chapter 55, Subchapter G, Section 55.250 - 55.256 apply. The Chief Clerk shall mail notice to the applicant, executive director, public interest counsel, and timely hearing requestors not later than 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 the City of San Angelo to amend Certificate of Adjudication No. 14-1348 to add a downstream diversion point on the Concho River, Tom Green County

(currently authorized in Certificate of Adjudication No. 14-1357). Applicant owns a portion of Certificate No. 14-1348 which authorizes diversion and use of not to exceed 135 acre-feet of water per year from two diversion points on the Concho River, tributary of the Colorado River, Colorado River Basin, at a combined diversion rate of 3.33 cfs (1500 gpm) for agricultural (irrigation) purposes in Tom Green County. Applicant does not seek to increase the combined maximum diversion rate. Applicant is also authorized a 1/3 interest in maintaining a dam and reservoir impounding 55 acre-feet of water on the Concho River with a time priority of March 31, 1911. The Commission will also consider any hearing requests or relevant filings. (Robin Smith, 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

**DRAFT**

AMENDMENT TO  
CERTIFICATE OF ADJUDICATION

CERTIFICATE NO. 14-1348B

TYPE: §11.122

Owner:	City of San Angelo	Address:	72 West College Avenue San Angelo, Texas 76903
Filed:	November 28, 2007	Granted:	
Purposes:	Agriculture and Municipal	County:	Tom Green
Watercourse:	Concho River, Tributary of the Colorado River	Watershed:	Colorado River Basin

WHEREAS, Certificate of Adjudication No. 14-1348 authorizes Owner to divert and use of not to exceed 135 acre-feet of water per year from two diversion points on the Concho River, tributary of the Colorado River, Colorado River Basin, at a combined diversion rate of 3.33 cfs (1500 gpm) for agricultural (irrigation) purposes in Tom Green County. The Owner is further authorized 1/3 interest in maintaining a dam and reservoir impounding 55 acre-feet of water on the Concho River; and

WHEREAS, the time priority for this right is March 31, 1911; and

WHEREAS, Applicant seeks to amend Certificate of Adjudication No. 14-1348 to add a downstream diversion point (currently authorized in the City of San Angelo's Certificate of Adjudication No. 14-1357) in Tom Green County, located at Latitude 31.5328°N, Longitude 100.2017°W on the north bank of the Concho River, S 65° W, 450 feet from the southeast corner of the German Emigration Company Original Survey No. 360, Abstract No. 270, approximately 14.8 miles northeast of the City of San Angelo; and

WHEREAS, Applicant does not seek to increase the combined maximum diversion rate; and

WHEREAS, Applicant concurrently has an application submitted to the Commission on March 3, 2006 (Application No. 14-1348A) to add municipal purposes to the authorized 135 acre-feet of water and to add the City of San Angelo's service area in Tom Green County as the place of use. The applicant indicates the diverted water will be transported by a pipeline from the authorized points to the city's treatment plant; and

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

WHEREAS, this amendment, if granted, is subject to requirements and orders of the Concho Watermaster; and

WHEREAS, the Executive Director recommends that special conditions be included; and

WHEREAS, two requests for a contested case hearing were 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 14-1348, designated Certificate of Adjudication No. 14-1348B, is issued to City of San Angelo, subject to the following terms and conditions:

1. DIVERSION

- A. In addition to the currently authorized diversion points, Owner is authorized to divert water from a point (Diversion Point No. 3) located on the Concho River, tributary of the Colorado River, Colorado River Basin, in Tom Green County, located at Latitude 31.5328°N, Longitude 100.2017°W on the north bank of the Concho River, S 65° W, 450 feet from the southeast corner of the German Emigration Company Original Survey No. 360, Abstract No. 270, approximately 14.8 miles northeast of the City of San Angelo.
- B. The maximum combined diversion rate for Certificate of Adjudication No. 14-1348 is 3.33 cfs (1,500 gpm).

2. TIME PRIORITY

Priority for diversion of the water from Diversion Point No. 3, authorized by this amendment in DIVERSION Paragraph 1.A., is March 31, 1911, except that it is junior in time priority to the interjacent water right holders of record between the previously authorized diversion points and Diversion Point No. 3, as the interjacent rights existed on November 28, 2007, the filing date of this amendment.

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

4. SPECIAL CONDITIONS

- A. Owner shall install a measuring device which accounts for, within 5% accuracy, the quantity of water diverted. Owner shall allow representatives of the TCEQ Concho Watermaster reasonable access to the property to inspect the measuring device.
- B. In order to minimize entrainment and impingement of aquatic organisms, the Owner shall install a screen with a mesh size of 0.25 inches or smaller on the diversion structure.
- C. Should Owner discharge the water diverted under this amendment into a State watercourse for later diversion, an amendment to this Certificate shall be required.
- D. Owner shall contact the Concho Watermaster prior to diversion of water authorized by this amendment.

This amendment is issued subject to all terms, conditions, and provisions contained in Certificate of Adjudication No. 14-1348, 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.

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For the Commission

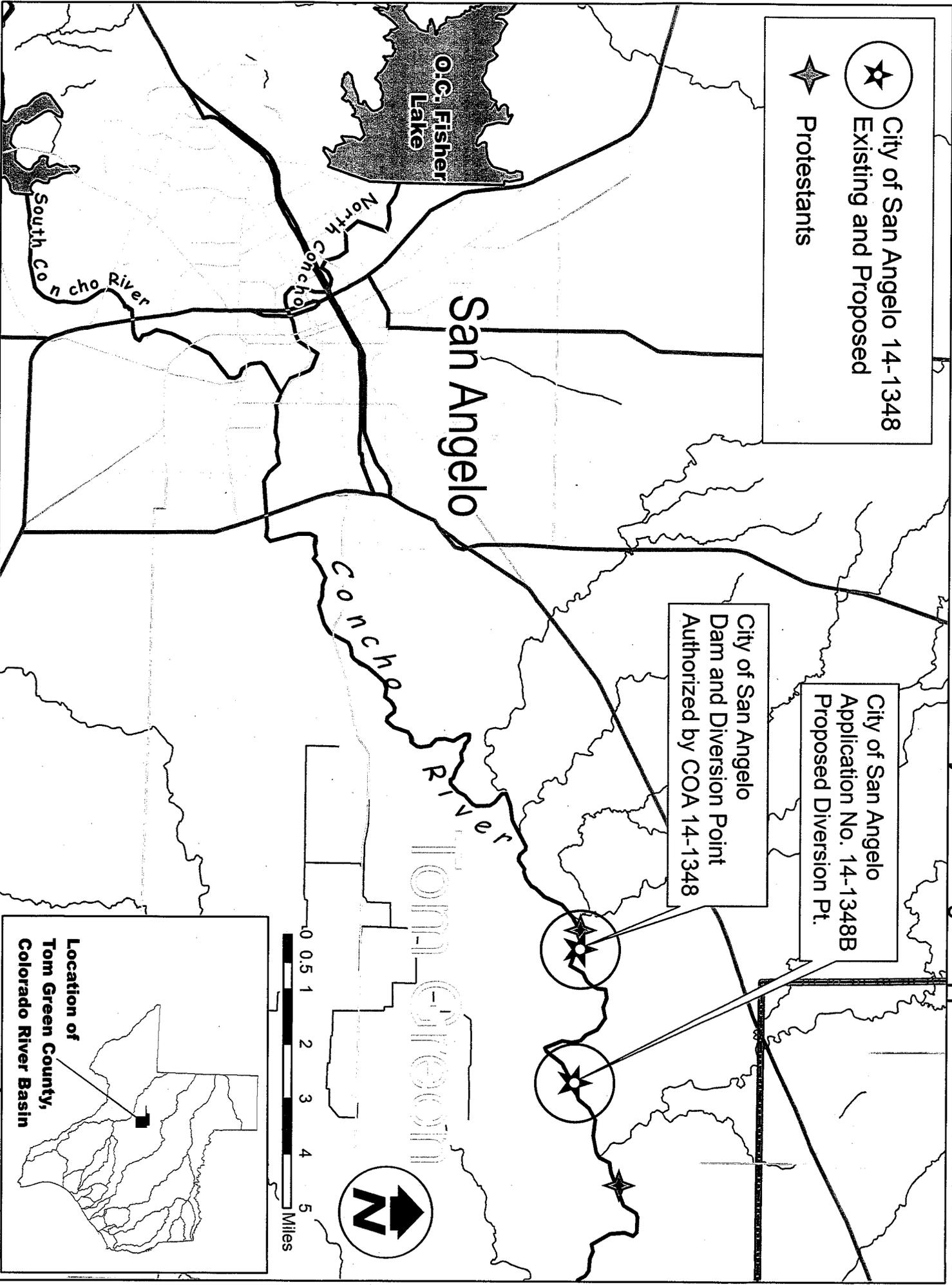
Date Issued:

City of San Angelo 14-1348  
Existing and Proposed

Protestants

City of San Angelo  
Dam and Diversion Point  
Authorized by COA 14-1348

City of San Angelo  
Application No. 14-1348B  
Proposed Diversion Pt.



San Angelo

Tom Green

O.G. Fisher Lake

CONCHO RIVER

North Concho

South Concho River

Location of Tom Green County, Colorado River Basin



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF APPLICATION  
TO AMEND A  
CERTIFICATE OF ADJUDICATION

APPLICATION NO. 14-1348B

2008 PRR 14 PM 3 30  
WATER SUPPLY DIV.

**SUMMARY.** The City of San Angelo has applied for an amendment to Certificate of Adjudication No. 14-1348 to add a downstream diversion point on the Concho River, Colorado River Basin, in Tom Green County. More information on the application and how to participate in the permitting process is given below.

**APPLICATION.** The City of San Angelo, 72 West College Avenue, San Angelo, Texas 76903, applicant, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Use Permit pursuant to Texas Water Code §11.122 and TCEQ Rules 30 Texas Administrative Code §295.1, *et seq.* Mailed notice of the application is being sent to the ten interjacent water right holders of record in the Colorado River Basin pursuant to 30 TAC §295.158(c)(2).

Certificate of Adjudication No. 14-1348 authorizes Owner to divert and use of not to exceed 135 acre-feet of water per year from two diversion points on the Concho River, tributary of the Colorado River, Colorado River Basin, at a combined diversion rate of 3.33 cfs (1500 gpm) for agricultural (irrigation) purposes in Tom Green County. The Owner is further authorized 1/3 interest in maintaining a dam and reservoir impounding 55 acre-feet of water on the Concho River with a time priority of March 31, 1911.

Applicant has submitted an amendment to Certificate of Adjudication No. 14-1348 to add a downstream diversion point (currently authorized in the City's Certificate of Adjudication No. 14-1357) located in Tom Green County at Latitude 31.5328°N, Longitude 100.2017°W on the north bank of the Concho River, S 65° W, 450 feet from the southeast corner of the German Emigration Company Original Survey No. 360, Abstract No. 270, approximately 14.8 miles northeast of the City of San Angelo in Tom Green County, Texas.

Applicant does not seek to increase the combined maximum diversion rate.

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

The application and a portion of the required fees were received on July 25, 2007. Additional information and fees were received on October 29, 2007. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on November 28, 2007.



**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, by April 4, 2008. 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 by April 4, 2008. The Executive Director may approve the application unless a written request for a contested case hearing is filed by April 4, 2008.

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 in 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 Executive Director 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](http://www.tceq.state.tx.us). Si desea información en Español, puede llamar al 1-800-687-4040.

Issued: March 14, 2008



# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

**To:** Craig Mikes, Project Manager  
Water Rights Permitting Team  
Water Supply Division

**Date:** March 18, 2009

**Thru:** Christopher Loft, Team Leader *CL 3/18/09*  
Resource Protection Team  
Water Supply Division

Kristin Wang, Senior Water Conservation Specialist *KW 3/18/09*  
Resource Protection Team  
Water Supply Division

**From:** E. Scott Swanson, Water Conservation Specialist  
Resource Protection Team  
Water Supply Division *ESS 3/18/09*

**Subject:** The City of San Angelo  
ADJ 1348  
CN600251615  
Application No. 14-1348B to Amend Certificate of Adjudication 14-1348  
Review of Water Conservation & Drought Contingency Plan for Administrative  
Completeness

This memo replaces the November 5, 2007 memo where the project description was inaccurate. Below is the correct project description for this application.

Applicant owns a portion of Certificate of Adjudication (COA) No. 14-1348 which authorizes diversion and use of not to exceed 135 acre-feet of water per year from two diversion points on the Concho River, tributary of the Colorado River, Colorado River Basin, at a combined diversion rate of 3.33 cfs (1500 gpm) for agricultural (irrigation) purposes in Tom Green County. Applicant is also authorized a 1/3 interest in maintaining a dam and reservoir impounding 55 acre-feet of water on the Concho River with a time priority of March 31, 1911.

Applicant currently has an application submitted to TCEQ (App. No. 14-1348A) to add municipal purposes to the 135 ac-ft and to add the City's service area in Tom Green County as the place of use. The applicant indicates diverted water will be transported by a pipeline from the authorized points to the city's treatment plant.

Applicant seeks to add a downstream diversion point on the Concho River, Tom Green County.

The Water Conservation and Drought Contingency Plan was reviewed by TCEQ staff and found to be administratively complete per 30 TAC Chapter 288.2, 288.3, 288.5, 288.20 and 288.22.

The following standard water conservation language should be included in the permit:

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

The application is consistent with the approved January 2006 Region F Water Plan and the 2007 State Water Plan because the state plan does not address this amendment and because there is nothing in the state water plan that conflicts with issuing this amendment.

No further review is required by the Water Conservation Staff of the Resource Protection Team.

# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

To: Craig Mikes  
Water Rights Permitting Team

February 2, 2009

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

From: Stephen Densmore  
Surface Water Availability & Interstate Compacts Team

Subject : San Angelo Water Supply Corp.  
Application 14-1348B  
CN6000251615  
Concho River,  
Colorado River Basin  
Tom Green County

### WATER AVAILABILITY ANALYSIS

#### Application Summary

Certificate of Adjudication No. (COA) 14-1348 authorizes the owner, City of San Angelo, to maintain a 1/3 interest in a dam and 55 acre-foot reservoir on the Concho River, tributary of the Colorado River, Colorado River Basin, and to impound therein not to exceed 55 acre-feet of water. The certificate also authorizes the owner to divert and use not to exceed 135 acre-feet of water from two points on the Concho River for municipal and irrigation purposes at a combined diversion rate of 3.33 cfs.

The City of San Angelo (City) applied for an amendment to COA 14-1348 to add a downstream diversion point on the Concho River at a point that is currently authorized under COA 14-1357. The City indicates that water diverted will be transported via pipeline to the city's water treatment plant. No increase in diversion rate was requested.

The application was declared administratively complete and filed with the Office of the Chief Clerk on 11/28/2007.

#### No Injury Analysis

Resource Protection staff did not recommend an instream flow requirement. The request for the addition of a downstream diversion point does not require a water availability analysis because

San Angelo Water Supply Corp.

Application 14-1348B

2/3

the application does not request a new appropriation of water. However, the application must be reviewed to ensure that no water rights are affected by the requested change in diversion point. Staff modeled the application using the Full Authorization simulation of the Colorado WAM in which all water rights use their authorized amounts and return flows are not included. The Colorado WAM has a period of record from 1940 to 1998. Staff compared the pre- and post-application reliabilities of basin water rights and found that the volume reliability of one water right was negatively affected as a result of this application although the impact was minimal. The right is owned by the City of San Angelo; therefore, in staff's opinion there are no practical effects on other water rights as a result of this application.

### **Conclusion**

Staff can recommend granting the application provided the amendment includes the recommendations of Resource Protection staff and the following special conditions:

1. Should Owner discharge the water diverted under this amendment into a state watercourse for later diversion, an amendment to this certificate will be required.

The amendment is subject to the jurisdiction of the South Texas (Concho River) Watermaster.



Stephen Densmore

San Angelo Water Supply Corp.

Application 14-1348B

3/3

\*\* Move Diversion to C1357 and change to Mun

WRC10480 000 IRR-C19110331 61401348001 6140134861348001

WSC10480 55.0 0.911 0.695

WRC10470 0 IRR-C19110331 61401348002

WSC10470 67.0 0.911 0.695

\*\*SO BACKUP

\*\*Move Diversion to C1357

WRC10390 135 MUN19110331 61401348003 6140134861348001



# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

**To:** Craig Mikes, Application Manager  
Water Rights Permitting Team  
Water Supply Division

**Date:** November 5, 2007

**Thru:** Bill Billingsley, Team Leader  
Resource Protection Team  
Water Supply Division

BB 11/5/07

Kristin Wang, Senior Water Conservation Specialist  
Resource Protection Team  
Water Supply Division

KW 11/5/07

**From:** Ethan Ham, Water Conservation Specialist  
Resource Protection Team  
Water Supply Division

EH 11/5/07

**Subject:** City of San Angelo  
ADJ 1348B  
CN600251615  
Review of Water Conservation and Drought Contingency Plan for Administrative Completeness

Certificate of Adjudication authorizes the owner to maintain two dams and reservoirs impounding a total 122 acre-feet on the Concho River, tributary of the Colorado River, Colorado River Basin. (The reservoirs are also authorized in other Certificates with multiply owners) Owner is also authorized to divert and use 135 acre-feet of water from two points on the Concho River for agricultural (irrigation) purposes to irrigate 106 acres of land in Tom Green County. The time priority for this right is March 31, 1911.

Applicant seeks to amend Certificate of Adjudication No. 14-1348 by adding municipal purposes to the 135 acre-feet of water and to add place of use for the municipal water to the City of San Angelo Municipal Water System. (Water diverted will be transport by pipeline from the authorized diversion points to the City of San Angelo Water Treatment Plant).

The Water Conservation and Drought Contingency Plan for The City of San Angelo has been reviewed for administrative sufficiency for municipal and wholesale uses. The submitted plan meets the minimum requirements for municipal and wholesale uses as defined by TCEQ Rules, Title 30 TAC § 288.2, 288.20, 288.5 and 288.22.

The request is not inconsistent with the approved 2006 Region "F" Water Plan and the approved 2007 State Water Plan.

The following standard water conservation language should be included in the permit:

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

No further review is required by the Water Conservation Staff of the Resource Protection Team.

# Texas Commission on Environmental Quality

## INTEROFFICE MEMORANDUM

**To:** Craig Mikes, Application Manager      **Date:** May 22, 2008  
Water Rights Team  
Water Rights Permitting & Availability Section

**Through:** *CL* Chris Loft, Acting Team Leader  
*5/22/08* Resource Protection Team  
Water Rights Permitting & Availability Section

*WGS*  
*5/22/08* Wendy Gordon, Ph.D., Aquatic Scientist  
Resource Protection Team  
Water Rights Permitting & Availability Section

**From:** Kaci Myrick, Aquatic Scientist  
*KM*  
*5/22/08* Resource Protection Team  
Water Rights Permitting & Availability Section

**Subject:** City of San Angelo  
ADJ 14-1348B  
CN 600251615  
Application No. 14-1348B to amend Certificate of Adjudication No. 14-1348B  
Concho River, Colorado River Basin  
Tom Green County

Environmental reviews of water right applications are conducted in accordance with §11.042, §11.147, §11.1491, §11.150, and §11.152 of the Texas Water Code and with TCEQ administrative rules which include 30 TAC §297.53 through §297.56. These statutes and rules require the TCEQ to consider the possible impacts of the granting of a water right on fish and wildlife habitat, water quality, and instream uses associated with the affected body of water. Possible impacts to bays and estuaries are also addressed.

### ENVIRONMENTAL ANALYSIS

The City of San Angelo owns a portion of Certificate of Adjudication (COA) 14-1348 authorizing the owner to maintain two existing dams and reservoirs impounding a total of 122 acre-feet of water on the Concho River, tributary of the Colorado River, Colorado River Basin, in Tom Green County. The owner is also authorized to divert and use not to exceed 135.0 acre-feet of water per year from two points on the Concho River at a maximum combined rate of 3.33 cfs (1,500 gpm). The water is for agricultural purposes to irrigate a maximum of 106 acres of land in Tom Green County. The time priority of the owner's right is March 31, 1911. The applicant requests to add an additional diversion point (currently authorized in COA No. 14-1357) 0.71 stream miles downstream of the two existing diversion points and reservoirs. The City of San Angelo has filed a concurrent application (Application No. 14-1348A) to the Texas Commission on Environmental



Quality (TCEQ) requesting the addition of municipal purposes to the 135 acre-feet and to add the city's service area in Tom Green County as a place of use. The applicant has indicated that diverted water would be transported via pipeline from the diversion point authorized in COA 14-1357. Application No. 14-1348A is contingent upon the granting of Application No. 14-1348B.

## INSTREAM USES

**Recreational Uses:** As referenced in Texas Parks and Wildlife Department (TPWD) publication, *An Analysis of Texas Waterways* (TPWD 1979), the main stem of the Concho River downstream of San Angelo to FM 1692 is scenic and contains high steep banks lined with elm, willow and mesquite. In this section the river is narrow and shallow, yet a minimum amount of water for recreational use is available at all times. Flow is largely regulated by three major reservoirs (Twin Buttes, Lake Nasworthy, and O.C. Fisher) located on the three upper forks of the Concho River. This area of the main stem of the Concho River flows predominately through rolling hills and semi-arid ranch and farm land. Southwestpaddler.com recommends this segment between San Angelo and Paint Rock as "very natural and scenic" and having adequate flow for paddling trips even in the summer months. The proposed amendment to the certificate should have negligible impacts to the recreational uses of the river.

**Aquatic and Riparian Habitats:** According to the *Handbook of Texas Online*, the Concho River flows for fifty-eight miles through flat and rolling terrain in Tom Green and Concho counties to its mouth on the Colorado River. The surrounding soils are generally dark and calcareous stony clays and loams, dark brown to red brown calcareous sandy clays and loams and red brown to gray brown sandy and clay loams. Vegetation along the river consists of water-tolerant hardwoods and conifers, grasses, scrub brush, creosote bush, cacti, oak, juniper and mesquite. USGS topographic maps and aerial photographs show numerous small dams in this reach of the river. According to the Texas Parks and Wildlife Department (TPWD), the Concho water snake (*Nerodia paucimaculata*), a threatened species, is present in Tom Green County. Instream staff is of the opinion that adding a downstream diversion point to the existing certificate should have minimal impact on the Concho water snake or the existing instream uses of the Concho River.

**Water Quality:** The Concho River is designated as Segment No. 1421 in the *Atlas of Texas Surface Waters* (TCEQ 2004a). According to the 2004 Texas Water Quality Inventory (TCEQ 2004b), the designated uses of Segment No. 1421 are high aquatic life use, contact recreation, general use, fish consumption and public water supply. Available water quality data indicate that the contact recreation, general use, fish consumption and public water supply uses are all fully supported. However, the public water supply use is threatened due to elevated levels of sulfate, chloride, nitrate plus nitrite nitrogen, total dissolved solids and excessive algal growth (TCEQ 2004c). Increased drinking water treatment costs may result due to the threats to the public water supply use. The aquatic life use is not supported in the upper reaches of this segment. Segment No. 1421 is on the 2008 303(d) list due to an impaired macrobenthos community and has been present on the 303(d) list since 2002. However, the proposed amendment to the certificate should have negligible impacts on the water quality of the segment.



### **Bay and Estuary Freshwater Inflows:**

Freshwater inflows are critical for maintaining the historical productivity of bays and estuaries along the Gulf Coast. The proposed project is located more than 200 river miles from the Gulf of Mexico. As an individual event, the addition of a new diversion point will minimally impact the Colorado River Basin.

### **SUMMARY**

The City of San Angelo owns a portion of Certificate of Adjudication (COA) 14-1348 authorizing the owner to maintain two existing dams and reservoirs impounding a total of 122 acre-feet of water on the Concho River, tributary of the Colorado River, Colorado River Basin, in Tom Green County. The owner is also authorized to divert and use not to exceed 135.0 acre-feet of water per year from two points on the Concho River at a maximum combined rate of 3.33 cfs (1,500 gpm). The water is for agricultural purposes to irrigate a maximum of 106 acres of land in Tom Green County. The time priority of the owner's right is March 31, 1911. The applicant requests to add an additional diversion point (currently authorized in COA No. 14-1357) 0.71 stream miles downstream of the two existing diversion points and reservoirs. The City of San Angelo has filed a concurrent application (Application No. 14-1348A) to the Texas Commission on Environmental Quality (TCEQ) requesting the addition of municipal purposes to the 135 acre-feet and to add the city's service area in Tom Green County as a place of use. The applicant has indicated that diverted water would be transported via pipeline from the diversion point authorized in COA 14-1357. Application No. 14-1348A is contingent upon the granting of Application No. 14-1348B.

Resource Protection staff support issuance of the permit if the following special condition is adopted in the permit if granted:

**In order to minimize entrainment and impingement of aquatic organisms, the owner shall install a screen with a mesh size of 0.25 inches or smaller on the diversion structure.**

This instream use assessment was conducted using current TCEQ operation procedures and policies and available data and information. The recommendations in this environmental analysis are intended for the protection of instream uses and do not necessarily provide protection to downstream water rights; that analysis is addressed in the hydrology memo and further restrictions may be applicable as necessary. Authorizations granted to the permittee by the water rights permit shall comply with all rules of the Texas Commission on Environmental Quality, and other applicable State and Federal authorizations.

### **LITERATURE CITED**

- Ellis, L.T., W. Pohl and R. Tyler. 1997-2001. Handbook of Texas Online. Texas State Historical Association.
- TCEQ. 2004a. Atlas of Texas Surface Waters: Maps of the Classified Segments of Texas Rivers and Coastal Basins. Publication No. GI-316. Texas Commission on Environmental Quality. Austin, Texas.



TCEQ. 2004b. 2004 Texas Water Quality Inventory and 303(d) List. Texas Commission on Environmental Quality.

TCEQ. 2004c. 2004 Water Quality Assessments for individual Water Bodies. Texas Commission on Environmental Quality.

TCEQ. 2008. 2008 Texas Water Quality Inventory and 303(d) List. Texas Commission on Environmental Quality.

TPWD. 1979. An Analysis of Texas Waterways. Texas Parks and Wildlife Department.



**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**INTEROFFICE MEMORANDUM**

TO: Records Management

DATE: January 14, 2009

Certificate of Adjudication No. 14-1348  
Tom Green County  
Colorado River Basin

FROM: Water Rights Permitting & Availability  
Water Supply Division

SUBJECT: Change of Ownership

DELETE: Juanita Williams Hale, Trustee, as part owner

An Order Admitting Will to Probate as a Muniment of Title, dated June 28, 1999, recorded in Vol. 717, Page 149; a Deed Without Warranty, dated February 10, 2005, recorded in Vol. 1177, Page 488; and a Special Warranty Deed, dated February 10, 2005, recorded in Vol. 1177, Page 483, of the Official Public Records of Tom Green County, Texas have been checked and found to cover all of the water right.

Ownership of Record with Addresses and Remarks:

1. City of San Angelo  
Attn: City Manager  
P.O. Box 1751  
San Angelo, Texas 76902-1751

The water rights under this certificate of adjudication are established as follows:

1. City of San Angelo           67 ac/ft dam and reservoir on the Concho River  
  1/3 interest in 55 ac/ft dam and reservoir on the Concho River  
  135 ac/ft of water to irrigate 106 ac out of 310.82 acres of land; same being  
  310.12 acres and 0.70 acres located in the German Emigration Co. Survey 351,  
  Abstract 314; Section 342, Abstract 315; Section 353, Abstract 303; and the  
  W. Nicholas Survey 352 1/2, Abstract 7949, all in Tom Green County, Texas.  
  67 ac/ft impoundment, 1/3 interest in 55 ac/ft impoundment, and 135 ac/ft  
  for irrigation of 106 ac

The construction and maintenance of 67 ac/ft dam and reservoir authorized under this certificate is also authorized under Certificate of Adjudication No. 14-1350, and the maintenance of 55 ac/ft dam and reservoir authorized under this certificate is also authorized under Certificate of Adjudication No. 14-1347.

MG  
Change Initiated

1/16/09 mc  
Data Entry Made



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
INTEROFFICE MEMORANDUM

TO: Records Management

DATE: August 16, 2005

Certificate of Adjudication No. 14-1348  
Tom Green County  
Colorado River Basin

FROM: Water Rights Permitting & Availability  
Water Supply Division

SUBJECT: Change of Ownership

DELETE: Marv Lois Williams, as ownerADD: Juanita Williams Hale, Trustee and the City of San Angelo, as owners

An Order Admitting Will to Probate as a Muniment of Title, dated June 28, 1999, recorded in Vol 748, Page 944; a Deed Without Warranty, dated February 10, 2005, recorded in Vol. 1177, Page 483; and a Deed Without Warranty, dated February 10, 2005, recorded in Vol. 1177, Page 488, of the Official Public Records of Tom Green County, Texas has been checked and found to cover the water right.

## Ownership of Record with Addresses and Remarks:

- |   |  |
|---|--|
| 1. Juanita Williams Hale, Trustee<br>1722 Parkview Drive<br>San Angelo, Texas 76904 | 2. City of San Angelo<br>Attn: City Manager<br>P.O. Box 1751<br>San Angelo, Texas 76902-1751 |
|---|--|

The water rights under this certificate of adjudication are established as follows:

- |                              |   |
|------------------------------|---|
| 1. J. Williams Hale, Trustee | 67 ac-ft dam and reservoir on the Concho River  |
| 2. City of San Angelo        | 1/3 interest in the 55 ac-ft dam and reservoir on the Concho River<br>135 ac-ft to irrigate 106 ac out of 310.82 acres of land; being 310.12 acres<br>and 0.70 acres located in the German Emigration Co. Survey 351,<br>Abstract 314; Section 342, Abstract 315; Section 353, Abstract 303;<br>and the W. Nicholas Survey 352 1/2, Abstract 7949, all in Tom Green<br>County, Texas. |
|                              | <hr/> 135 ac-ft for irrigation of 106 ac, 67 ac-ft impoundment, & 1/3 interest in 55<br>ac-ft impoundment   |

The 67 acre-foot impoundment authorized under this certificate is also authorized under Certificate of Adjudication No. 14-1350 and the 55 acre-foot impoundment authorized under this certificate is also authorized under Certificate of Adjudication No. 14-1347.


Data Entry Made: MC AUG 24 2005

WU &amp; A Section: \_\_\_\_\_

Change Noted: \_\_\_\_\_

Central Records/Date: \_\_\_\_\_



CERTIFICATE OF ADJUDICATION

CERTIFICATE OF ADJUDICATION: 14-1348

OWNER: J. Eldon Williams  
2602 Colorado Street  
San Angelo, TX 76901

COUNTY: Tom Green

PRIORITY DATE: March 31, 1981

WATERCOURSE: Concho River

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 Certified Filing 292, Permit 371 and Claim 3172 authorizing J. Eldon Williams 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 J. Eldon Williams, subject to the following terms and conditions:

1. IMPOUNDMENT

A. Owner is authorized to maintain an existing dam and reservoir on the Concho River and impound therein not to exceed 55 acre-feet of water. Point on the dam at the center of the stream is N 43°W, 620 feet from the southeast corner of the German Emigration Co. Survey 351, Abstract 314, Tom Green County, Texas. Owner holds an undivided 1/3 interest in the aforesaid reservoir. The remaining 2/3 interest is held by the owners of Certificate of Adjudication 14-1347.

B. Owner is also authorized to construct and maintain a dam and reservoir on the Concho River and impound therein not to exceed 67 acre-feet of water. Point on the dam at the center of the stream is N 53°E, 700 feet from the southwest corner of the German Emigration Co. Survey 353, Abstract 303, Tom Green County, Texas. This dam and reservoir are also authorized under Certificate of Adjudication 14-1350.

2. USE

Owner is authorized to divert and use not to exceed 135 acre-feet of water per annum from the Concho River to irrigate a maximum of 106 acres of land out of a tract located in the German Emigration Co. Surveys 351, 352 and 353, Abstracts 314, 315 and 303, Tom Green County, Texas, said tract of land being described as follows:

- (1) BEGINNING at a point on the North bank of the Concho River, said point being the Southwest corner of a 330.7 acre tract described in a Warranty Deed dated January 3, 1944 from Mrs. Carrie Williams and Jesse W. Williams to J. Eldon Williams recorded in Vol. 224, page 620, Deed Records in Tom Green County;
- (2) THENCE N, 28 varas to a stake;
- (3) THENCE N 80°E, 45 varas to a fence corner post;
- (4) THENCE N 55°29'E, 379.5 varas to a stake;
- (5) THENCE N 86°45'E, 73.2 varas to a stake in East line of the German Emigration Company Survey 351, Abstract 314;
- (6) THENCE N 0°15'W, 205.7 varas with said Survey line to a fence corner post;
- (7) THENCE N 74°45'W, 41.5 varas to a stake;
- (8) THENCE N 0°30'W, 865.6 varas to a stake under a fence;
- (9) THENCE S 74°40'W, 111.8 varas to a fence corner post;
- (10) THENCE N 1°W, 401 varas to a stake under a fence in the North line of said Survey 351;

- (11) THENCE E, 152 varas to a point;
- (12) THENCE N, 34.2 varas to the Northwest corner of the German Emigration Company Survey 352, Abstract 315;
- (13) THENCE E, with the North line of said Survey 352 and the German Emigration Company Survey 353, Abstract 303, approximately 661 varas to a fence corner post in the East line of the said 330.7 acre tract;
- (14) THENCE S 0°2'E, 1638 varas to a point on the North bank of the Concho River;
- (15) THENCE upstream with the meanders of the Concho River to the place beginning.

3. DIVERSION

A. Location:

(1) At a point on the north bank of the Concho River which is N 62°W, 1265 feet from the southeast corner of the German Emigration Co. Survey 351, Abstract 314, Tom Green County, Texas.

(2) At a point on the north bank of the Concho River which is N 45°W, 735 feet from the southeast corner of the German Emigration Co. Survey 351, Abstract 314, Tom Green County, Texas.

B. Rate:

Maximum Combined Diversion Rate: 3.33 cfs (1500 gpm).

4. PRIORITY

The time priority of owner's right is March 31, 1911.

The locations of pertinent features related to this certificate are shown on Page 13 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.

This water right is appurtenant to and is an undivided part of the above-described land within which irrigation is authorized. A transfer of any portion of the above-described land includes, unless otherwise specified, the portion of the water right which is appurtenant to the land transferred.

TEXAS WATER COMMISSION

  
Felix McDonald, Chairman

DATE ISSUED:

March 12, 1980

ATTEST:

  
Mary Ann Hefner, Chief Clerk